

# HOUSE BILL REPORT

## E2SSB 5244

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**As Reported by House Committee On:**  
Education

**Title:** An act relating to school suspensions and expulsions.

**Brief Description:** Regarding school suspensions and expulsions.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith and Mullet).

**Brief History:**

**Committee Activity:**

Education: 3/15/13, 3/26/13, 3/28/13 [DPA].

**Brief Summary of Engrossed Second Substitute Bill  
(As Amended by Committee)**

- Prohibits student suspensions or expulsions of indefinite length.
- Requires that student suspensions or expulsions not exceed one academic term unless given specific authorization by the Office of the Superintendent of Public Instruction (OSPI).
- Requires school districts to create a reentry and reengagement plan for long-term suspended or expelled students.
- Directs the OSPI to convene a discipline task force to develop standard definitions for causes of student discipline and data collection standards for disciplinary actions that exclude a student from school and revise the statewide student data system to incorporate the recommendations.
- Prohibits disciplinary actions resulting in the suspension of educational services.

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### HOUSE COMMITTEE ON EDUCATION

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Santos, Chair; Stonier, Vice Chair; Bergquist, Haigh, Hunt, Lytton, Maxwell, McCoy, Orwall, Pollet and Seaquist.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Fagan, Hargrove, Hawkins, Hayes, Klippert, Pike and Warnick.

**Staff:** Luke Wickham (786-7146).

**Background:**

Each school district board of directors is required to adopt written policies regarding student conduct and discipline. The Superintendent of Public Instruction (SPI) must adopt rules providing due process protections of students subject to disciplinary action.

Short-term suspensions may not exceed 10 days. Long-term suspensions last longer than 10 days. Expulsions may last for an indefinite period of time.

Individual student data on disciplinary actions is recorded in the statewide student information system (CEDARS), including disciplinary actions related to bullying, tobacco, alcohol, illicit drugs (other than marijuana), fighting without major injury, violence without major injury, violence with major injury, possession of a weapon, other behavior resulting in suspension or expulsion, serious bodily injury, and marijuana.

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**Summary of Amended Bill:**

The Office of the Superintendent of Public Instruction (OSPI) must convene a discipline task force to develop standard definitions for causes of student discipline and data collection standards for disciplinary actions that exclude a student from school. The OSPI and the K-12 Data Governance Group must revise the statewide student data system to incorporate the standards recommended by the discipline task force.

Suspensions or expulsions may not last for an indefinite period of time. Any suspension or expulsion for more than 10 days must have an end date no later than the end of the academic term in which the student exhibited behavior leading to the corrective action. School districts may petition the SPI for authorization to exceed the academic term limitation. The SPI is required to adopt rules outlining the circumstances when a district may petition to exceed the academic term limitation and those rules must assure that students receive educational services while serving a suspension or expulsion. The SPI may not authorize a petition to exceed the academic term limitation if the school district does not provide educational services during the suspension or expulsion. Emergency expulsions must end or be converted to another form of corrective action within 10 school days.

School districts may not suspend educational services as a disciplinary measure or impose a disciplinary action that results in the suspension of educational services. School districts

must provide an opportunity for students serving a disciplinary action to receive educational services in an alternative manner.

The requirement that principals must consider long-term suspension and expulsion for students that engage in two or more violations of certain laws is modified to indicate that principals may consider long-term suspension or expulsion in those situations. Dress code or grooming code violations are removed from the list of violations that principals should consider in imposing long-term suspension or expulsion for after two or more violations.

School districts are required to record student discipline using the statewide data system.

The Education Data Center must prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system and develop data-sharing and research agreements with the Administrative Office of the Courts to conduct research on educational and workforce outcomes of court-involved juveniles.

School districts should convene a school reenrollment meeting with the student and the student's family or guardians within 20 days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment. School districts must create a reenrollment and reengagement plan.

**Amended Bill Compared to Engrossed Second Substitute Bill:**

The data collection elements of the bill were replaced with the creation of a discipline task force that must develop standard definitions of student disciplinary actions and requires the OSPI and the K-12 Data Governance Group to revise the statewide data system to incorporate student discipline data collection standards recommended by the task force and begin collecting that data in the 2015-16 school year.

School districts may not suspend educational services to a student as a disciplinary measure or impose a disciplinary action that results in the suspension of educational services. School districts must provide an opportunity for a student to receive educational services in an alternative manner.

The one-year limitation for corrective actions is replaced with a requirement that corrective actions have an end date no later than the end of the academic term in which the student exhibited the behavior leading to a corrective action. The authority for the OSPI to grant exemptions beyond the academic term limitation is modified to require the OSPI to adopt rules outlining the limited circumstances in which it will grant exemptions and assuring that students receive educational services. The OSPI may not grant exemptions to the corrective action end date requirement unless school districts provided educational services during the suspension or expulsion.

The term "reentry" is replaced with the term "reenrollment" when referring to plans and meetings between students serving corrective action, parents or guardians, and school districts.

The requirement that the Washington State School Directors' Association develop a model policy for school districts to implement changes to suspension and expulsion policies is removed.

The requirement that principals must consider long-term suspension after students engage in certain behavior is modified to provide that principals may consider long-term suspensions in those circumstances. Dress and grooming code violations are removed from the list of laws which principals may consider imposing a long-term suspension for if a student violates two or more times in a three-year period.

The term parents is replaced with the term family or families as individuals that schools will involve to plan for student reenrollment with school programs.

The Education Data Center must prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system, using disaggregated data, and also develop data-sharing and research agreements with the Administrative Office of the Courts to conduct research on educational and workforce outcomes of the same youth.

School reenrollment meetings should occur no later than five days prior to a student's reenrollment.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available. New fiscal note requested on March 28, 2013.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill represents practical, low-cost solutions to problems related to school suspensions and expulsions. In addition to the strong bi-partisan support in the Senate, the components of this legislation have broad support from community groups and stakeholders ranging from juvenile justice professionals to medical professionals. It is important to update data collection systems. This bill strikes a balance between meaningful disciplinary actions and providing educational services. The reentry meetings and statewide consistency in the length of exclusion are important components of this bill that will increase the opportunity for students to graduate.

While this bill is a step forward, there is room for a few improvements. The data recorded based on school discipline should be improved. Educational services should be provided in an alternative manner. It is important to distinguish between suspension from the classroom and suspension from education. By taking these steps, the disproportionate representation of students of color in school disciplinary actions can be reduced. Transforming school discipline practices will help address the opportunity gap. By making public the disciplinary

data collected, capping the time students are excluded from the classroom, requiring meetings between the school and students, and creating a model disciplinary policy, students will be more engaged and on a path toward graduation. Student discipline data should be disaggregated.

Permanent suspension does not help a child. Having a plan that is discussed with the student and the family will help students successfully reenter the classroom and will need robust funding. There are tools built into this bill which do not limit the ability of schools to respond to student misbehavior. Children act out because they are not getting attention. Many students and parents do not feel welcome in schools based on school culture. The United States is the only developed country that has a jail for our children. In-school suspensions require more staffing and configuration. Some of the hardest-to-serve kids are capable of learning. Mentors are hired in some schools to address these situations. Mentors can have a major impact on children and help them to repair disrespectful behavior. Some of these students do not know how smart they are. By being provided in-school suspensions, students are kept engaged in school. Students who are removed from school are not learning and have more ability to engage in poor behavior.

(With concerns) There are some concerns about the numbers related to this bill. There are concerns related to emergency expulsion being converted to suspension or expulsion within 10 days. The data surrounding active school shooter situations indicates that 93 percent of active shooters were current students, 95 percent showed some planning, 93 percent were engaged in some prior behavior that had others concerned, and 75 percent had been bullied and threatened. Based on this data, it was determined that policy was needed to address threat assessment. A law enforcement investigation and threat assessment following a student engaging in criminal conduct takes about 14 days.

(Opposed) It is going to be difficult, especially in smaller districts, to continue some kind of educational service for students serving a suspension or expulsion. Many of these districts do not have the online resources or capacity to provide alternative educational services to serve these students. Looking at school discipline policy is important in terms of improving our schools. This population of at-risk youth is often overlooked. Student discipline generally goes hand in hand with academic non-performance. It is important to consider how educational services should be delivered to these students in a manner that works for every district. The work in this area should be slowed down so this can be done right. Students often act out to get out of school. This is the most difficult population to offer services to, and the most in need. The more research that is done in this area, the better this population can be served.

**Persons Testifying:** (In support) Senator Litzow, prime sponsor; Anne Lee and Jeannie Nist, TeamChild; Miguel Pérez-Gibson, Latino Progress Alliance and Colville Tribes; Elizabeth Richer, League of Education Voters; Lucinda Young, Education Association; Carol Solomon, Black Education Strategy Roundtable; and Sebrena Burr, Parent Teacher Student Association.

(With concerns) Gene Sementi, West Valley School District.

(Opposed) Mike Messenger, East Valley School District; and Kevin Chase, Grandview School District.

**Persons Signed In To Testify But Not Testifying:** None.