

SSB 5155 - S AMD 382
By Senator Billig

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that significant
4 numbers of Washington kindergarten and elementary school students are
5 suspended or expelled from school. Research indicates that school
6 expulsion and suspension practices are associated with negative
7 educational and life outcomes. Suspension and expulsion remove
8 children from learning environments where they can develop social-
9 emotional, behavioral, and academic skills, and they set children on
10 a negative path early in their school education. Nationwide, students
11 of color and students with disabilities are more likely to be
12 suspended or expelled, exacerbating opportunity gaps. The legislature
13 intends to eliminate the developmentally inappropriate use of
14 suspension and expulsion as a response to behavior for children in
15 grades kindergarten through two, and to encourage schools and
16 districts to adopt evidence-based practices to support students in
17 meeting behavioral expectations.

18 **Sec. 2.** RCW 28A.600.015 and 2016 c 72 s 105 are each amended to
19 read as follows:

20 (1) The superintendent of public instruction shall adopt and
21 distribute to all school districts lawful and reasonable rules
22 prescribing the substantive and procedural due process guarantees of
23 pupils in the common schools. Such rules shall authorize a school
24 district to use informal due process procedures in connection with
25 the short-term suspension of students to the extent constitutionally
26 permissible: PROVIDED, That the superintendent of public instruction
27 deems the interest of students to be adequately protected.

28 (2) When a student suspension or expulsion is appealed, the rules
29 shall authorize a school district to impose the suspension or
30 expulsion temporarily after an initial hearing for no more than ten
31 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 of
3 the student suspension or expulsion and shall not limit or extend the
4 term of the student suspension or expulsion.

5 (3) An expulsion or suspension of a student may not be for an
6 indefinite period of time.

7 ~~((+2))~~ (4) Short-term suspension procedures may be used for
8 suspensions of students up to and including, ten consecutive school
9 days.

10 ~~((+3))~~ (5) Emergency expulsions must end or be converted to
11 another form of corrective action within ten school days from the
12 date of the emergency removal from school. Notice and due process
13 rights must be provided when an emergency expulsion is converted to
14 another form of corrective action.

15 ~~((+4))~~ (6) School districts may not suspend or expel any student
16 from school who is enrolled in grades kindergarten through two,
17 except for a violation of RCW 28A.600.420, and except that:

18 (a) School districts may remove any student who is enrolled in
19 grades kindergarten through two from school for the remainder of a
20 school day if, after conferring with the student's parent or guardian
21 and the student's teacher or teachers, the principal or designee
22 determines that removal would facilitate the child's successful
23 return to the classroom;

24 (b) School districts may remove any student who is enrolled in
25 grades kindergarten through two from school for the remainder of a
26 school day and up to the end of the following school day if, after
27 conferring with the student's parent or guardian and the student's
28 teacher or teachers, the principal or designee determines that
29 removal is necessary to develop a plan to support the student's
30 successful return to the classroom and:

31 (i) The school completes the plan by the end of the following
32 school day identified in this subsection (6)(b); and

33 (ii) The school discusses the plan with the student's parent or
34 guardian;

35 (c) No student who is enrolled in grades kindergarten through two
36 may be removed from school for punitive purposes. Schools may only
37 remove a student enrolled in grades kindergarten through two to
38 support the student's successful return to the classroom; and

39 (d) No student may be removed under (a) or (b) of this subsection
40 for more than a total of ten school days during a school year.

1 (7) School districts shall record data on removal under
2 subsection (6)(a) and (b) of this section in the statewide student
3 data system, based on the data collection standards established by
4 the office of the superintendent of public instruction and the K-12
5 data governance group.

6 (8) School districts may not impose long-term suspension or
7 expulsion as a form of discretionary discipline.

8 ~~((+5))~~ (9) Any imposition of ~~((discretionary—and~~
9 ~~nondiscretionary))~~ discipline is subject to the bar on suspending the
10 provision of educational services pursuant to subsection ~~((+8))~~ (12)
11 of this section.

12 ~~((+6))~~ (10) As used in this chapter, "discretionary discipline"
13 means a disciplinary action taken by a school district for student
14 behavior that violates rules of student conduct adopted by a school
15 district board of directors under RCW 28A.600.010 and this section,
16 but does not constitute action taken in response to any of the
17 following:

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

19 (b) An offense in RCW 13.04.155;

20 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
21 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;
22 or

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

25 ~~((+7))~~ (11) Except as provided in RCW 28A.600.420, school
26 districts are not required to impose long-term suspension or
27 expulsion for behavior that constitutes a violation or offense listed
28 under subsection ~~((+6))~~ (10)(a) through (d) of this section and
29 should first consider alternative actions.

30 ~~((+8))~~ (12) School districts may not suspend the provision of
31 educational services to a student as a disciplinary action. A student
32 may be excluded from a particular classroom or instructional or
33 activity area for the period of suspension or expulsion, but the
34 school district must provide an opportunity for a student to receive
35 educational services during a period of suspension or expulsion. The
36 educational services should be comparable, equitable, and appropriate
37 to the regular education services a student would have received
38 without the exclusionary discipline.

39 ~~((+9))~~ (13) Nothing in this section creates any civil liability
40 for school districts, or creates a new cause of action or new theory

1 of negligence against a school district board of directors, a school
2 district, or the state.

3 **Sec. 3.** RCW 28A.600.020 and 2016 c 72 s 106 are each amended to
4 read as follows:

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

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

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

1 instruction and must provide for early involvement of parents in
2 attempts to improve the student's behavior.

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

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

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

13 ~~(ii) Engages in one or more of the offenses listed in RCW~~
14 ~~13.04.155.~~

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

18 ~~(6))~~ Any corrective action involving a suspension or expulsion
19 from school for more than ten days must have an end date of not more
20 than the length of ~~((an academic term))~~ a semester or trimester, as
21 defined by the school board, from the time of corrective action.
22 Districts shall make reasonable efforts to assist students and
23 parents in returning to an educational setting prior to and no later
24 than the end date of the corrective action. Where warranted based on
25 public health or safety, a school may petition the superintendent of
26 the school district, pursuant to policies and procedures adopted by
27 the office of the superintendent of public instruction, for
28 authorization to exceed the ~~((academic term))~~ semester or trimester
29 limitation provided in this subsection. The superintendent of public
30 instruction shall adopt rules outlining the limited circumstances in
31 which a school may petition to exceed the ~~((academic term))~~ semester
32 or trimester limitation, including safeguards to ensure that the
33 school district has made every effort to plan for the student's
34 return to school. School districts shall report to the office of the
35 superintendent of public instruction the number of petitions made to
36 the school board and the number of petitions granted on an annual
37 basis.

38 ~~((7) Nothing in this section prevents a public school district,~~
39 ~~educational service district, the Washington state center for~~
40 ~~childhood deafness and hearing loss, or the state school for the~~

1 ~~blind if it has suspended or expelled a student from the student's~~
2 ~~regular school setting from providing educational services to the~~
3 ~~student in an alternative setting or modifying the suspension or~~
4 ~~expulsion on a case-by-case basis. An alternative setting should be~~
5 ~~comparable, equitable, and appropriate to the regular education~~
6 ~~services a student would have received without the exclusionary~~
7 ~~discipline. Example alternative settings include alternative high~~
8 ~~schools, one-on-one tutoring, and online learning.))~~

9 **Sec. 4.** RCW 28A.600.410 and 1992 c 155 s 1 are each amended to
10 read as follows:

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

19 (2) School districts are encouraged to implement evidence-based
20 preventative, restorative, or other practices that support students
21 in meeting behavioral expectations, and to train teachers,
22 administrators, and student support staff as necessary to implement
23 those practices. Evidence-based practices may include but are not
24 limited to positive behavioral interventions and supports, trauma-
25 informed approaches, social and emotional learning, referral
26 services, and restorative practices.

27 **Sec. 5.** RCW 28A.600.460 and 2013 2nd sp.s. c 18 s 305 are each
28 amended to read as follows:

29 (1) School district boards of directors shall adopt policies that
30 restore discipline to the classroom. Such policies must provide for
31 at least the following: Allowing each teacher to take disciplinary
32 action to correct a student who disrupts normal classroom activities,
33 abuses or insults a teacher as prohibited by RCW 28A.635.010,
34 willfully disobeys a teacher, uses abusive or foul language directed
35 at a school district employee, school volunteer, or another student,
36 violates school rules, or who interferes with an orderly education
37 process. Disciplinary action may include but is not limited to: Oral

1 or written reprimands; written notification to parents of disruptive
2 behavior, a copy of which must be provided to the principal.

3 (2) A student committing an offense under chapter 9A.36, 9A.40,
4 9A.46, or 9A.48 RCW when the activity is directed toward the teacher,
5 shall not be assigned to that teacher's classroom for the duration of
6 the student's attendance at that school or any other school where the
7 teacher is assigned.

8 (3) A student who commits an offense under chapter 9A.36, 9A.40,
9 9A.46, or 9A.48 RCW, when directed toward another student, may be
10 removed from the classroom of the victim for the duration of the
11 student's attendance at that school or any other school where the
12 victim is enrolled. A student in grades three through twelve who
13 commits an offense under one of the chapters enumerated in this
14 section against a student or another school employee, may be expelled
15 or suspended.

16 (4) Nothing in this section is intended to limit the authority of
17 a school under existing law and rules to expel or suspend a student
18 in grades three through twelve for misconduct or criminal behavior.

19 (5) All school districts must collect data on disciplinary
20 actions taken in each school, including classroom or school removal,
21 and must record these actions using the statewide student data
22 system, based on the data collection standards established by the
23 office of the superintendent of public instruction and the K-12 data
24 governance group. The information shall be made available to the
25 public, but public release of the data shall not include personally
26 identifiable information including, but not limited to, a student's
27 social security number, name, or address."

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28 On page 1, line 2 of the title, after "students;" strike the
29 remainder of the title and insert "amending RCW 28A.600.015,
30 28A.600.020, 28A.600.410, and 28A.600.460; and creating a new
31 section."

EFFECT: (1) Allows a principal or designee, rather than the local
superintendent or designee, to determine that removal of a K-2
student from school would facilitate the child's successful return to

the classroom after conferring, rather than consulting, with the parent or guardian and teachers.

(2) Requires the school to complete a plan by the end of the following school day when a K-2 student is removed from school rather than taking significant steps to develop and implement a plan by the beginning of the first full day of the student's removal.

(3) Provides that removal of a K-2 student may not be for punitive purposes and may only be used to support a student's successful return to the classroom.

(4) States that no K-2 student may be removed from school for more than a total of ten school days during a school year rather than a total of three days during a single semester or trimester.

(5) Moves a provision stating that educational services should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline to the section that prohibits school districts from suspending the provision of educational services to a student as a disciplinary action.

(6) Removes provisions stating that a principal must consider imposing long-term suspension or expulsion as a sanction when a student engages in certain offenses.

(7) Amends references to "an academic term" to "a semester or trimester."

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