
SENATE BILL 5155

State of Washington

65th Legislature

2017 Regular Session

By Senators Billig, Saldaña, Lias, Rolfes, Frockt, Takko, Darneille, Wellman, Kuderer, and Hasegawa

Read first time 01/13/17. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to suspension and expulsion of kindergarten and
2 early elementary school students; amending RCW 28A.600.015,
3 28A.600.020, 28A.600.410, and 28A.600.460; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that significant
7 numbers of Washington kindergarten and elementary school students are
8 suspended or expelled from school. Research indicates that school
9 expulsion and suspension practices are associated with negative
10 educational and life outcomes. Suspension and expulsion remove
11 children from learning environments where they can develop social-
12 emotional, behavioral, and academic skills, and they set children on
13 a negative path early in their school education. Nationwide, students
14 of color and students with disabilities are more likely to be
15 suspended or expelled, exacerbating opportunity gaps. The legislature
16 intends to eliminate the developmentally inappropriate use of
17 suspension and expulsion as a response to behavior for children in
18 grades kindergarten through two, and to encourage schools and
19 districts to adopt evidence-based practices to support students in
20 meeting behavioral expectations.

1 **Sec. 2.** RCW 28A.600.015 and 2016 c 72 s 105 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall adopt and
4 distribute to all school districts lawful and reasonable rules
5 prescribing the substantive and procedural due process guarantees of
6 pupils in the common schools. Such rules shall authorize a school
7 district to use informal due process procedures in connection with
8 the short-term suspension of students to the extent constitutionally
9 permissible: PROVIDED, That the superintendent of public instruction
10 deems the interest of students to be adequately protected.

11 (2) When a student suspension or expulsion is appealed, the rules
12 shall authorize a school district to impose the suspension or
13 expulsion temporarily after an initial hearing for no more than ten
14 consecutive school days or until the appeal is decided, whichever is
15 earlier. Any days that the student is temporarily suspended or
16 expelled before the appeal is decided shall be applied to the term of
17 the student suspension or expulsion and shall not limit or extend the
18 term of the student suspension or expulsion.

19 (3) An expulsion or suspension of a student may not be for an
20 indefinite period of time.

21 ~~((2))~~ (4) Short-term suspension procedures may be used for
22 suspensions of students up to and including, ten consecutive school
23 days.

24 ~~((3))~~ (5) Emergency expulsions must end or be converted to
25 another form of corrective action within ten school days from the
26 date of the emergency removal from school. Notice and due process
27 rights must be provided when an emergency expulsion is converted to
28 another form of corrective action.

29 ~~((4))~~ (6) School districts may not suspend or expel any student
30 who is enrolled in grades kindergarten through two, except when the
31 suspension is based on possession of a firearm on school premises or
32 transportation as provided in RCW 28A.600.420. School districts may
33 remove any student who is enrolled in grades kindergarten through two
34 from school for the remainder of a school day if the local
35 superintendent or the local superintendent's designee has good and
36 sufficient reason to believe that the student's presence poses an
37 immediate and continuing danger to students or school staff or poses
38 an immediate and continuing threat of substantial disruption of the
39 educational process.

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

3 ~~((+5))~~ (8) 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))~~ (11) of this
6 section.

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

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

14 (b) An offense in RCW 13.04.155;

15 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
16 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;
17 or

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

20 ~~((+7))~~ (10) Except as provided in RCW 28A.600.420, school
21 districts are not required to impose long-term suspension or
22 expulsion for behavior that constitutes a violation or offense listed
23 under subsection ~~((+6))~~ (9)(a) through (d) of this section and
24 should first consider alternative actions.

25 ~~((+8))~~ (11) School districts may not suspend the provision of
26 educational services to a student as a disciplinary action. A student
27 may be excluded from a particular classroom or instructional or
28 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))~~ (12) Nothing in this section creates any civil liability
32 for school districts, or creates a new cause of action or new theory
33 of negligence against a school district board of directors, a school
34 district, or the state.

35 **Sec. 3.** RCW 28A.600.020 and 2016 c 72 s 106 are each amended to
36 read as follows:

37 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
38 interpreted to ensure that the optimum learning atmosphere of the
39 classroom is maintained, and that the highest consideration is given

1 to the judgment of qualified certificated educators regarding
2 conditions necessary to maintain the optimum learning atmosphere.

3 (2) Any student who creates a disruption of the educational
4 process in violation of the building disciplinary standards while
5 under a teacher's immediate supervision may be excluded by the
6 teacher from his or her individual classroom and instructional or
7 activity area for all or any portion of the balance of the school
8 day(~~(, or up to the following two days,)~~) or until the principal or
9 designee and teacher have conferred, whichever occurs first. Except
10 in emergency circumstances, the teacher first must attempt one or
11 more alternative forms of corrective action. In no event without the
12 consent of the teacher may an excluded student return to the class
13 during the balance of that class or activity period (~~(or up to the~~
14 ~~following two days,)~~) or until the principal or his or her designee
15 and the teacher have conferred.

16 (3) In order to preserve a beneficial learning environment for
17 all students and to maintain good order and discipline in each
18 classroom, every school district board of directors shall provide
19 that written procedures are developed for supporting students in
20 meeting behavioral expectations and administering discipline at each
21 school within the district. Such procedures shall be developed with
22 the participation of parents and the community, and shall provide
23 that the teacher, principal or designee, and other authorities
24 designated by the board of directors, make every reasonable attempt
25 to involve the parent or guardian and the student in the resolution
26 of student discipline problems. Such procedures shall provide that
27 students in grades three through twelve may be excluded from their
28 individual classes or activities for periods of time in excess of
29 that provided in subsection (2) of this section if such students have
30 repeatedly disrupted the learning of other students. The procedures
31 must be consistent with the rules of the superintendent of public
32 instruction and must provide for early involvement of parents in
33 attempts to improve the student's behavior.

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

38 (5)(a) A principal shall consider imposing long-term suspension
39 or expulsion as a sanction when deciding the appropriate disciplinary

1 action for a student in grades three through twelve who, after July
2 27, 1997:

3 (i) Engages in two or more violations within a three-year period
4 of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020,
5 28A.635.060, or 9.41.280; or

6 (ii) Engages in one or more of the offenses listed in RCW
7 13.04.155.

8 (b) The principal shall communicate the disciplinary action taken
9 by the principal to the school personnel who referred the student to
10 the principal for disciplinary action.

11 (6) Any corrective action involving a suspension or expulsion
12 from school for more than ten days must have an end date of not more
13 than the length of an academic term, as defined by the school board,
14 from the time of corrective action. Districts shall make reasonable
15 efforts to assist students and parents in returning to an educational
16 setting prior to and no later than the end date of the corrective
17 action. Where warranted based on public health or safety, a school
18 may petition the superintendent of the school district, pursuant to
19 policies and procedures adopted by the office of the superintendent
20 of public instruction, for authorization to exceed the academic term
21 limitation provided in this subsection. The superintendent of public
22 instruction shall adopt rules outlining the limited circumstances in
23 which a school may petition to exceed the academic term limitation,
24 including safeguards to ensure that the school district has made
25 every effort to plan for the student's return to school. School
26 districts shall report to the office of the superintendent of public
27 instruction the number of petitions made to the school board and the
28 number of petitions granted on an annual basis.

29 (7) Nothing in this section prevents a public school district,
30 educational service district, the Washington state center for
31 childhood deafness and hearing loss, or the state school for the
32 blind if it has suspended or expelled a student from the student's
33 regular school setting from providing educational services to the
34 student in an alternative setting or modifying the suspension or
35 expulsion on a case-by-case basis. An alternative setting should be
36 comparable, equitable, and appropriate to the regular education
37 services a student would have received without the exclusionary
38 discipline. Example alternative settings include alternative high
39 schools, one-on-one tutoring, and online learning.

1 **Sec. 4.** RCW 28A.600.410 and 1992 c 155 s 1 are each amended to
2 read as follows:

3 (1) School districts are encouraged to find alternatives to
4 suspension including reducing the length of a student's suspension
5 conditioned by the commencement of counseling or other treatment
6 services. Consistent with current law, the conditioning of a
7 student's suspension does not obligate the school district to pay for
8 the counseling or other treatment services except for those
9 stipulated and agreed to by the district at the inception of the
10 suspension.

11 (2) School districts are encouraged to implement evidence-based
12 preventative or restorative programs that support students in meeting
13 behavioral expectations, and to train teachers, administrators, and
14 student support staff as necessary to implement those programs.
15 Evidence-based preventative and restorative programs may include but
16 are not limited to positive behavioral interventions and supports,
17 trauma-informed schools, social and emotional learning, referral
18 services, and restorative practices.

19 **Sec. 5.** RCW 28A.600.460 and 2013 2nd sp.s. c 18 s 305 are each
20 amended to read as follows:

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

32 (2) A student committing an offense under chapter 9A.36, 9A.40,
33 9A.46, or 9A.48 RCW when the activity is directed toward the teacher,
34 shall not be assigned to that teacher's classroom for the duration of
35 the student's attendance at that school or any other school where the
36 teacher is assigned.

37 (3) A student who commits an offense under chapter 9A.36, 9A.40,
38 9A.46, or 9A.48 RCW, when directed toward another student, may be
39 removed from the classroom of the victim for the duration of the

1 student's attendance at that school or any other school where the
2 victim is enrolled. A student in grades three through twelve who
3 commits an offense under one of the chapters enumerated in this
4 section against a student or another school employee, may be expelled
5 or suspended.

6 (4) Nothing in this section is intended to limit the authority of
7 a school under existing law and rules to expel or suspend a student
8 in grades three through twelve for misconduct or criminal behavior.

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

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