

**SSB 5077 - S AMD 356**

By Senators Hasegawa, McAuliffe, Jayapal, McCoy

**NOT ADOPTED 04/02/2015**

1 On page 120, line 5, increase the General Fund--State (FY 2016)  
2 appropriation by \$2,532,000.

3 On page 120, line 6, increase the General Fund--State (FY 2017)  
4 appropriation by \$2,531,000.

5 Adjust the total appropriation accordingly.

6

7 On page 279, after line 23, insert the following:

8

9 " **Sec. 964.** RCW 28A.600.490 and 2013 2nd sp.s. c 18 s 301 are  
10 each amended to read as follows:

11 (1) The office of the superintendent of public instruction shall  
12 convene a discipline task force to develop standard definitions for  
13 causes of student disciplinary actions taken at the discretion of  
14 the school district. The task force must also develop data  
15 collection standards for disciplinary actions that are discretionary  
16 and for disciplinary actions that result in the exclusion of a  
17 student from school. The data collection standards must include data  
18 about education services provided while a student is subject to a  
19 disciplinary action, the status of petitions for readmission to the  
20 school district when a student has been excluded from school, credit  
21 retrieval during a period of exclusion, and school dropout as a  
22 result of disciplinary action.

23 (2) The discipline task force shall include representatives from  
24 the K-12 data governance group, the educational opportunity gap  
25 oversight and accountability committee, the state ethnic  
26 commissions, the governor's office of Indian affairs, the office of  
27 the education (~~(ombudsman-[ombuds])~~) ombuds, school districts,

1 tribal representatives, and other education and advocacy  
2 organizations.

3 (3) The office of the superintendent of public instruction and  
4 the K-12 data governance group shall revise the statewide student  
5 data system to incorporate the student discipline data collection  
6 standards recommended by the discipline task force, and begin  
7 collecting data based on the revised standards in the 2015-16 school  
8 year.

9

10 NEW SECTION. Sec. 965. A new section is added to chapter  
11 28A.320 RCW to read as follows:

12 (1) School districts shall annually disseminate discipline  
13 policies and procedures to students, families, and the community.

14 (2) School districts shall use disaggregated data collected  
15 pursuant to RCW 28A.300.042 to monitor the impact of the school  
16 district's discipline policies and procedures.

17 (3) School districts, in consultation with school district  
18 staff, students, families, and the community, shall periodically  
19 review and update their discipline rules, policies, and procedures.

20

21 NEW SECTION. Sec. 966. A new section is added to chapter  
22 28A.345 RCW to read as follows:

23 (1) The Washington state school directors' association shall  
24 create model school district discipline policies and procedures and  
25 post these models publicly by December 1, 2015. In developing these  
26 model policies and procedures, the association shall request  
27 technical assistance and guidance from the equity and civil rights  
28 office within the office of the superintendent of public instruction  
29 and the Washington state human rights commission. The model policies  
30 and procedures shall be updated as necessary.

31 (2) School districts shall adopt discipline policies and  
32 procedures consistent with the model policy by April 1, 2016.

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34

1        NEW SECTION.    **Sec. 967.**    A new section is added to chapter  
2 28A.415 RCW to read as follows:

3        (1) The office of the superintendent of public instruction shall  
4 develop a training program to support the implementation of  
5 discipline policies and procedures under chapter 28A.600 RCW.

6        (2) School districts are strongly encouraged to provide the  
7 trainings to all school and district staff interacting with  
8 students, including instructional staff and noninstructional staff,  
9 as well as within a reasonable time following any substantive change  
10 to school discipline policies or procedures.

11       (3) To the maximum extent feasible, the trainings must  
12 incorporate or adapt existing online training or curriculum,  
13 including securing materials or curriculum under contract or  
14 purchase agreements within available funds.

15       (4) The trainings must be developed in modules that allow:

16       (a) Access to material over a reasonable number of training  
17 sessions;

18       (b) Delivery in person or online; and

19       (c) Use in a self-directed manner.

20

21       **Sec. 968.**    RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are  
22 each amended to read as follows:

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

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

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

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

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

15 (5) As used in this chapter, "discretionary discipline" means a  
16 disciplinary action taken by a school district for student behavior  
17 that violates rules of student conduct adopted by a school district  
18 board of directors under RCW 28A.600.010 and 28A.600.015, but does  
19 not constitute action taken in response to any of the following:

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

21 (b) An offense in RCW 13.04.155; or

22 (c) Two or more violations of RCW 9A.46.120, 9.41.280,  
23 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period.

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

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

1       **Sec. 969.** RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are  
2 each amended to read as follows:

3       (1) The rules adopted pursuant to RCW 28A.600.010 shall be  
4 interpreted to ensure that the optimum learning atmosphere of the  
5 classroom is maintained, and that the highest consideration is given  
6 to the judgment of qualified certificated educators regarding  
7 conditions necessary to maintain the optimum learning atmosphere.

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

21       (3) In order to preserve a beneficial learning environment for  
22 all students and to maintain good order and discipline in each  
23 classroom, every school district board of directors shall provide  
24 that written procedures are developed for administering discipline  
25 at each school within the district. Such procedures shall be  
26 developed with the participation of parents and the community, and  
27 shall provide that the teacher, principal or designee, and other  
28 authorities designated by the board of directors, make every  
29 reasonable attempt to involve the parent or guardian and the student  
30 in the resolution of student discipline problems. Such procedures  
31 shall provide that students may be excluded from their individual  
32 classes or activities for periods of time in excess of that provided  
33 in subsection (2) of this section if such students have repeatedly  
34 disrupted the learning of other students. The procedures must be

1 consistent with the rules of the superintendent of public  
2 instruction and must provide for early involvement of parents in  
3 attempts to improve the student's behavior.

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

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

11 (i) Engages in two or more violations within a three-year period  
12 of RCW 9A.46.120, (~~(28A.320.135,)~~) 28A.600.455, 28A.600.460,  
13 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280(~~(or~~  
14 ~~28A.320.140))~~); or

15 (ii) Engages in one or more of the offenses listed in RCW  
16 13.04.155.

17 (b) The principal shall communicate the disciplinary action  
18 taken by the principal to the school personnel who referred the  
19 student to the principal for disciplinary action.

20 (6) Any corrective action involving a suspension or expulsion  
21 from school for more than ten days must have an end date of not more  
22 than (~~(one calendar year)~~) the length of an academic term, as  
23 defined by the school board, from the time of corrective action.

24 Districts shall make reasonable efforts to assist students and  
25 parents in returning to an educational setting prior to and no later  
26 than the end date of the corrective action. Where warranted based on  
27 public health or safety, a school may petition the superintendent of  
28 the school district, pursuant to policies and procedures adopted by  
29 the office of the superintendent of public instruction, for  
30 authorization to exceed the (~~(one calendar year)~~) academic term  
31 limitation provided in this subsection. The superintendent of public  
32 instruction shall adopt rules outlining the limited circumstances in  
33 which a school may petition to exceed the (~~(one calendar year)~~)  
34 academic term limitation, including safeguards to ensure that the

1 school district has made every effort to plan for the student's  
2 return to school. School districts shall report to the office of the  
3 superintendent of public instruction the number of petitions made to  
4 the school board and the number of petitions granted on an annual  
5 basis.

6 (7) Nothing in this section prevents a public school district,  
7 educational service district, the Washington state center for  
8 childhood deafness and hearing loss, or the state school for the  
9 blind if it has suspended or expelled a student from the student's  
10 regular school setting from providing educational services to the  
11 student in an alternative setting or modifying the suspension or  
12 expulsion on a case-by-case basis. An alternative setting should be  
13 comparable, equitable, and appropriate to the regular education  
14 services a student would have received without the exclusionary  
15 discipline. Example alternative settings include alternative high  
16 schools, one-on-one tutoring, and online learning.

17

18 **Sec. 970.** RCW 28A.600.022 and 2013 2nd sp.s. c 18 s 308 are  
19 each amended to read as follows:

20 (1) School districts should make efforts to have suspended or  
21 expelled students return to an educational setting as soon as  
22 possible. School districts (~~(should)~~) must convene a meeting with  
23 the student and the student's parents or guardians within twenty  
24 days of the student's long-term suspension or expulsion, but no  
25 later than five days before the student's enrollment, to discuss a  
26 plan to reengage the student in a school program. Families must have  
27 access to, provide meaningful input on, and have the opportunity to  
28 participate in a culturally sensitive and culturally responsive  
29 reengagement plan.

30 (2) In developing a reengagement plan, school districts should  
31 consider shortening the length of time that the student is suspended  
32 or expelled, other forms of corrective action, and supportive  
33 interventions that aid in the student's academic success and keep  
34 the student engaged and on track to graduate. School districts must

1 create a reengagement plan tailored to the student's individual  
2 circumstances, including consideration of the incident that led to  
3 the student's long-term suspension or expulsion. The plan should aid  
4 the student in taking the necessary steps to remedy the situation  
5 that led to the student's suspension or expulsion.

6 (3) Any reengagement meetings conducted by the school district  
7 involving the suspended or expelled student and his or her parents  
8 or guardians are not intended to replace a petition for readmission.

9

10 **Sec. 971.** RCW 43.41.400 and 2012 c 229 s 585 are each amended  
11 to read as follows:

12 (1) An education data center shall be established in the office  
13 of financial management. The education data center shall jointly,  
14 with the legislative evaluation and accountability program  
15 committee, conduct collaborative analyses of early learning, K-12,  
16 and higher education programs and education issues across the P-20  
17 system, which includes the department of early learning, the  
18 superintendent of public instruction, the professional educator  
19 standards board, the state board of education, the state board for  
20 community and technical colleges, the workforce training and  
21 education coordinating board, the student achievement council,  
22 public and private nonprofit four-year institutions of higher  
23 education, and the employment security department. The education  
24 data center shall conduct collaborative analyses under this section  
25 with the legislative evaluation and accountability program committee  
26 and provide data electronically to the legislative evaluation and  
27 accountability program committee, to the extent permitted by state  
28 and federal confidentiality requirements. The education data center  
29 shall be considered an authorized representative of the state  
30 educational agencies in this section under applicable federal and  
31 state statutes for purposes of accessing and compiling student  
32 record data for research purposes.

33 (2) The education data center shall:

34

1 (a) In consultation with the legislative evaluation and  
2 accountability program committee and the agencies and organizations  
3 participating in the education data center, identify the critical  
4 research and policy questions that are intended to be addressed by  
5 the education data center and the data needed to address the  
6 questions;

7 (b) Coordinate with other state education agencies to compile  
8 and analyze education data, including data on student demographics  
9 that is disaggregated by distinct ethnic categories within racial  
10 subgroups, and complete P-20 research projects;

11 (c) Collaborate with the legislative evaluation and  
12 accountability program committee and the education and fiscal  
13 committees of the legislature in identifying the data to be compiled  
14 and analyzed to ensure that legislative interests are served;

15 (d) Annually provide to the K-12 data governance group a list of  
16 data elements and data quality improvements that are necessary to  
17 answer the research and policy questions identified by the education  
18 data center and have been identified by the legislative committees  
19 in (c) of this subsection. Within three months of receiving the  
20 list, the K-12 data governance group shall develop and transmit to  
21 the education data center a feasibility analysis of obtaining or  
22 improving the data, including the steps required, estimated time  
23 frame, and the financial and other resources that would be required.  
24 Based on the analysis, the education data center shall submit, if  
25 necessary, a recommendation to the legislature regarding any  
26 statutory changes or resources that would be needed to collect or  
27 improve the data;

28 (e) Monitor and evaluate the education data collection systems  
29 of the organizations and agencies represented in the education data  
30 center ensuring that data systems are flexible, able to adapt to  
31 evolving needs for information, and to the extent feasible and  
32 necessary, include data that are needed to conduct the analyses and  
33 provide answers to the research and policy questions identified in  
34 (a) of this subsection;

1 (f) Track enrollment and outcomes through the public centralized  
2 higher education enrollment system;

3 (g) Assist other state educational agencies' collaborative  
4 efforts to develop a long-range enrollment plan for higher education  
5 including estimates to meet demographic and workforce needs;

6 (h) Provide research that focuses on student transitions within  
7 and among the early learning, K-12, and higher education sectors in  
8 the P-20 system; (~~and~~)

9 (i) Prepare a regular report on the educational and workforce  
10 outcomes of youth in the juvenile justice system, using data  
11 disaggregated by age, and by ethnic categories and racial subgroups  
12 in accordance with RCW 28A.300.042; and

13 (j) Make recommendations to the legislature as necessary to help  
14 ensure the goals and objectives of this section and RCW 28A.655.210  
15 and 28A.300.507 are met.

16 (3) The department of early learning, superintendent of public  
17 instruction, professional educator standards board, state board of  
18 education, state board for community and technical colleges,  
19 workforce training and education coordinating board, student  
20 achievement council, public four-year institutions of higher  
21 education, department of social and health services and employment  
22 security department shall work with the education data center to  
23 develop data-sharing and research agreements, consistent with  
24 applicable security and confidentiality requirements, to facilitate  
25 the work of the center. The education data center shall also develop  
26 data-sharing and research agreements with the administrative office  
27 of the courts to conduct research on educational and workforce  
28 outcomes using data maintained under RCW 13.50.010(12) related to  
29 juveniles. Private, nonprofit institutions of higher education that  
30 provide programs of education beyond the high school level leading  
31 at least to the baccalaureate degree and are accredited by the  
32 Northwest association of schools and colleges or their peer  
33 accreditation bodies may also develop data-sharing and research  
34 agreements with the education data center, consistent with

1 applicable security and confidentiality requirements. The education  
2 data center shall make data from collaborative analyses available to  
3 the education agencies and institutions that contribute data to the  
4 education data center to the extent allowed by federal and state  
5 security and confidentiality requirements applicable to the data of  
6 each contributing agency or institution.

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8       **Sec. 972.** RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5  
9 are each reenacted and amended to read as follows:

10       (1) For purposes of this chapter:

11       (a) "Juvenile justice or care agency" means any of the  
12 following: Police, diversion units, court, prosecuting attorney,  
13 defense attorney, detention center, attorney general, the  
14 legislative children's oversight committee, the office of the family  
15 and children's ombuds, the department of social and health services  
16 and its contracting agencies, schools; persons or public or private  
17 agencies having children committed to their custody; and any  
18 placement oversight committee created under RCW 72.05.415;

19       (b) "Official juvenile court file" means the legal file of the  
20 juvenile court containing the petition or information, motions,  
21 memorandums, briefs, findings of the court, and court orders;

22       (c) "Records" means the official juvenile court file, the social  
23 file, and records of any other juvenile justice or care agency in  
24 the case;

25       (d) "Social file" means the juvenile court file containing the  
26 records and reports of the probation counselor.

27       (2) Each petition or information filed with the court may  
28 include only one juvenile and each petition or information shall be  
29 filed under a separate docket number. The social file shall be filed  
30 separately from the official juvenile court file.

31       (3) It is the duty of any juvenile justice or care agency to  
32 maintain accurate records. To this end:

33       (a) The agency may never knowingly record inaccurate  
34 information. Any information in records maintained by the department

1 of social and health services relating to a petition filed pursuant  
2 to chapter 13.34 RCW that is found by the court to be false or  
3 inaccurate shall be corrected or expunged from such records by the  
4 agency;

5 (b) An agency shall take reasonable steps to assure the security  
6 of its records and prevent tampering with them; and

7 (c) An agency shall make reasonable efforts to insure the  
8 completeness of its records, including action taken by other  
9 agencies with respect to matters in its files.

10 (4) Each juvenile justice or care agency shall implement  
11 procedures consistent with the provisions of this chapter to  
12 facilitate inquiries concerning records.

13 (5) Any person who has reasonable cause to believe information  
14 concerning that person is included in the records of a juvenile  
15 justice or care agency and who has been denied access to those  
16 records by the agency may make a motion to the court for an order  
17 authorizing that person to inspect the juvenile justice or care  
18 agency record concerning that person. The court shall grant the  
19 motion to examine records unless it finds that in the interests of  
20 justice or in the best interests of the juvenile the records or  
21 parts of them should remain confidential.

22 (6) A juvenile, or his or her parents, or any person who has  
23 reasonable cause to believe information concerning that person is  
24 included in the records of a juvenile justice or care agency may  
25 make a motion to the court challenging the accuracy of any  
26 information concerning the moving party in the record or challenging  
27 the continued possession of the record by the agency. If the court  
28 grants the motion, it shall order the record or information to be  
29 corrected or destroyed.

30 (7) The person making a motion under subsection (5) or (6) of  
31 this section shall give reasonable notice of the motion to all  
32 parties to the original action and to any agency whose records will  
33 be affected by the motion.

34

1 (8) The court may permit inspection of records by, or release of  
2 information to, any clinic, hospital, or agency which has the  
3 subject person under care or treatment. The court may also permit  
4 inspection by or release to individuals or agencies, including  
5 juvenile justice advisory committees of county law and justice  
6 councils, engaged in legitimate research for educational,  
7 scientific, or public purposes. Each person granted permission to  
8 inspect juvenile justice or care agency records for research  
9 purposes shall present a notarized statement to the court stating  
10 that the names of juveniles and parents will remain confidential.

11 (9) The court shall release to the caseload forecast council the  
12 records needed for its research and data-gathering functions. Access  
13 to caseload forecast data may be permitted by the council for  
14 research purposes only if the anonymity of all persons mentioned in  
15 the records or information will be preserved.

16 (10) Juvenile detention facilities shall release records to the  
17 caseload forecast council upon request. The commission shall not  
18 disclose the names of any juveniles or parents mentioned in the  
19 records without the named individual's written permission.

20 (11) Requirements in this chapter relating to the court's  
21 authority to compel disclosure shall not apply to the legislative  
22 children's oversight committee or the office of the family and  
23 children's ombuds.

24 (12) For the purpose of research only, the administrative office  
25 of the courts shall maintain an electronic research copy of all  
26 records in the judicial information system related to juveniles.  
27 Access to the research copy is restricted to the (~~Washington state~~  
28 ~~center for court research~~) administrative office of the courts for  
29 research purposes as authorized by the supreme court or by state  
30 statute. The (~~Washington state center for court research~~)  
31 administrative office of the courts shall maintain the  
32 confidentiality of all confidential records and shall preserve the  
33 anonymity of all persons identified in the research copy. Data  
34 contained in the research copy may be shared with other governmental

1 agencies as authorized by state statute, pursuant to data-sharing  
2 and research agreements, and consistent with applicable security and  
3 confidentiality requirements. The research copy may not be subject  
4 to any records retention schedule and must include records destroyed  
5 or removed from the judicial information system pursuant to RCW  
6 13.50.270 and 13.50.100(3).

7 (13) The court shall release to the Washington state office of  
8 public defense records needed to implement the agency's oversight,  
9 technical assistance, and other functions as required by RCW  
10 2.70.020. Access to the records used as a basis for oversight,  
11 technical assistance, or other agency functions is restricted to the  
12 Washington state office of public defense. The Washington state  
13 office of public defense shall maintain the confidentiality of all  
14 confidential information included in the records."

15

EFFECT:

- Prohibits long-term suspension or expulsion as a form of discretionary discipline and defines discretionary discipline; limits suspensions or expulsions to the length of an academic term and allows for a petition process to exceed that limit; and requires a reengagement meeting that includes the student's family.
- Requires that districts provide an opportunity for students to receive educational services during a period of suspension or expulsion.
- Requires districts to adopt discipline policies consistent with a model policy to be developed by Washington State School Directors Association (WSSDA); districts must disseminate, monitor, and review the policies.
- Directs the Office of Superintendent of Public Instruction (OSPI) to develop discipline policy training programs, and districts are strongly encouraged to provide training.
- Requires the Education Research and Data Center (ERDC) to prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system.

Fiscal Impact: \$5,063,000 General fund - state

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