

---

SENATE BILL 5244

---

State of Washington

63rd Legislature

2013 Regular Session

By Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith, and Mullet

Read first time 01/24/13. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to school suspensions and expulsions; and amending  
2 RCW 28A.600.015, 28A.600.020, and 28A.600.410.

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

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

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

1 expulsion and shall not limit or extend the term of the student  
2 suspension or expulsion. An expulsion or suspension of a student may  
3 not be for an indefinite period of time.

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

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

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

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

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

30 (3) In order to preserve a beneficial learning environment for all  
31 students and to maintain good order and discipline in each classroom,  
32 every school district board of directors shall provide that written  
33 procedures are developed for administering discipline at each school  
34 within the district. Such procedures shall be developed with the  
35 participation of parents and the community, and shall provide that the  
36 teacher, principal or designee, and other authorities designated by the  
37 board of directors, make every reasonable attempt to involve the parent

1 or guardian and the student in the resolution of student discipline  
2 problems. Such procedures shall provide that students may be excluded  
3 from their individual classes or activities for periods of time in  
4 excess of that provided in subsection (2) of this section if such  
5 students have repeatedly disrupted the learning of other students. The  
6 procedures must be consistent with the rules of the superintendent of  
7 public instruction and must provide for early involvement of parents in  
8 attempts to improve the student's behavior.

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

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

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

19 ((+b)) (ii) Engages in one or more of the offenses listed in RCW  
20 13.04.155.

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

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

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

--- END ---