

SHB 1296 - H AMD 475

By Representative Stuebe

WITHDRAWN 03/12/2025

1 On page 5, after line 39, insert the following:

2 "Sec. 104. RCW 28A.600.015 and 2023 c 242 s 9 are each amended
3 to read as follows:

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

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

23 (3) Emergency removals must end or be converted to another form
24 of corrective action within (~~ten~~) 10 school days from the date of
25 the emergency removal from school. Notice and due process rights
26 must be provided when an emergency removal is converted to another
27 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, 28A.
14 600.455, 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
17 other students or educational staff; or

18 (e) Behavior that diminishes or impedes the educational
19 opportunity of another student.

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

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

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

1 **Sec. 105.** RCW 28A.600.020 and 2019 c 266 s 22 are each amended
2 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)~~).
15 Except in emergency circumstances, the teacher first must attempt
16 one or more alternative forms of corrective action. In no event
17 (~~((without the consent of the teacher))~~) may an excluded student
18 return to the class (~~((during the balance of that class or activity~~
19 ~~period or up to the following two days, or until the principal or~~
20 ~~his or her designee and the teacher have conferred))~~without the
21 consent of the classroom teacher.

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

1 disrupted the learning of other students. The procedures must be
2 consistent with the rules of the superintendent of public
3 instruction and must provide for early involvement of parents in
4 attempts to improve the student's behavior.

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

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

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

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

17 (iii) Repeatedly engages in behavior that diminishes or impedes
18 the educational opportunity of another student.

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

22 (6) Any corrective action involving a suspension or expulsion
23 from school for more than (~~ten~~) ten days must have an end date of
24 not more than the length of an academic term, as defined by the
25 school board, from the time of corrective action. Districts shall
26 make reasonable efforts to assist students and parents in returning
27 to an educational setting prior to and no later than the end date of
28 the corrective action. Where warranted based on public health or
29 safety, a school may petition the superintendent of the school
30 district, pursuant to policies and procedures adopted by the office
31 of the superintendent of public instruction, for authorization to
32 exceed the academic term limitation provided in this subsection. The
33 superintendent of public instruction shall adopt rules outlining the
34 limited circumstances in which a school may petition to exceed the

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

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

18

19 **Sec. 106.** RCW 28A.600.460 and 2013 2nd sp.s. c 18 s 305 are
20 each amended to read as follows:

21 (1) School district boards of directors shall adopt policies
22 that restore discipline to the classroom. Such policies must provide
23 for at least the following: Allowing each teacher to take
24 disciplinary action to correct a student who disrupts normal
25 classroom activities, abuses or insults a teacher as prohibited by
26 RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul
27 language directed at a school district employee, school volunteer,
28 or another student, violates school rules, or who interferes with an
29 orderly education process. Disciplinary action may include but is
30 not limited to: Oral or written reprimands; classroom exclusion as
31 described in RCW 28A600.020; written notification to parents of
32 disruptive behavior, a copy of which must be provided to the
33 principal.

34

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

6 (3) A student who commits an offense under chapter 9A.36, 9A.40,
7 9A.46, or 9A.48 RCW, when directed toward another student, may be
8 removed from the classroom of the victim for the duration of the
9 student's attendance at that school or any other school where the
10 victim is enrolled. A student who commits an offense under one of
11 the chapters enumerated in this section against a student or another
12 school employee, may be expelled or suspended.

13 (4) Nothing in this section is intended to limit the authority
14 of a school under existing law and rules to expel or suspend a
15 student for misconduct or criminal behavior.

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

EFFECT: Directs principals to consider imposing long-term suspension or expulsion on a student who repeatedly engages behavior that diminishes or impedes the educational opportunity of another student.

Requires a principal and teacher to confer before allowing a student who has disrupted the educational process to return to the teacher's classroom or activity area, even if two days have passed since the disruption (rather than allowing the student to return to the classroom after two days or the principal-teacher conference, whichever occurs first).

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