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**SUBSTITUTE SENATE BILL 5244**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith, and Mullet)

READ FIRST TIME 02/07/13.

1 AN ACT Relating to school suspensions and expulsions; amending RCW  
2 28A.600.015, 28A.600.020, 28A.600.410, 28A.300.046, 28A.300.042, and  
3 28A.300.507; adding a new section to chapter 28A.600 RCW; and creating  
4 a new section.

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

6 **Sec. 1.** RCW 28A.600.015 and 2006 c 263 s 701 are each amended to  
7 read as follows:

8 (1) The superintendent of public instruction shall adopt and  
9 distribute to all school districts lawful and reasonable rules  
10 prescribing the substantive and procedural due process guarantees of  
11 pupils in the common schools. Such rules shall authorize a school  
12 district to use informal due process procedures in connection with the  
13 short-term suspension of students to the extent constitutionally  
14 permissible: PROVIDED, That the superintendent of public instruction  
15 deems the interest of students to be adequately protected. When a  
16 student suspension or expulsion is appealed, the rules shall authorize  
17 a school district to impose the suspension or expulsion temporarily  
18 after an initial hearing for no more than ten consecutive school days  
19 or until the appeal is decided, whichever is earlier. Any days that

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

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

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

13 **Sec. 2.** RCW 28A.600.020 and 2006 c 263 s 706 are each amended to  
14 read as follows:

15 (1) The rules adopted pursuant to RCW 28A.600.010 shall be  
16 interpreted to ensure that the optimum learning atmosphere of the  
17 classroom is maintained, and that the highest consideration is given to  
18 the judgment of qualified certificated educators regarding conditions  
19 necessary to maintain the optimum learning atmosphere.

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

32 (3) In order to preserve a beneficial learning environment for all  
33 students and to maintain good order and discipline in each classroom,  
34 every school district board of directors shall provide that written  
35 procedures are developed for administering discipline at each school  
36 within the district. Such procedures shall be developed with the  
37 participation of parents and the community, and shall provide that the

1 teacher, principal or designee, and other authorities designated by the  
2 board of directors, make every reasonable attempt to involve the parent  
3 or guardian and the student in the resolution of student discipline  
4 problems. Such procedures shall provide that students may be excluded  
5 from their individual classes or activities for periods of time in  
6 excess of that provided in subsection (2) of this section if such  
7 students have repeatedly disrupted the learning of other students. The  
8 procedures must be consistent with the rules of the superintendent of  
9 public instruction and must provide for early involvement of parents in  
10 attempts to improve the student's behavior.

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

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

18 ((+a)) (i) Engages in two or more violations within a three-year  
19 period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460,  
20 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

21 ((+b)) (ii) Engages in one or more of the offenses listed in RCW  
22 13.04.155.

23 (b) The principal shall communicate the disciplinary action taken  
24 by the principal to the school personnel who referred the student to  
25 the principal for disciplinary action.

26 (6) Any corrective action involving a suspension or expulsion from  
27 school for more than ten days must have an end date of not more than  
28 one calendar year from the time of corrective action. Districts shall  
29 make reasonable efforts to assist students and parents in returning to  
30 an educational setting prior to and no later than the end date of the  
31 corrective action.

32 (7) Nothing in this section prevents a public school district,  
33 educational service district, the Washington state center for childhood  
34 deafness and hearing loss, or the state school for the blind if it has  
35 suspended or expelled a student from the student's regular school  
36 setting from providing educational services to the student in an  
37 alternative setting or modifying the suspension or expulsion on a case-  
38 by-case basis.

1           **Sec. 3.** RCW 28A.600.410 and 1992 c 155 s 1 are each amended to  
2 read as follows:

3           The state of Washington excludes tens of thousands of students from  
4 school each year due to out-of-school suspensions and expulsions. Out-  
5 of-school suspensions and expulsions contribute to poor academic  
6 achievement, lower graduation rates, and higher dropout rates. It is  
7 the intent of the legislature to minimize the use of out-of-school  
8 suspension and expulsion and its impact on student achievement by  
9 reducing the number of days that students are excluded from school due  
10 to disciplinary action. Student behavior should not result in the  
11 permanent loss of educational opportunity in the public school system.

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

19           **Sec. 4.** RCW 28A.300.046 and 2011 c 288 s 10 are each amended to  
20 read as follows:

21           (1)(a) The superintendent of public instruction shall adopt rules  
22 establishing a standard definition of student absence from school. In  
23 adopting the definition, the superintendent shall review current  
24 practices in Washington school districts, definitions used in other  
25 states, and any national standards or definitions used by the national  
26 center for education statistics or other national groups. The  
27 superintendent shall also consult with the building bridges work group  
28 established under RCW 28A.175.075.

29           (b) Using the definition of student absence adopted under this  
30 section, the superintendent shall establish an indicator for measuring  
31 student attendance in high schools for purposes of the PASS program  
32 under RCW 28A.175.130.

33           (2)(a) The K-12 data governance group under RCW 28A.300.507 shall  
34 establish the parameters and an implementation schedule for statewide  
35 collection through the comprehensive education and data research system  
36 of: (i) Student attendance data using the definitions of student

1 absence adopted under this section; and (ii) student discipline data  
2 with a focus on suspensions and expulsions from school.

3 (b) (~~At a minimum,~~) Student suspension and expulsion data  
4 collected for the purposes of this subsection (2) must be:

5 (i) Made publicly available and easily accessible on the  
6 superintendent of public instruction's web site; and

7 (ii) Disaggregated and crosstabulated as established under RCW  
8 28A.300.042.

9 (c) School districts must collect and submit student attendance  
10 data and student discipline data for high school students through the  
11 comprehensive education and data research system for purposes of the  
12 PASS program under RCW 28A.175.130 beginning in the 2012-13 school  
13 year.

14 **Sec. 5.** RCW 28A.300.042 and 2009 c 468 s 4 are each amended to  
15 read as follows:

16 (1) All student data-related reports required of the superintendent  
17 of public instruction in this title must be disaggregated by at least  
18 the following subgroups of students: White, Black, Hispanic, American  
19 Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low  
20 income, transitional bilingual, migrant, special education, and  
21 students covered by section 504 of the federal rehabilitation act of  
22 1973, as amended (29 U.S.C. Sec. 794).

23 (2) All student data-related reports required of the superintendent  
24 of public instruction regarding student suspensions and expulsions as  
25 required in RCW 28A.300.046 are subject to disaggregation by subgroups  
26 including:

27 (a) Gender;

28 (b) Foster care;

29 (c) Homeless;

30 (d) School district;

31 (e) School;

32 (f) Grade level;

33 (g) Behavior infraction code, including:

34 (i) Bullying;

35 (ii) Tobacco;

36 (iii) Alcohol;

37 (iv) Illicit drug;

1 (v) Fighting without major injury;  
2 (vi) Violence without major injury;  
3 (vii) Violence with major injury;  
4 (viii) Possession of a weapon; and  
5 (ix) Other behavior resulting from a short-term or long-term  
6 suspension, expulsion, or interim alternative education setting  
7 intervention;

8 (h) Intervention applied, including:

9 (i) Short-term suspension;

10 (ii) Long-term suspension;

11 (iii) Emergency expulsion;

12 (iv) Expulsion;

13 (v) Interim alternative education settings;

14 (vi) No intervention applied; and

15 (vii) Other intervention applied that is not described in this  
16 subsection (2)(h);

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

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

21 (3) All student data-related reports required of the superintendent  
22 of public instruction regarding student suspensions and expulsions as  
23 required in RCW 28A.300.046 are subject to cross-tabulation at a  
24 minimum by the following:

25 (a) School and district;

26 (b) Race, low income, special education, transitional bilingual,  
27 migrant, foster care, homeless, students covered by section 504 of the  
28 federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794),  
29 and categories to be added in the future;

30 (c) Behavior infraction code; and

31 (d) Intervention applied.

32 **Sec. 6.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended to  
33 read as follows:

34 (1) A K-12 data governance group shall be established within the  
35 office of the superintendent of public instruction to assist in the  
36 design and implementation of a K-12 education data improvement system  
37 for financial, student, and educator data. It is the intent that the

1 data system reporting specifically serve requirements for teachers,  
2 parents, superintendents, school boards, the office of the  
3 superintendent of public instruction, the legislature, and the public.

4 (2) The K-12 data governance group shall include representatives of  
5 the education data center, the office of the superintendent of public  
6 instruction, the legislative evaluation and accountability program  
7 committee, the professional educator standards board, the state board  
8 of education, and school district staff, including information  
9 technology staff. Additional entities with expertise in education data  
10 may be included in the K-12 data governance group.

11 (3) The K-12 data governance group shall:

12 (a) Identify the critical research and policy questions that need  
13 to be addressed by the K-12 education data improvement system;

14 (b) Identify reports and other information that should be made  
15 available on the internet in addition to the reports identified in  
16 subsection (5) of this section;

17 (c) Create a comprehensive needs requirement document detailing the  
18 specific information and technical capacity needed by school districts  
19 and the state to meet the legislature's expectations for a  
20 comprehensive K-12 education data improvement system as described under  
21 RCW 28A.655.210;

22 (d) Conduct a gap analysis of current and planned information  
23 compared to the needs requirement document, including an analysis of  
24 the strengths and limitations of an education data system and programs  
25 currently used by school districts and the state, and specifically the  
26 gap analysis must look at the extent to which the existing data can be  
27 transformed into canonical form and where existing software can be used  
28 to meet the needs requirement document;

29 (e) Focus on financial and cost data necessary to support the new  
30 K-12 financial models and funding formulas, including any necessary  
31 changes to school district budgeting and accounting, and on assuring  
32 the capacity to link data across financial, student, and educator  
33 systems; and

34 (f) Define the operating rules and governance structure for K-12  
35 data collections, ensuring that data systems are flexible and able to  
36 adapt to evolving needs for information, within an objective and  
37 orderly data governance process for determining when changes are needed  
38 and how to implement them. Strong consideration must be made to the

1 current practice and cost of migration to new requirements. The  
2 operating rules should delineate the coordination, delegation, and  
3 escalation authority for data collection issues, business rules, and  
4 performance goals for each K-12 data collection system, including:

5 (i) Defining and maintaining standards for privacy and  
6 confidentiality;

7 (ii) Setting data collection priorities;

8 (iii) Defining and updating a standard data dictionary;

9 (iv) Ensuring data compliance with the data dictionary;

10 (v) Ensuring data accuracy; and

11 (vi) Establishing minimum standards for school, student, financial,  
12 and teacher data systems. Data elements may be specified "to the  
13 extent feasible" or "to the extent available" to collect more and  
14 better data sets from districts with more flexible software. Nothing  
15 in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed  
16 to require that a data dictionary or reporting should be hobbled to the  
17 lowest common set. The work of the K-12 data governance group must  
18 specify which data are desirable. Districts that can meet these  
19 requirements shall report the desirable data. Funding from the  
20 legislature must establish which subset data are absolutely required.

21 (4)(a) The K-12 data governance group shall provide updates on its  
22 work as requested by the education data center and the legislative  
23 evaluation and accountability program committee.

24 (b) The work of the K-12 data governance group shall be  
25 periodically reviewed and monitored by the educational data center and  
26 the legislative evaluation and accountability program committee.

27 (5) To the extent data is available, the office of the  
28 superintendent of public instruction shall make the following minimum  
29 reports available on the internet. The reports must either be run on  
30 demand against current data, or, if a static report, must have been run  
31 against the most recent data:

32 (a) The percentage of data compliance and data accuracy by school  
33 district;

34 (b) The magnitude of spending per student, by student estimated by  
35 the following algorithm and reported as the detailed summation of the  
36 following components:

37 (i) An approximate, prorated fraction of each teacher or human



1 resource element that directly serves the student. Each human resource  
2 element must be listed or accessible through online tunneling in the  
3 report;

4 (ii) An approximate, prorated fraction of classroom or building  
5 costs used by the student;

6 (iii) An approximate, prorated fraction of transportation costs  
7 used by the student; and

8 (iv) An approximate, prorated fraction of all other resources  
9 within the district. District-wide components should be disaggregated  
10 to the extent that it is sensible and economical;

11 (c) The cost of K-12 basic education, per student, by student, by  
12 school district, estimated by the algorithm in (b) of this subsection,  
13 and reported in the same manner as required in (b) of this subsection;

14 (d) The cost of K-12 special education services per student, by  
15 student receiving those services, by school district, estimated by the  
16 algorithm in (b) of this subsection, and reported in the same manner as  
17 required in (b) of this subsection;

18 (e) Improvement on the statewide assessments computed as both a  
19 percentage change and absolute change on a scale score metric by  
20 district, by school, and by teacher that can also be filtered by a  
21 student's length of full-time enrollment within the school district;

22 (f) Number of K-12 students per classroom teacher on a per teacher  
23 basis;

24 (g) Number of K-12 classroom teachers per student on a per student  
25 basis;

26 (h) Percentage of a classroom teacher per student on a per student  
27 basis; and

28 (i) The cost of K-12 education per student by school district  
29 sorted by federal, state, and local dollars.

30 ~~(6) ((The superintendent of public instruction shall submit a  
31 preliminary report to the legislature by November 15, 2009, including  
32 the analyses by the K-12 data governance group under subsection (3) of  
33 this section and preliminary options for addressing identified gaps.  
34 A final report, including a proposed phase-in plan and preliminary cost  
35 estimates for implementation of a comprehensive data improvement system  
36 for financial, student, and educator data shall be submitted to the  
37 legislature by September 1, 2010.~~

1       ~~(7)~~) All reports and data referenced in this section and RCW  
2 43.41.400 and 28A.655.210 shall be made available in a manner  
3 consistent with the technical requirements of the legislative  
4 evaluation and accountability program committee and the education data  
5 center so that selected data can be provided to the legislature,  
6 governor, school districts, and the public.

7       ~~((8))~~ (7) Reports shall contain data to the extent it is  
8 available. All reports must include documentation of which data are  
9 not available or are estimated. Reports must not be suppressed because  
10 of poor data accuracy or completeness. Reports may be accompanied with  
11 documentation to inform the reader of why some data are missing or  
12 inaccurate or estimated.

13       (8) The K-12 data governance group shall examine the data collected  
14 under the behavior infraction subgroup in RCW 28A.300.042(2)(g)(ix) and  
15 create at least four additional behavior infraction codes including the  
16 four most common behaviors reported under the behavior infraction  
17 subgroup in RCW 28A.300.042(2)(g)(ix), and may create other categories  
18 as needed, by December 1, 2013.

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

21       (1) School districts are expected to continue to serve, support,  
22 and reengage students who are excluded from the regular school setting  
23 as a result of a long-term suspension or expulsion. These students  
24 should not be unenrolled from the school they were suspended or  
25 expelled from unless they are enrolled in another school program.  
26 School districts should make efforts to have suspended or expelled  
27 students return to the educational setting they were suspended or  
28 expelled from as soon as possible. School districts should convene a  
29 school reentry meeting with the student and the student's parents or  
30 guardians within twenty days of the student's long-term suspension or  
31 expulsion to discuss a plan to reenter and reengage the student in a  
32 school program.

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

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

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

9 NEW SECTION. **Sec. 8.** (1) The Washington state school directors'  
10 association shall develop a model policy for school districts to  
11 implement changes to suspension and expulsion policies.

12 (2) The model policy must include at a minimum: Appropriate  
13 discipline actions for unwanted student behavior, training in cultural  
14 sensitivity regarding school discipline policies and procedures;  
15 prevention and intervention guidance including best practices; and  
16 parental engagement.

17 (3) The model policy must be made available on the Washington state  
18 school directors' association web site by March 1, 2014.

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