

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1207

Chapter 242, Laws of 2023

68th Legislature
2023 Regular Session

SCHOOL DISTRICTS—HARASSMENT, INTIMIDATION, BULLYING, AND
DISCRIMINATION

EFFECTIVE DATE: July 23, 2023

Passed by the House April 13, 2023
Yeas 64 Nays 32

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 5, 2023
Yeas 28 Nays 20

DENNY HECK

President of the Senate

Approved May 4, 2023 10:11 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1207** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 4, 2023

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1207

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

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.640.020, 28A.600.477, 28A.642.080,
7 28A.600.510, 28A.300.042, and 28A.600.015; adding a new section to
8 chapter 28A.300 RCW; adding a new section to chapter 28A.642 RCW; and
9 adding a new section to chapter 28A.600 RCW.

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

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

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

1 the contact information for the office of the education ombuds. The
2 model student handbook language must be aligned with existing
3 requirements in state law including chapters 28A.640 and 28A.642 RCW
4 and RCW 28A.600.477 and 28A.600.510. The model student handbook
5 language must be jointly developed with the Washington state school
6 directors' association, and in consultation with the office of the
7 education ombuds. The model student handbook language must be posted
8 publicly on the office of the superintendent of public instruction's
9 website beginning July 1, 2024.

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

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

22 (1) Each school district shall designate one person in the school
23 district as the primary contact regarding school district compliance
24 with this chapter. In addition to any other duties required by law
25 and the school district, the primary contact must:

26 (a) Ensure that complaints of discrimination communicated to the
27 school district are promptly investigated and resolved; and

28 (b) Communicate with the primary contact regarding the school
29 district's policy and procedure prohibiting harassment, intimidation,
30 and bullying under RCW 28A.600.477, and the primary contact regarding
31 the school district's policies and procedures related to transgender
32 students under RCW 28A.642.080.

33 (2) The primary contact may also serve as the primary contact
34 regarding the school district's policy and procedure prohibiting
35 harassment, intimidation, and bullying under RCW 28A.600.477 and the
36 primary contact regarding the school district's policy and procedure
37 related to transgender students under RCW 28A.642.080.

1 **Sec. 3.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall develop
4 regulations and guidelines to eliminate sex discrimination as it
5 applies to public school employment, counseling and guidance services
6 to students, recreational and athletic activities for students,
7 access to course offerings, and in textbooks and instructional
8 materials used by students.

9 (a) Specifically with respect to public school employment, all
10 schools shall be required to:

11 (i) Maintain credential requirements for all personnel without
12 regard to sex;

13 (ii) Make no differentiation in pay scale on the basis of sex;

14 (iii) Assign school duties without regard to sex except where
15 such assignment would involve duty in areas or situations, such as
16 but not limited to a shower room, where persons might be disrobed;

17 (iv) Provide the same opportunities for advancement to males and
18 females; and

19 (v) Make no difference in conditions of employment including, but
20 not limited to, hiring practices, leaves of absence, hours of
21 employment, and assignment of, or pay for, instructional and
22 noninstructional duties, on the basis of sex.

23 (b) Specifically with respect to counseling and guidance services
24 for students, they shall be made available to all students equally.
25 All certificated personnel shall be required to stress access to all
26 career and vocational opportunities to students without regard to
27 sex.

28 (c) Specifically with respect to recreational and athletic
29 activities, they shall be offered to all students without regard to
30 sex. Schools may provide separate teams for each sex. Schools which
31 provide the following shall do so with no disparities based on sex:
32 Equipment and supplies; medical care; services and insurance;
33 transportation and per diem allowances; opportunities to receive
34 coaching and instruction; laundry services; assignment of game
35 officials; opportunities for competition, publicity and awards;
36 scheduling of games and practice times including use of courts, gyms,
37 and pools: PROVIDED, That such scheduling of games and practice times
38 shall be determined by local administrative authorities after
39 consideration of the public and student interest in attending and
40 participating in various recreational and athletic activities. Each

1 school which provides showers, toilets, or training room facilities
2 for athletic purposes shall provide comparable facilities for both
3 sexes. Such facilities may be provided either as separate facilities
4 or shall be scheduled and used separately by each sex.

5 The superintendent of public instruction shall also be required
6 to develop a student survey to distribute every three years to each
7 local school district in the state to determine student interest for
8 male/female participation in specific sports.

9 (d) Specifically with respect to course offerings, all classes
10 shall be required to be available to all students without regard to
11 sex: PROVIDED, That separation is permitted within any class during
12 sessions on sex education or gym classes.

13 (e) Specifically with respect to textbooks and instructional
14 materials, which shall also include, but not be limited to, reference
15 books and audiovisual materials, they shall be required to adhere to
16 the guidelines developed by the superintendent of public instruction
17 to implement the intent of this chapter: PROVIDED, That this
18 subsection shall not be construed to prohibit the introduction of
19 material deemed appropriate by the instructor for educational
20 purposes.

21 (2)(a) By December 31, 1994, the superintendent of public
22 instruction shall develop criteria for use by school districts in
23 developing sexual harassment policies as required under (b) of this
24 subsection. The criteria shall address the subjects of grievance
25 procedures, remedies to victims of sexual harassment, disciplinary
26 actions against violators of the policy, and other subjects at the
27 discretion of the superintendent of public instruction. Disciplinary
28 actions must conform with collective bargaining agreements and state
29 and federal laws. The superintendent of public instruction also shall
30 supply sample policies to school districts upon request.

31 (b) By June 30, 1995, every school district shall adopt and
32 implement a written policy concerning sexual harassment. The policy
33 shall apply to all school district employees, volunteers, parents,
34 and students, including, but not limited to, conduct between
35 students.

36 (c) School district policies on sexual harassment shall be
37 reviewed by the superintendent of public instruction considering the
38 criteria established under (a) of this subsection as part of the
39 monitoring process established in RCW 28A.640.030.

1 (d) The school district's sexual harassment policy shall be
2 conspicuously posted throughout each school building, and provided to
3 each employee. A copy of the policy shall appear in any publication
4 of the school or school district setting forth the rules,
5 regulations, procedures, and standards of conduct for the school or
6 school district. This requirement as it relates to students, parents,
7 and guardians may be satisfied by using the model student handbook
8 language in section 1 of this act.

9 (e) Each school shall develop a process for discussing the
10 district's sexual harassment policy. The process shall ensure the
11 discussion addresses the definition of sexual harassment and issues
12 covered in the sexual harassment policy.

13 (f) "Sexual harassment" as used in this section means unwelcome
14 sexual advances, requests for sexual favors, sexually motivated
15 physical contact, or other verbal or physical conduct or
16 communication of a sexual nature if:

17 (i) Submission to that conduct or communication is made a term or
18 condition, either explicitly or implicitly, of obtaining an education
19 or employment;

20 (ii) Submission to or rejection of that conduct or communication
21 by an individual is used as a factor in decisions affecting that
22 individual's education or employment; or

23 (iii) That conduct or communication has the purpose or effect of
24 substantially interfering with an individual's educational or work
25 performance, or of creating an intimidating, hostile, or offensive
26 educational or work environment.

27 **Sec. 4.** RCW 28A.600.477 and 2019 c 194 s 1 are each amended to
28 read as follows:

29 (1)(a) By January 31, 2020, each school district must adopt or
30 amend if necessary a policy and procedure prohibiting harassment,
31 intimidation, and bullying of any student and that, at a minimum,
32 incorporates the model policy and procedure described in subsection
33 (3) of this section.

34 (b) School districts must share the policy and procedure
35 prohibiting harassment, intimidation, and bullying with parents or
36 guardians, students, volunteers, and school employees in accordance
37 with the rules adopted by the office of the superintendent of public
38 instruction. This requirement as it relates to students, parents, and

1 guardians may be satisfied by using the model student handbook
2 language in section 1 of this act.

3 (c) (i) Each school district must designate one person in the
4 school district as the primary contact regarding the policy and
5 procedure prohibiting harassment, intimidation, and bullying. In
6 addition to other duties required by law and the school district, the
7 primary contact must:

8 (A) Ensure the implementation of the policy and procedure
9 prohibiting harassment, intimidation, and bullying;

10 (B) Receive copies of all formal and informal complaints relating
11 to harassment, intimidation, or bullying;

12 (C) Communicate with the school district employees responsible
13 for monitoring school district compliance with chapter 28A.642 RCW
14 prohibiting discrimination in public schools, and the primary contact
15 regarding the school district's policies and procedures related to
16 transgender students under RCW 28A.642.080; and

17 (D) Serve as the primary contact between the school district, the
18 office of the education ombuds, and the office of the superintendent
19 of public instruction on the policy and procedure prohibiting
20 harassment, intimidation, and bullying.

21 (ii) The primary contact from each school district must attend at
22 least one training class as provided in subsection (4) of this
23 section, once this training is available.

24 (iii) The primary contact may also serve as the primary contact
25 regarding the school district's policies and procedures relating to
26 transgender students under RCW 28A.642.080 and the primary contact
27 regarding school district compliance with nondiscrimination laws
28 under section 1 of this act.

29 (2) School districts are encouraged to adopt and update the
30 policy and procedure prohibiting harassment, intimidation, and
31 bullying through a process that includes representation of parents or
32 guardians, school employees, volunteers, students, administrators,
33 and community representatives.

34 (3) (a) By September 1, 2019, and periodically thereafter, the
35 Washington state school directors' association must collaborate with
36 the office of the superintendent of public instruction to develop and
37 update a model policy and procedure prohibiting harassment,
38 intimidation, and bullying.

39 (b) Each school district must provide to the office of the
40 superintendent of public instruction a brief summary of its policies,

1 procedures, programs, partnerships, vendors, and instructional and
2 training materials prohibiting harassment, intimidation, and bullying
3 to be posted on the office of the superintendent of public
4 instruction's school safety center website, and must also provide the
5 office of the superintendent of public instruction with a link to the
6 school district's website for further information. The school
7 district's primary contact for harassment, intimidation, and bullying
8 issues must annually by August 15th verify posted information and
9 links and notify the school safety center of any updates or changes.

10 (c) The office of the superintendent of public instruction must
11 publish on its website, with a link to the school safety center
12 website, the revised and updated model policy and procedure
13 prohibiting harassment, intimidation, and bullying, along with
14 training and instructional materials on the components that must be
15 included in any school district policy and procedure prohibiting
16 harassment, intimidation, and bullying. By September 1, 2019, the
17 office of the superintendent of public instruction must adopt rules
18 regarding school districts' communication of the policy and procedure
19 prohibiting harassment, intimidation, and bullying to parents,
20 students, employees, and volunteers.

21 (4) By December 31, 2020, the office of the superintendent of
22 public instruction must develop a statewide training class for those
23 people in each school district who act as the primary contact
24 regarding the policy and procedure prohibiting harassment,
25 intimidation, and bullying as provided in subsection (1) of this
26 section. The training class must be offered on an annual basis by
27 educational service districts in collaboration with the office of the
28 superintendent of public instruction. The training class must be
29 based on the model policy and procedure prohibiting harassment,
30 intimidation, and bullying as provided in subsection (3) of this
31 section and include materials related to hazing and the Washington
32 state school directors' association model transgender student policy
33 and procedure as provided in RCW 28A.642.080.

34 (5) The definitions in this subsection apply throughout this
35 section unless the context clearly requires otherwise.

36 (a) "Electronic" means any communication where there is the
37 transmission of information by wire, radio, optical cable,
38 electromagnetic, or other similar means.

39 (b) (i) "Harassment, intimidation, or bullying" means any
40 intentional electronic, written, verbal, or physical act including,

1 but not limited to, one shown to be motivated by any characteristic
2 in RCW 28A.640.010 and 28A.642.010, or other distinguishing
3 characteristics, when the intentional electronic, written, verbal, or
4 physical act:

5 (A) Physically harms a student or damages the student's property;

6 (B) Has the effect of substantially interfering with a student's
7 education;

8 (C) Is so severe, persistent, or pervasive that it creates an
9 intimidating or threatening educational environment; or

10 (D) Has the effect of substantially disrupting the orderly
11 operation of the school.

12 (ii) Nothing in (b)(i) of this subsection requires the affected
13 student to actually possess a characteristic that is a basis for the
14 harassment, intimidation, or bullying.

15 **Sec. 5.** RCW 28A.642.080 and 2019 c 194 s 2 are each amended to
16 read as follows:

17 (1)(a) By January 31, 2020, each school district must adopt or
18 amend if necessary policies and procedures that, at a minimum,
19 incorporate all the elements of the model transgender student policy
20 and procedure described in subsection (3) of this section.

21 (b) School districts must share the policies and procedures that
22 meet the requirements of (a) of this subsection with parents or
23 guardians, students, volunteers, and school employees in accordance
24 with rules adopted by the office of the superintendent of public
25 instruction. This requirement as it relates to students, parents, and
26 guardians may be satisfied by using the model student handbook
27 language in section 1 of this act.

28 (c)(i) Each school district must designate one person in the
29 school district as the primary contact regarding the policies and
30 procedures relating to transgender students that meet the
31 requirements of (a) of this subsection. In addition to any other
32 duties required by law and the school district, the primary contact
33 must:

34 (A) Ensure the implementation of the policies and procedures
35 relating to transgender students that meet the requirements of (a) of
36 this subsection;

37 (B) Receive copies of all formal and informal complaints relating
38 to transgender students;

1 (C) Communicate with the school district employees responsible
2 for monitoring school district compliance with this chapter, and the
3 primary contact regarding the school district's policy and procedure
4 prohibiting harassment, intimidation, and bullying under RCW
5 28A.600.477; and

6 (D) Serve as the primary contact between the school district, the
7 office of the education ombuds, and the office of the superintendent
8 of public instruction on policies and procedures relating to
9 transgender students that meet the requirements of (a) of this
10 subsection.

11 (ii) The primary contact from each school district must attend at
12 least one training class as provided in RCW 28A.600.477, once this
13 training is available.

14 (iii) The primary contact may also serve as the primary contact
15 regarding the school district's policy and procedure prohibiting
16 harassment, intimidation, and bullying under RCW 28A.600.477 and the
17 primary contact regarding school district compliance with
18 nondiscrimination laws under section 1 of this act.

19 (2) As required by the office of the superintendent of public
20 instruction, each school district must provide to the office of the
21 superintendent of public instruction its policies and procedures
22 relating to transgender students that meet the requirements of
23 subsection (1)(a) of this section.

24 (3)(a) By September 1, 2019, and periodically thereafter, the
25 Washington state school directors' association must collaborate with
26 the office of the superintendent of public instruction to develop and
27 update a model transgender student policy and procedure.

28 (b) The elements of the model transgender student policy and
29 procedure must, at a minimum: Incorporate the office of the
30 superintendent of public instruction's rules and guidelines developed
31 under RCW 28A.642.020 to eliminate discrimination in Washington
32 public schools on the basis of gender identity and expression;
33 address the unique challenges and needs faced by transgender students
34 in public schools; and describe the application of the model policy
35 and procedure prohibiting harassment, intimidation, and bullying,
36 required under RCW 28A.600.477, to transgender students.

37 (c) The office of the superintendent of public instruction and
38 the Washington state school directors' association must maintain the
39 model policy and procedure on each agency's website at no cost to
40 school districts.

1 (4) (a) By December 31, 2020, the office of the superintendent of
2 public instruction must develop online training material available to
3 all school staff based on the model transgender student policy and
4 procedure described in subsection (3) of this section and the office
5 of the superintendent of public instruction's rules and guidance as
6 provided under this chapter.

7 (b) The online training material must describe the role of school
8 district primary contacts for monitoring school district compliance
9 with this chapter prohibiting discrimination in public schools, RCW
10 28A.600.477 related to the policies and procedures prohibiting
11 harassment, intimidation, and bullying, and this section related to
12 policies and procedures relating to transgender students.

13 (c) The online training material must include best practices for
14 policy and procedure implementation and cultural change that are
15 guided by school district experiences.

16 (d) The office of the superintendent of public instruction must
17 annually notify school districts of the availability of the online
18 training material.

19 **Sec. 6.** RCW 28A.600.510 and 2022 c 222 s 2 are each amended to
20 read as follows:

21 (1) Beginning August 1, 2023, public schools must:

22 (a) Provide students and their parents or guardians with a
23 description of the services available through the office of the
24 education ombuds and the contact information for the office of the
25 education ombuds at the time of initial enrollment or admission; and

26 (b) Either: (i) Include on their website a description of the
27 services available through the office of the education ombuds and a
28 link to the website of the office of the education ombuds; or (ii)
29 provide a description of the services available through the office of
30 the education ombuds and the contact information for the office of
31 the education ombuds in existing materials that are shared annually
32 with families, students, and school employees, such as welcome
33 packets, orientation guides, and newsletters. This requirement as it
34 relates to students and families may be satisfied by using the model
35 student handbook language in section 1 of this act.

36 (2) Public schools are encouraged to comply with both subsection
37 (1) (b) (i) and (ii) of this section.

38 (3) By July 1, 2022, the office of the education ombuds must
39 develop a template of the information described in subsection (1) of

1 this section. The template must be translated into Spanish and into
2 other languages as resources allow. The template must be made
3 available upon request and updated as needed.

4 (4) For the purposes of this section, "public schools" has the
5 same meaning as in RCW 28A.150.010.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.600
7 RCW to read as follows:

8 (1) The legislature recognizes that public schools have the
9 authority to immediately remove a student from school if the student
10 poses an immediate and continuing danger to other students or to
11 school staff, or if the student poses an immediate and continuing
12 threat of material and substantial disruption of the education
13 process. The legislature acknowledges that emergency expulsion is
14 limited to 10 consecutive school days, the school must provide an
15 opportunity for the student to receive educational services during
16 the emergency expulsion, and both the emergency expulsion and any
17 suspension or expulsion that the emergency expulsion is converted to
18 can be appealed. However, the legislature finds that emergency
19 expulsion tarnishes a student's reputation and self-image, which can
20 result in school staff, fellow students, or the student's families
21 making assumptions about the student, and, in some cases, these
22 assumptions result in harassment, intimidation, or bullying of the
23 student. Therefore, the legislature intends to discontinue the use of
24 the prejudicial term "emergency expulsion," and replace it with the
25 term "emergency removal," which is a more accurate description of the
26 temporary removal of a student from school to assess and properly
27 respond to an emergent situation involving the student.

28 (2) As soon as possible after the effective date of this section,
29 the office of the superintendent of public instruction must publish a
30 bulletin to notify school districts and public schools that the term
31 "emergency removal" must be used instead of the term "emergency
32 expulsion" in the context of student discipline and as required by
33 RCW 28A.300.042 and 28A.600.015. The legislature's intent as
34 described in subsection (1) of this section must be included in the
35 bulletin. The bulletin must also include guidance about student
36 discipline data collection and historical data comparison.

37 (3) A student who was emergency expelled between September 1,
38 2019, and the effective date of this section may request that any

1 reference to "emergency expulsion" in the student's education record
2 be revised to "emergency removal."

3 **Sec. 8.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to
4 read as follows:

5 (1) Beginning with the 2017-18 school year, and using the phase-
6 in provided in subsection (2) of this section, the superintendent of
7 public instruction must collect and school districts must submit all
8 student-level data using the United States department of education
9 2007 race and ethnicity reporting guidelines, including the subracial
10 and subethnic categories within those guidelines, with the following
11 modifications:

12 (a) Further disaggregation of the Black category to differentiate
13 students of African origin and students native to the United States
14 with African ancestors;

15 (b) Further disaggregation of countries of origin for Asian
16 students;

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

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

22 (2) Beginning with the 2017-18 school year, school districts
23 shall collect student-level data as provided in subsection (1) of
24 this section for all newly enrolled students, including transfer
25 students. When the students enroll in a different school within the
26 district, school districts shall resurvey the newly enrolled students
27 for whom subracial and subethnic categories were not previously
28 collected. School districts may resurvey other students.

29 (3) All student data-related reports required of the
30 superintendent of public instruction in this title must be
31 disaggregated by at least the following subgroups of students: White,
32 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
33 Islander/Hawaiian Native, low income, transitional bilingual,
34 migrant, special education, and students covered by section 504 of
35 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
36 794).

37 (4) All student data-related reports prepared by the
38 superintendent of public instruction regarding student suspensions

1 and expulsions as required under this title are subject to
2 disaggregation by subgroups including:

- 3 (a) Gender;
- 4 (b) Foster care;
- 5 (c) Homeless, if known;
- 6 (d) School district;
- 7 (e) School;
- 8 (f) Grade level;
- 9 (g) Behavior infraction code, including:

- 10 (i) Bullying;
- 11 (ii) Tobacco;
- 12 (iii) Alcohol;
- 13 (iv) Illicit drug;
- 14 (v) Fighting without major injury;
- 15 (vi) Violence without major injury;
- 16 (vii) Violence with major injury;
- 17 (viii) Possession of a weapon; and
- 18 (ix) Other behavior resulting from a short-term or long-term
19 suspension, expulsion, or interim alternative education setting
20 intervention;

21 (h) Intervention applied, including:

- 22 (i) Short-term suspension;
- 23 (ii) Long-term suspension;
- 24 (iii) Emergency (~~(expulsion)~~) removal;
- 25 (iv) Expulsion;
- 26 (v) Interim alternative education settings;
- 27 (vi) No intervention applied; and
- 28 (vii) Other intervention applied that is not described in this
29 subsection (4) (h);

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

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

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

- 38 (a) School and district;
- 39 (b) Race, low income, special education, transitional bilingual,
40 migrant, foster care, homeless, students covered by section 504 of

1 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
2 794), and categories to be added in the future;

3 (c) Behavior infraction code; and

4 (d) Intervention applied.

5 (6) The K-12 data governance group shall develop the data
6 protocols and guidance for school districts in the collection of data
7 as required under this section, and the office of the superintendent
8 of public instruction shall modify the statewide student data system
9 as needed. The office of the superintendent of public instruction
10 shall also incorporate training for school staff on best practices
11 for collection of data on student race and ethnicity in other
12 training or professional development related to data provided by the
13 office.

14 **Sec. 9.** RCW 28A.600.015 and 2016 c 72 s 105 are each amended to
15 read as follows:

16 (1) The superintendent of public instruction shall adopt and
17 distribute to all school districts lawful and reasonable rules
18 prescribing the substantive and procedural due process guarantees of
19 pupils in the common schools. Such rules shall authorize a school
20 district to use informal due process procedures in connection with
21 the short-term suspension of students to the extent constitutionally
22 permissible: PROVIDED, That the superintendent of public instruction
23 deems the interest of students to be adequately protected. When a
24 student suspension or expulsion is appealed, the rules shall
25 authorize a school district to impose the suspension or expulsion
26 temporarily after an initial hearing for no more than (~~ten~~) 10
27 consecutive school days or until the appeal is decided, whichever is
28 earlier. Any days that the student is temporarily suspended or
29 expelled before the appeal is decided shall be applied to the term of
30 the student suspension or expulsion and shall not limit or extend the
31 term of the student suspension or expulsion. An expulsion or
32 suspension of a student may not be for an indefinite period of time.

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

35 (3) Emergency (~~expulsions~~) removals must end or be converted to
36 another form of corrective action within ten school days from the
37 date of the emergency removal from school. Notice and due process
38 rights must be provided when an emergency (~~expulsion~~) removal is
39 converted to another form of corrective action.

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

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

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

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

12 (b) An offense in RCW 13.04.155;

13 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
14 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;
15 or

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

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

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

29 (9) Nothing in this section creates any civil liability for
30 school districts, or creates a new cause of action or new theory of
31 negligence against a school district board of directors, a school
32 district, or the state.

Passed by the House April 13, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 4, 2023.

Filed in Office of Secretary of State May 4, 2023.

--- END ---