



# **Washington Compilation of School Discipline Laws and Regulations**

Prepared: March 31, 2023

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2023. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

*Prepared by:*



**National Center on Safe Supportive  
Learning Environments**

**Engagement • Safety • Environment**

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# ***Washington State Codes Cited***

## **Revised Code of Washington**

### **Title 9. Crimes and Punishments**

#### **Chapter 9.41. Firearms and Dangerous Weapons**

[RCW 9.41.280.](#) Possessing dangerous weapons on school facilities - Penalty - Exceptions

### **Title 9A. Washington Criminal Code**

#### **Chapter 9A.16. Defenses**

[RCW 9A.16.100.](#) Use of force on children - Policy - Actions presumed unreasonable

### **Title 28A. Common School Provisions**

#### **Chapter 28A.150. General Provisions**

[RCW 28A.150.300.](#) Corporal punishment prohibited - Adoption of policy

[RCW 28A.150.305.](#) Alternative educational service providers - Student eligibility

#### **Chapter 28A.155. Special Education**

[RCW 28A.155.210.](#) Use of restraint or isolation - Requirement for procedures to notify parent or guardian

#### **Chapter 28A.170. Substance Abuse Awareness Program**

[RCW 28A.170.050.](#) Advisory committee - Members - Duties

[RCW 28A.170.075.](#) Findings - Intent

[RCW 28A.170.080.](#) Grants - Substance abuse intervention [RCW](#)

[28A.170.090.](#) Selection of grant recipients - Program rules

#### **Chapter 28A.175. Dropout prevention, intervention, and retrieval system**

[RCW 28A.175.025.](#) Building bridges program-Grants

[RCW 28A.175.074.](#) Definitions

#### **Chapter 28A.210. Health-Screening and Requirements**

[RCW 28A.210.310.](#) Prohibition on use of tobacco products on school property

#### **Chapter 28A.225. Compulsory School Attendance and Admission**

[RCW 28A.225.005.](#) Information for students and parents

[RCW 28A.225.015.](#) Attendance mandatory - Six or seven years olds - Unexcused absences - Petition

[RCW 28A.225.018.](#) Conferences to identify barriers to child's school attendance

[RCW 28A.225.020.](#) School's duties upon child's failure to attend school

[RCW 28A.225.023.](#) Youth dependent pursuant to chapter 13.34 RCW - Review of unexpected or excessive absences - Support for youth's school work

[RCW 28A.225.025.](#) Community engagement boards

[RCW 28A.225.026.](#) Community engagement boards - Memoranda of understanding with juvenile courts - Designation of school district coordinators to address absenteeism and truancy - Community-wide partnerships

<a href="#">RCW 28A.225.0261.</a>	Community engagement boards - Effect of diversion from truancy petitions - Evaluation by Washington state institute for public policy- Reports
<a href="#">RCW 28A.225.027.</a>	Community engagement boards - Grants for training - Grants for services and treatment
<a href="#">RCW 28A.225.030.</a>	Petition to juvenile court for violations by a parent or child - School district responsibilities
<a href="#">RCW 28A.225.031.</a>	Alcohol or controlled substances testing - Authority to order
<a href="#">RCW 28A.225.035.</a>	Petition to juvenile court - Contents - Court action - Referral to community engagement board or other coordinated intervention - Transfer of jurisdiction upon relocation
<a href="#">RCW 28A.225.060.</a>	Custody and disposition of child absent from school without excuse
<a href="#">RCW 28A.225.090.</a>	Court orders - Penalties - Parents' defense
<a href="#">RCW 28A.225.151.</a>	Student-level truancy data - Reports - Data protocols and guidance for school districts

### **Chapter 28A.300. Superintendent of Public Instruction**

<a href="#">RCW 28A.300.042.</a>	Collection and submittal of student-level data - Student data-related reports - Disaggregation of data by subgroups - Modification of statewide student data systems
<a href="#">RCW 28A.300.046.</a>	"Student absence from school" - Rules - Collection of attendance and discipline data
<a href="#">RCW 28A.300.139.</a>	Washington integrated student supports protocol
<a href="#">RCW 28A.300.185.</a>	Family preservation education program
<a href="#">RCW 28A.300.270.</a>	Violence prevention training
<a href="#">RCW 28A.300.275.</a>	Alternative school start-up grants - School safety grants - Report to legislative committees
<a href="#">RCW 28A.300.2851.</a>	School bullying and harassment - Work group
<a href="#">RCW 28A.300.288.</a>	Youth suicide prevention activities
<a href="#">RCW 28A.300.360.</a>	Grants for programs and services - Truant, at-risk, and expelled students
<a href="#">RCW 28A.300.477.</a>	Social-emotional learning committee
<a href="#">RCW 28A.300.478.</a>	Social-emotional learning standards and benchmarks
<a href="#">RCW 28A.300.479.</a>	Social-emotional learning resources
<a href="#">RCW 28A.300.490.</a>	Task force on gangs in schools - Reports
<a href="#">RCW 28A.300.630.</a>	School safety center
<a href="#">RCW 28A.300.640.</a>	School-based threat assessment program-Model policy and procedure
<a href="#">RCW 28A.300.645.</a>	Monitoring and data collection—Comprehensive safe school plans, student distress, and school-based threat assessment programs
<a href="#">RCW 28A.300.650</a>	School resource officer training - Materials- Grant program- Report

### **Chapter 28A.310. Educational Service Districts**

<a href="#">RCW 28A.310.500.</a>	Youth suicide screening and referral - Response to emotional or behavioral distress in students - Training for educators and staff - Suicide prevention training
<a href="#">RCW 28A.310.510.</a>	Regional school safety centers

### **Chapter 28A.320. Provisions Applicable to All Districts**

#### **District Powers and Duties**

<a href="#">RCW 28A.320.123.</a>	School-based threat assessment program
<a href="#">RCW 28A.320.124.</a>	School resource officer programs

<a href="#">RCW 28A.320.127.</a>	Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse
<a href="#">RCW 28A.320.1271.</a>	Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students
<a href="#">RCW 28A.320.128.</a>	Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty
<a href="#">RCW 28A.320.130.</a>	Weapons incidents - Reporting
<a href="#">RCW 28A.320.140.</a>	Schools with special standards - Dress codes
<a href="#">RCW 28A.320.211.</a>	Discipline policies, procedures, and rules - Dissemination of information - Use of disaggregated data - Review
<a href="#">RCW 28A.320.280.</a>	School counselors, social workers, and psychologists-Priorities
<a href="#">RCW 28A.320.290.</a>	School counselors, social workers, and psychologists-Professional collaboration

### **Chapter 28A.345. Washington State School Directors' Association**

<a href="#">RCW 28A.345.085.</a>	Model policy and procedure for nurturing a positive social and emotional school and classroom climate—Adoption by school districts
<a href="#">RCW 28A.345.090.</a>	Model school district discipline policies - Adoption and enforcement by school districts

### **Chapter 28A.400. Employees**

#### **Principals**

<a href="#">RCW 28A.400.110.</a>	Principal to assure appropriate student discipline - Building discipline standards - Classes to improve classroom management skills
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### **Chapter 28A.405. Certificated Employees**

#### **Chapter 28A.410. Certification**

<a href="#">RCW 28A.410.035.</a>	Qualifications - Coursework on issues of abuse; sexual abuse and exploitation of a minor; and emotional or behavioral distress in students, including possible substance abuse, violence, and youth suicide
<a href="#">RCW 28A.410.044.</a>	School psychologists and social workers-Domains and roles
<a href="#">RCW 28A.410.270.</a>	Washington professional educator standards board-Performance standards- Certification levels-Teacher effectiveness evaluations-Requirements for professional certificate and residency teaching certificate-Demonstration of educator preparation programs' outcomes

### **Chapter 28A.415. Institutes, Workshops, and Training**

<a href="#">RCW 28A.415.410.</a>	Training to support discipline policies under chapter 28A.600 RCW
<a href="#">RCW 28A.415.445.</a>	Training in children's mental health topics-Required use of one professional learning day every other year

### **Chapter 28A.600. Students**

<a href="#">RCW 28A.600.010.</a>	Enforcement of rules of conduct - Due process guarantees - Computation of days for short-term and long-term suspensions
<a href="#">RCW 28A.600.015.</a>	Expulsions and suspensions- Rules incorporating due process - Short-term and long-term suspensions- Emergency expulsions- Discretionary discipline
<a href="#">RCW 28A.600.020.</a>	Exclusion of student from classroom - Written disciplinary procedures - Long- term suspension or expulsion
<a href="#">RCW 28A.600.022.</a>	Suspended or expelled students - Reengagement plan

<a href="#">RCW 28A.600.040.</a>	Pupils to comply with rules and regulations
<a href="#">RCW 28A.600.210.</a>	School locker searches - Findings
<a href="#">RCW 28A.600.220.</a>	School locker searches - No expectation of privacy
<a href="#">RCW 28A.600.230.</a>	School locker searches - Authorization - Limitations
<a href="#">RCW 28A.600.240.</a>	School locker searches - Notice and reasonable suspicion requirements
<a href="#">RCW 28A.600.410.</a>	Alternatives to suspension - Encouraged
<a href="#">RCW 28A.600.420.</a>	Firearms on school premises, transportation, or facilities - Penalty - Exemptions
<a href="#">RCW 28A.600.455.</a>	Gang activity - Suspension or expulsion
<a href="#">RCW 28A.600.460.</a>	Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions
<a href="#">RCW 28A.600.477.</a>	Prohibition of harassment, intimidation, and bullying
<a href="#">RCW 28A.600.480.</a>	Reporting of harassment, intimidation, or bullying - Retaliation prohibited - Immunity
<a href="#">RCW 28A.600.485.</a>	Restraint of students—Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973—Procedures—Summary of incidents of isolation or restraint— Publishing to web site
<a href="#">RCW 28A.600.486.</a>	District policy on the use of isolation and restraint - Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973
<a href="#">RCW 28A.600.490.</a>	Discipline task force - Development of standard definitions - Development of data collection standards - Membership - Statewide student data system revision

### **Chapter 28A.605. Parent Access**

<a href="#">RCW 28A.605.010.</a>	Removing child from school grounds during school hours
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### **Chapter 28A.642. Discrimination Prohibition**

<a href="#">RCW 28A.642.080.</a>	Transgender student policy and procedure
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### **Chapter 28A.635. Offenses Relating to School Property and Personnel**

<a href="#">RCW 28A.635.060.</a>	Defacing or injuring school property - Liability of pupil, parent, or guardian - Withholding grades, diploma, or transcripts - Suspension and restitution - Voluntary work program as alternative - Rights protected
<a href="#">RCW 28A.635.090.</a>	Interference by force or violence - Penalty

### **Title 43. State Government - Executive**

<a href="#">RCW 43.06B.060.</a>	Public school antiharassment policies and strategies - Lead agency
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## **Washington Regulations**

### **Washington Administrative Code**

### **Title 392. Public Instruction, Superintendent of**

### **Chapter 392-172A. Rules for the provision of special education**

#### **Definitions**

<a href="#">WAC 392-172A-01107.</a>	Isolation
<a href="#">WAC 392-172A-01162.</a>	Restraint
<a href="#">WAC 392-172A-01163.</a>	Restraint device



## **Other Requirements**

- [WAC 392-172A-02076](#). Prohibited practices
- [WAC 392-172A-02105](#). Emergency response protocols
- [WAC 392-172A-02110](#). Isolation and restraint - Conditions

## **Chapter 392-190. Equal Educational Opportunity - Unlawful Discrimination Prohibited**

### **Access to Course Offerings**

- [WAC 392-190-048](#). Access to course offerings - Student discipline and corrective action

### **Harassment**

- [WAC 392-190-0555](#). Discriminatory harassment
- [WAC 392-190-059](#). Harassment, intimidation, and bullying prevention policy and procedure - School districts
- [WAC 392-190-060](#). Compliance - School district or public charter school - Designation of responsible employee - Notification

## **Chapter 392-400. Student Discipline**

- [WAC 392-400-010](#). Purpose
- [WAC 392-400-015](#). Authority
- [WAC 392-400-020](#). Application
- [WAC 392-400-025](#). Definitions

### **Discipline Policies and Procedures**

- [WAC 392-400-110](#). Discipline policies and procedures - Development, review, and distribution
- [WAC 392-400-115](#). Completing academic requirements

### **Classroom Exclusions**

- [WAC 392-400-330](#). Classroom exclusions - Conditions and limitations.
- [WAC 392-400-335](#). Classroom exclusion - Notice and procedure.

### **Suspension and Expulsions**

- [WAC 392-400-430](#). Suspensions and expulsions - General conditions and limitations
- [WAC 392-400-435](#). Short-term and in-school suspensions - Additional conditions and limitations
- [WAC 392-400-440](#). Long-term suspensions - Additional conditions and limitations
- [WAC 392-400-445](#). Expulsions - Additional conditions and limitations
- [WAC 392-400-450](#). Suspensions and expulsions - Initial hearing with student
- [WAC 392-400-455](#). Suspensions and expulsions - Notice to student and parents
- [WAC 392-400-460](#). Suspensions and expulsions - Optional conference with principal
- [WAC 392-400-465](#). Suspensions and expulsions - Appeal
- [WAC 392-400-470](#). Suspensions and expulsions - Review and reconsideration
- [WAC 392-400-475](#). Discipline appeal council
- [WAC 392-400-480](#). Petition to extend expulsion

### **Emergency Expulsions**

- [WAC 392-400-510](#). Emergency expulsions - Conditions and limitations
- [WAC 392-400-515](#). Emergency expulsions - Notice to students and parents
- [WAC 392-400-520](#). Emergency expulsions - Optional conference with principal
- [WAC 392-400-525](#). Emergency expulsions - Appeal
- [WAC 392-400-530](#). Emergency expulsions - Review and reconsideration

**Educational Services**

[WAC 392-400-610.](#) Educational services during suspension, expulsion, or emergency expulsion

**Reengagement**

[WAC 392-400-710.](#) Student reengagement after long-term suspension or expulsion

**Additional Due Process Protections**

[WAC 392-400-805.](#) Fundamental rights  
[WAC 392-400-810.](#) Exceptions for the purpose of protecting victims  
[WAC 392-400-815.](#) Behavior agreements  
[WAC 392-400-820.](#) Firearm exceptions  
[WAC 392-400-825.](#) Corporal punishment, restraint, and isolation

**Chapter 392-401. Statewide definition of absence, excused and unexcused**

[WAC 392-401-005.](#) Purpose  
[WAC 392-401-010.](#) Authority  
[WAC 392-401-015.](#) Definition of absent or absence  
[WAC 392-401-020.](#) Excused absences  
[WAC 392-401-030.](#) Unexcused absences

**Chapter 392-405. Harassment, Intimidation and Bullying**

[WAC 392-405-005.](#) Authority  
[WAC 392-405-010.](#) Purpose  
[WAC 392-405-020.](#) School district rules defining harassment, intimidation and bullying prevention policies and procedures - Distribution of rules

# ***Codes of Conduct***

## **Authority to Develop and Establish Codes of Conduct**

### **LAWS**

#### **RCW 28A.150.300. Corporal punishment prohibited - Adoption of policy.**

The use of corporal punishment in the common schools is prohibited. The superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted and implemented in all school districts.

#### **RCW 28A.320.128. Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty.**

(1) By September 1, 2020, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm"; and

(b) Procedures for complying with the notification provisions in RCW 28A.320.163.

(2) The Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section. The model policy shall be disseminated by the Washington state school directors' association and made available to the public on its web site. Each school district shall adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

#### **RCW 28A.345.090. Model school district discipline policies - Adoption and enforcement by school districts.**

(1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year.

#### **RCW 28A.400.110. Principal to assure appropriate student discipline - Building discipline standards - Classes to improve classroom management skills.**

Within each school the school principal shall determine that appropriate student discipline is established and enforced. In order to assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review

building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW 28A.600.020(3).

School principals and certificated employees shall also confer annually, to establish criteria for determining when certificated employees must complete classes to improve classroom management skills.

**RCW 28A.600.010. Enforcement of rules of conduct - Due process guarantees - Computation of days for short-term and long-term suspensions.**

Every board of directors, unless otherwise specifically provided by law, shall:

- (1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.
- (2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

- (3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015.

**RCW 28A.600.015. Expulsions and suspensions- Rules incorporating due process - Short-term and long-term suspensions- Emergency expulsions- Discretionary discipline.**

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

**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

- (3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for

periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

**RCW 28A.600.040. Pupils to comply with rules and regulations.**

All pupils who attend the common schools shall comply with the rules and regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine.

**RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.**

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

**REGULATIONS**

**WAC 392-190-059. Harassment, intimidation, and bullying prevention policy and procedure - School districts.**

(1) Each school district must adopt a harassment, intimidation, and bullying prevention policy and procedure as provided for in RCW 28A.300.285.

**WAC 392-400-010. Purpose.**

The purpose of this chapter is to ensure that school districts in Washington:

- (2) Implement culturally responsive discipline policies and procedures that provide opportunity for all students to achieve personal and academic success;
- (3) Engage school personnel, students, parents, families, and the community in decisions related to the development and implementation of discipline policies and procedures.

**WAC 392-400-020. Application.**

- (2) This chapter must be construed in a manner consistent with the following laws and rules:
  - (a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline.

**WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter.

## Scope

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## Communication of Policy

### LAWS

#### **RCW 28A.320.211. Discipline policies, procedures, and rules - Dissemination of information - Use of disaggregated data - Review.**

- (1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.
- (2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.
- (3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

#### **RCW 28A.600.010. Enforcement of rules of conduct - Due process guarantees - Computation of days for short-term and long-term suspensions.**

Every board of directors, unless otherwise specifically provided by law, shall:

- (1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.
- (2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

- (3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015.

#### **RCW 28A.600.477. Prohibition of harassment, intimidation, and bullying.**

- (1)(b) School districts must share the policy and procedure prohibiting harassment, intimidation, and bullying with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction. [...]
- (3)(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training

materials prohibiting harassment, intimidation, and bullying to be posted on the office of the superintendent of public instruction's school safety center web site, and must also provide the office of the superintendent of public instruction with a link to the school district's web site for further information. The school district's primary contact for harassment, intimidation, and bullying issues must annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its web site, with a link to the school safety center web site, the revised and updated model policy and procedure prohibiting harassment, intimidation, and bullying, along with training and instructional materials on the components that must be included in any school district policy and procedure prohibiting harassment, intimidation, and bullying. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts' communication of the policy and procedure prohibiting harassment, intimidation, and bullying to parents, students, employees, and volunteers.

**RCW 28A.600.486. District policy on the use of isolation and restraint - Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.**

Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created.

**RCW 28A.642.080. Transgender student policy and procedure.**

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction. [...]

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's web site at no cost to school districts.

## **REGULATIONS**

**WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

**WAC 392-405-010. Purpose.**

The purpose of this chapter is to establish the requirements school districts must meet when communicating the district's harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers.

**WAC 392-405-020. School district rules defining harassment, intimidation and bullying prevention policies and procedures - Distribution of rules.**

- (1) A school district's harassment, intimidation and bullying policy and procedure must be published and made available to all parents or guardians, students, employees, and volunteers on an annual basis.
- (2) A school district must publish, at a minimum, the following materials:
  - (a) The district's policy and procedure;
  - (b) A harassment, intimidation, and bullying incident reporting form; and
  - (c) Current contact information for the district's harassment, intimidation and bullying compliance officer.
- (3) If a school district does not distribute the policy and procedure to all parents or guardians, students, employees, and volunteers, the district must provide notice that describes the contents of the policy and procedure and specifies the person(s) to contact for a copy. The notice must be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.



# ***In-School Discipline***

## **Discipline Frameworks**

### **LAWS**

#### **RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.**

- (1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.
- (2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.
- (3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.
- (4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.
- (5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

#### **RCW 28A.345.090. Model school district discipline policies - Adoption and enforcement by school districts.**

- (1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.
- (2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year.

### **REGULATIONS**

#### **WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

- (1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures

for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

- (a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;
- (b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;
- (c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;
- (d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;
- (e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;
- (f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;
- (g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;
- (h) Establish grievance procedures to address parents' or students' grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;
- (i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;
- (j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;
- (k) Provide a process for students who have been suspended or expelled to petition for readmission; and
- (l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

- (a) Monitor the impact of the school district's discipline policies, procedures, and practices; and
- (b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

# Teacher Authority to Remove Students From Classrooms

## LAWS

### **RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

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

## REGULATIONS

### **WAC 392-400-330. Suspensions and expulsions - General conditions and limitations.**

(1) Authority to administer classroom exclusions.

(a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.

(b) Other school personnel authority. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.

### **WAC 392-400-335. Short-term and in-school suspensions - Additional conditions and limitations.**

Following a classroom exclusion under WAC 392-400-330:

(3) Emergency circumstances. When a teacher or school personnel administers a classroom exclusion on the grounds that the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

(a) The teacher or other school personnel must immediately notify the principal or designee; and

(b) The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

# Alternatives to Suspension

## LAWS

### **RCW 28A.225.090. Court orders - Penalties - Parents' defense.**

(4) If a child continues to be truant after entering into a court-approved order with the community engagement board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may impose alternatives to detention consistent with best practice models for reengagement with school.

**RCW 28A.600.010. Enforcement of rules of conduct - Due process guarantees - Computation of days for short-term and long-term suspensions.**

Every board of directors, unless otherwise specifically provided by law, shall:

- (1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.
- (2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

- (3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015.

**RCW 28A.600.015. Expulsions and suspensions- Rules incorporating due process - Short-term and long-term suspensions- Emergency expulsions- Discretionary discipline.**

- (4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.
- (5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

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

**RCW 28A.600.410. Alternatives to suspension - Encouraged.**

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

## **REGULATIONS**

### **WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

- (e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

### **WAC 392-400-330. Suspensions and expulsions - General conditions and limitations.**

(1) Authority to administer classroom exclusions.

(a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.

(b) Other school personnel authority. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.

(2) Other forms of discipline. The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

### **WAC 392-400-435. Short-term and in-school suspensions - Additional conditions and limitations.**

(1) Other forms of discipline. Before administering a short-term or in-school suspension, a school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

### **WAC 392-400-440. Long-term suspensions - Additional conditions and limitations.**

(1) Other forms of discipline. Before administering a long-term suspension, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

### **WAC 392-400-445. Expulsions - Additional conditions and limitations.**

(1) Other forms of discipline. Before administering an expulsion, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

# ***Conditions on Use of Certain Forms of Discipline***

## **Corporal Punishment**

### **LAWS**

#### **RCW 28A.150.300. Corporal punishment prohibited - Adoption of policy.**

The use of corporal punishment in the common schools is prohibited. The superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted and implemented in all school districts.

### **REGULATIONS**

#### **WAC 392-400-825. Corporal punishment, restraint, and isolation.**

(1) Corporal punishment. A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

- (a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;
- (b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or
- (c) Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.

## **Search and Seizure**

### **LAWS**

#### **RCW 28A.600.210. School locker searches - Findings.**

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

#### **RCW 28A.600.220. School locker searches - No expectation of privacy.**

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240.

#### **RCW 28A.600.230. School locker searches - Authorization - Limitations.**

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

- (a) The methods used are reasonably related to the objectives of the search; and
- (b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

**RCW 28A.600.240. School locker searches - Notice and reasonable suspicion requirements.**

(1) In addition to the provisions in RCW 28A.600.230, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of RCW 28A.600.230(2).

**REGULATIONS**

**WAC 392-400-805. Fundamental rights.**

When administering discipline under this chapter, the school district must not:

- (3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures.

**Restraint and Seclusion**

**LAWS**

**RCW 9A.16.100. Use of force on children - Policy - Actions presumed unreasonable.**

It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

**RCW 28A.155.210. Use of restraint or isolation - Requirement for procedures to notify parent or guardian.**

A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of a parent or guardian regarding the use of restraint or isolation.

**RCW 28A.600.485. Restraint of students-Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973-Procedures-Summary of incidents of isolation or restraint-Publishing to web site.**

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Isolation" means restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

(b) "Restraint" means physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.

(c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students.

This section shall not be construed as encouraging the use of these devices.

(2) The provisions of this section apply to all students, including those who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. The provisions of this section apply only to incidents of restraint or isolation that occur while a student is participating in school-sponsored instruction or activities.

(3)(a) An individualized education program or plan developed under section 504 of the rehabilitation act of 1973 must not include the use of restraint or isolation as a planned behavior intervention unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. All other plans may refer to the district policy developed under subsection (3)(b) of this section. Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.

(b) Restraint or isolation of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, as defined in \*RCW 70.96B.010. Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district shall adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances.

(4) Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: (a) Reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and (b) reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.



(5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information:

- (a) The date and time of the incident;
- (b) The name and job title of the individual who administered the restraint or isolation;
- (c) A description of the activity that led to the restraint or isolation;
- (d) The type of restraint or isolation used on the student, including the duration;
- (e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and
- (f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

(6) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

(7)(a) Beginning January 1, 2016, and by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.

(b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its web site the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

**RCW 28A.600.486. District policy on the use of isolation and restraint - Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.**

Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created.

**REGULATIONS**

**WAC 392-172A-01107. Isolation.**

Isolation as defined in RCW 28A.600.485 means: Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

**WAC 392-172A-01162. Restraint.**

Restraint as defined in RCW 28A.600.485 means: Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such

as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely.

**WAC 392-172A-01163. Restraint device.**

Restraint device as defined in RCW 28A.600.485 means: A device used to assist in controlling a student including, but not limited to, metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. This section shall not be construed as encouraging the use of these devices. A restraint device does not include a seat harness used to transport a student safely or other safety devices, including safety belts for wheelchairs, changing tables, booster seats, and other ambulatory or therapeutic devices when used for the purpose intended for the safety of a student.

**WAC 392-172A-02076. Prohibited practices.**

(1) School district personnel are prohibited from using aversive interventions with a student eligible for special education, and are prohibited from physically restraining or isolating any student, except when the student's behavior poses an imminent likelihood of serious harm as defined in WAC 392-172A-01092 and 392-172A-01109.

(2) There are certain practices that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or their illegality. The purpose of this section is to prohibit the use of certain practices with students eligible for special education as follows:

(c)(i) Force and restraint in general. A district must not use force or restraint that is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law. See RCW 9A.16.100, which prohibits the following uses of force or restraint including:

(A) Throwing, kicking, burning, or cutting a student.

(B) Striking a student with a closed fist.

(C) Shaking a student under age three.

(D) Interfering with a student's breathing.

(E) Threatening a student with a deadly weapon.

(F) Doing any other act that is likely to cause bodily harm to a student greater than transient pain or minor temporary marks.

(ii) The statutory listing of worst case uses of force or restraint described in this subsection may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances. [...]

(e) Isolation. A student must not be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172A-02110. [...]

(i) Physical restraints. A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object, except under the conditions set forth in WAC 392-172A-02110.

**WAC 392-172A-02105. Emergency response protocols.**

(1) If the parent and the school district determine that a student requires advanced educational planning, the parent and the district may develop emergency response protocols to be used in the case of emergencies that pose an imminent likelihood of serious harm, as defined in this section. Emergency response protocols, if developed, must be incorporated into a student's IEP. Emergency response protocols shall not be used as a substitute for the systematic use of a behavioral intervention plan that is

designed to change, replace, modify, or eliminate a targeted behavior. Emergency response protocols are subject to the conditions and limitations as follows:

- (a) The student's parent provides consent, as defined in WAC 392-172A-01040, in advance, to the emergency response protocols to be adopted;
- (b) The emergency response protocols specify:
  - (i) The emergency conditions under which isolation, restraint, or restraint devices, if any, may be used;
  - (ii) The type of isolation, restraint, and/or restraint device, if any, that may be used;
  - (iii) The staff members or contracted positions permitted to use isolation, restraint, or restraint devices with the student, updated annually, and identify any required training associated with the use of isolation, restraint, or restraint device for each staff member or contracted position;
  - (iv) Any other special precautions that must be taken.
- (c) Any use of isolation, restraint, and/or restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.
- (d) Any staff member or other adults using isolation, restraint, or a restraint device must be trained and currently certified by a qualified provider in the use of trauma-informed crisis intervention (including de-escalation techniques) and the safe use of isolation, restraint, or a restraint device.

**WAC 392-172A-02110. Isolation and restraint - Conditions.**

Any use of isolation, restraint, and/or restraint device shall be used only when a student's behavior poses an imminent likelihood of serious harm. The limited use of isolation, restraint, or restraint device not prohibited in WAC 392-172A-02076 is conditioned upon compliance with the following procedural and substantive safeguards:

- (1) Isolation. The use of isolation as defined by RCW 28A.600.485 is subject to each of the following conditions:
  - (a) The isolation must be discontinued as soon as the likelihood of serious harm has dissipated.
  - (b) The isolation enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.
  - (c) The isolation enclosure shall permit continuous visual monitoring of the student from outside the enclosure.
  - (d) An adult responsible for supervising the student shall remain in visual or auditory range of the student at all times.
  - (e) Either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student.
  - (f) Any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.
- (2) Restraint. The use of restraint as defined by RCW 28A.600.485 is subject to each of the following conditions:
  - (a) The restraint must be discontinued as soon as the likelihood of serious harm has dissipated.
  - (b) The restraint shall not interfere with the student's breathing.
  - (c) Any staff member or other adults using a restraint must be trained and certified by a qualified provider in the use of such restraints, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(3) Restraint device. The use of a restraint device as defined by RCW 28A.600.485 is subject to each of the following conditions:

- (a) The restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.
- (b) The restraint device shall not interfere with the student's breathing.
- (c) Either the student shall be capable of releasing himself or herself from the restraint device or the student shall continuously remain within view of an adult responsible for supervising the student.
- (d) Any staff member or other adults using a restraint device must be trained and certified by a qualified provider in the use of such restraint devices, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(4) School districts must follow the documentation and reporting requirements for any use of isolation, restraint, or restraint device consistent with RCW 28A.600.485.

**WAC 392-400-825. Corporal punishment, restraint, and isolation.**

(2) Restraint and isolation. A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

# ***Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement***

## **Grounds for Suspension or Expulsion**

### **LAWS**

#### **RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

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

- (i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9A.41.280; or
- (ii) Engages in one or more of the offenses listed in RCW 13.04.155.

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

#### **RCW 28A.600.420. Firearms on school premises, transportation, or facilities - Penalty - Exemptions.**

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, or state school for the blind, or the director of the Washington center for deaf and hard of hearing youth, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9A.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

- (a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or
- (b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or
- (c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appears to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.

**RCW 28A.600.455. Gang activity - Suspension or expulsion.**

(1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.

(2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

**RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.**

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

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

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

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

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

**RCW 28A.635.060. Defacing or injuring school property - Liability of pupil, parent, or guardian - Withholding grades, diploma, or transcripts - Suspension and restitution - Voluntary work program as alternative - Rights protected.**

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, may be subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the diploma, but not the grades or transcripts, of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages. When the student and parent or guardian are unable to pay for the damages, the school district shall provide a program of community service for the student in lieu of the payment of monetary damages. Upon completion of community service the diploma of the student must be released. The parent or guardian of the student shall be liable for damages as otherwise provided by law.

**RCW 28A.635.090. Interference by force or violence - Penalty .**

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. Any such interference by force or violence committed by a student shall be grounds for immediate suspension or expulsion of the student.

**REGULATIONS****WAC 392-400-025. Definitions.**

As used in this chapter the terms:

- (1) "Behavioral violation" means a student's behavior that violates a school district's discipline policy adopted under WAC 392-400-110.
- (2) "Classroom exclusion" means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements in WAC 392-400-330 and 392-400-335. Classroom exclusion does not include actions that result in missed instruction for a brief duration when:
  - (a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
  - (b) The student remains under the supervision of the teacher or other school personnel during such brief duration.
- (3) "Culturally responsive" has the same meaning as "cultural competency" in RCW 28A.410.270.
- (4) "Discipline" means any action taken by a school district in response to behavioral violations.
- (5) "Disruption of the educational process" means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.
- (6) "Emergency expulsion" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.
- (7) "Expulsion" means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.
- (8) "Length of an academic term" means the total number of school days in a single trimester or semester, as defined by the school board.
- (9) "Other forms of discipline" means actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- (10) "Parent" has the same meaning as in WAC 392-172A-01125.
- (11) "School business day" means any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the superintendent of a school district is open to the public for business.
- (12) "School board" means the governing board of directors of a local school district.
- (13) "School day" means any day or partial day that students are in attendance at school for instructional purposes.

(14) "Suspension" means a denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.

(a) "In-school suspension" means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(b) "Long-term suspension" means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(c) "Short-term suspension" means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

#### **WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered; [...]

(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline.

#### **WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.**

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(1) Parent involvement. A school district must:

(a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and

(b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

(2) Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

(3) Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

(4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(5) Reentry. After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.



(7) Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

(8) End date.

(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

**WAC 392-400-510. Emergency expulsions - Conditions and limitations.**

A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

(1) Sufficient cause. The school district must have sufficient cause to believe that the student's presence poses:

(a) An immediate and continuing danger to other students or school personnel; or

(b) An immediate and continuing threat of material and substantial disruption of the educational process.

(2) Determination of immediate and continuing threat of disruption. For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:

(a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and

(b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

(3) Time limit. An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

(4) Conversion. If a school district converts an emergency expulsion to a suspension or expulsion, the district must:

(a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and

(b) Provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Reporting. All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

**WAC 392-400-820. Firearm exceptions.**

As provided under RCW 28A.600.420:

(1) A school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The school district superintendent may modify the expulsion on a case-by-case basis.

(2) A school district may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

(3) This section does not apply to:

(a) Any student while engaged in military education authorized by the school district in which rifles are used;

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the school district in which the rifles of collectors or instructors are handled or displayed; or

(c) Any student while participating in a rifle competition authorized by the school district.

**Limitations or Conditions on Exclusionary Discipline****LAWS****RCW 28A.225.023. Youth dependent pursuant to chapter 13.34 RCW - Review of unexpected or excessive absences - Support for youth's school work.**

A school district representative or school employee shall review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth, to include the youth's caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents or the person providing placement for the youth. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, inpatient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the youth's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

**RCW 28A.320.123. School-based threat assessment program.**

(1) At a minimum, a school-based threat assessment program must:

(e) Prohibit suspension or expulsion based merely on threat assessment referral or performance.

**RCW 28A.600.015. Expulsions and suspensions- Rules incorporating due process - Short-term and long-term suspensions- Emergency expulsions- Discretionary discipline.**

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

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

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

**RCW 28A.600.022. Suspended or expelled students - Reengagement plan.**

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

**REGULATIONS**

**WAC 392-400-330. Suspensions and expulsions - General conditions and limitations.**

(1) Authority to administer classroom exclusions.

(a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.

(b) Other school personnel authority. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.

(2) Other forms of discipline. The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(3) Limitations on classroom exclusion.

(a) Duration of classroom exclusion. A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

(b) Removal from school. A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

**WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.**

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

- (2) Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

**WAC 392-400-435. Short-term and in-school suspensions - Additional conditions and limitations.**

(3) Grade-level limitations.

- (a) A school district may not administer a short-term or in-school suspension for a student in kindergarten through fourth grade for more than ten cumulative school days during any academic term; and
- (b) A school district may not administer a short-term or in-school suspension for a student in grades five through twelve:
  - (i) For more than fifteen cumulative school days during any single semester; or
  - (ii) For more than ten cumulative school days during any single trimester.

**WAC 392-400-440. Long-term suspensions - Additional conditions and limitations.**

(1) Other forms of discipline. Before administering a long-term suspension, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) Limitations on long-term suspensions. A school district may only administer a long-term suspension:

- (a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
- (b) After the school district has determined that, if the student returned to school before completing a long-term suspension:
  - (i) The student would pose an imminent danger to students or school personnel; or
  - (ii) The student would pose an imminent threat of material and substantial disruption of the educational process.

(3) Length of exclusion.

- (a) A long-term suspension may not exceed the length of an academic term.
- (b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

(4) Grade-level limitations. Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension for any student in kindergarten through fourth grade.

**WAC 392-400-445. Expulsions - Additional conditions and limitations.**

(1) Other forms of discipline. Before administering an expulsion, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) Limitations on expulsions. A school district may only administer an expulsion:

- (a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
- (b) After the school district has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

(3) Length of exclusion. An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the school district superintendent for extension of an expulsion under WAC 392-400-480, and the petition is granted.

(4) Grade-level limitations. Except for violations of WAC 392-400-820, a school district may not administer an expulsion for any student in kindergarten through fourth grade.

**WAC 392-400-820. Firearm exceptions.**

As provided under RCW 28A.600.420:

(1) A school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The school district superintendent may modify the expulsion on a case-by-case basis.

(2) A school district may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

(3) This section does not apply to:

(a) Any student while engaged in military education authorized by the school district in which rifles are used;

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the school district in which the rifles of collectors or instructors are handled or displayed; or

(c) Any student while participating in a rifle competition authorized by the school district.

## **Due Process**

### **LAWS**

**RCW 28A.225.035. Petition to juvenile court - Contents - Court action - Referral to community engagement board or other coordinated intervention - Transfer of jurisdiction upon relocation.**

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community engagement board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

**RCW 28A.600.010. Enforcement of rules of conduct - Due process guarantees - Computation of days for short-term and long-term suspensions.**

Every board of directors, unless otherwise specifically provided by law, shall:

- (1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.
- (2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

- (3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015.

**RCW 28A.600.015. Expulsions and suspensions- Rules incorporating due process - Short-term and long-term suspensions- Emergency expulsions- Discretionary discipline.**

- (1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible:

PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

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

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

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

- (5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

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

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

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9A.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

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

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

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

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

**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

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

**RCW 28A.635.060. Defacing or injuring school property - Liability of pupil, parent, or guardian - Withholding grades, diploma, or transcripts - Suspension and restitution - Voluntary work program as alternative - Rights protected.**

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, may be subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the diploma, but not the grades or transcripts, of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages. When the student and parent or guardian are unable to pay for the damages, the school district shall provide a program of community service for the student in lieu of the payment of monetary damages. Upon completion of community service the diploma of the student must be released. The parent or guardian of the student shall be liable for damages as otherwise provided by law.

(2) Before the diploma is withheld under this section, a school district board of directors shall adopt procedures which insure that students' rights to due process are protected.

## **REGULATIONS**

### **WAC 392-400-010. Purpose.**

The purpose of this chapter is to ensure that school districts in Washington:

- (1) Provide due process to students.

### **WAC 392-400-015. Authority.**

The authority for this chapter is RCW 28A.600.015 and 28A.600.020, which require the office of superintendent of public instruction to establish rules that prescribe the substantive and procedural due process rights of students served by any program or activity conducted by, or on behalf of, school districts.

### **WAC 392-400-020. Application.**

- (1) This chapter establishes the minimum procedural and substantive due process rights of students when they may be subject to discipline in Washington school districts. A school district may establish additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.

### **WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

- (1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

- (g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;
- (h) Establish grievance procedures to address parents' or students' grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation.

### **WAC 392-400-330. Suspensions and expulsions - General conditions and limitations.**

- (3) Limitations on classroom exclusion.

- (a) Duration of classroom exclusion. A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.
- (b) Removal from school. A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

### **WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.**

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

- (5) Reentry. After suspending or expelling a student, a school district must:
  - (b) Allow the student to petition for readmission at any time. [...]



(8) End date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480.

**WAC 392-400-450. Suspensions and expulsions - Initial hearing with student.**

(1) Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

(a) Notice of the student's violation of the school district's discipline policy adopted under WAC 392-400-110;

(b) An explanation of the evidence regarding the behavioral violation;

(c) An explanation of the discipline that may be administered; and

(d) An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

(2) Parent participation.

(a) Short-term and in-school suspensions. At an initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

(b) Long-term suspensions and expulsions. At an initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.

(3) Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

(4) Language assistance. The school district must ensure that the initial hearing is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-455. Suspensions and expulsions - Notice to student and parents.**

(1) Initial notice. Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

(2) Written notice. No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;

(d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;

(e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;

(f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, including where and to whom the appeal must be requested; and

(g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-460. Suspensions and expulsions - Optional conference with principal.**

(1) Requesting a conference. If the student or parents disagree with the school district's decision to suspend or expel the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

(2) Time limit. The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(3) Conference. During the informal conference, the principal or designee must provide the student and parents the opportunity to:

(a) Share the student's perspective and explanation regarding the behavioral violation;

(b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and

(c) Discuss other forms of discipline that may be administered.

(4) Language assistance. The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Right to appeal. An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC 392-400-465, participate in a reengagement meeting under WAC 392-400-710, or petition for readmission.

**WAC 392-400-465. Suspensions and expulsions - Appeal.**

(1) Requesting an appeal. A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.

(2) Time limit. A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.

(3) Short-term and in-school suspensions.

(a) Appeal. The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

(b) Appeal decision. The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:

- (i) The decision to affirm, reverse, or modify the suspension;
- (ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
- (iii) The educational services the school district will offer to the student during the suspension under WAC 392-400-610; and
- (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.

(4) Long-term suspensions and expulsions.

(a) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

- (i) The time, date, and location of the appeal hearing;
- (ii) The name(s) of the official(s) presiding over the appeal;
- (iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;
- (iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;
- (v) The student's and parents' rights under (f) of this subsection; and
- (vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.

(b) Reengagement. Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

(c) Appeal hearing. The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.

(d) Presiding officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(e) Evidence and witnesses.

- (i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
- (ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
- (iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
  - (A) The district made a reasonable effort to produce the witness; and
  - (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

- (f) Student and parent rights. During the appeal hearing, the student and parents have the right to:
  - (i) Be represented by legal counsel;
  - (ii) Question witnesses;
  - (iii) Share the student's perspective and provide explanation regarding the behavioral violation; and
  - (iv) Introduce relevant documentary, physical, or testimonial evidence.
- (g) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.
- (h) Appeal decision. The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:
  - (i) The findings of fact;
  - (ii) A determination whether:
    - (A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;
    - (B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and
    - (C) The suspension or expulsion is affirmed, reversed, or modified;
  - (iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
  - (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and
  - (v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.
- (5) Language assistance. The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (6) Pending appeal. If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
  - (a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;
  - (b) Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;
  - (c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

**WAC 392-400-470. Suspensions and expulsions - Review and reconsideration.**

- (1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-465. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than ten school business days from the date the school district provides the written appeal decision to the student and parents under WAC 392-400-465.

(3) Review procedure.

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal under WAC 392-400-465, relevant state law, and the school district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision under WAC 392-400-465. If the discipline appeal council presided over the appeal under WAC 392-400-465, the decision must be made by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and

(c) For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### **WAC 392-400-475. Discipline appeal council.**

A school board may designate a discipline appeal council to hear and decide appeals under WAC 392-400-465 or to review and reconsider the district's appeal decisions under WAC 392-400-470. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

#### **WAC 392-400-480. Petition to extend expulsion.**

(1) Petition. When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school district superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:

(a) The behavioral violation that resulted in the expulsion and the public health or safety concerns;

(b) The student's academic, attendance, and discipline history;

(c) Any nonacademic supports and behavioral services the student was offered or received during the expulsion;

(d) The student's academic progress during the expulsion and the educational services available to the student during the expulsion;

(e) The proposed extended length of the expulsion; and

(f) The student's reengagement plan.

(2) Time limit. The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820, the principal or designee may petition to extend an expulsion at any time.

(3) Notice. The school district must provide written notice of the petition to the student and parents in person, by mail, or by email within one school business day from the date the superintendent or designee received the petition. The written notice must include:

(a) A copy of the petition;

(b) The student's and parents' right to an informal conference with the school district superintendent or designee to be held within five school business days from the date the district provided written notice to the student and parents; and

(c) The student's and parents' right to respond to the petition orally or in writing to the school district superintendent or designee within five school business days from the date the district provided written notice.

(4) Written decision. The school district superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten school business days after receiving the petition.

(a) If the petition is granted, the written decision must include:

(i) The date on which the extended expulsion will end;

(ii) The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and

(iii) Notice of the student's or parents' right to request review and reconsideration of the appeal decision under subsection (5) of this section, including where and to whom to make the request.

(b) If the petition is not granted, the written decision must identify the date on which the expulsion will end.

(5) Review and reconsideration.

(a) Requesting review. The students or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.

(b) Time limit. A school district may establish a time limit for parents and students to request a review under this subsection. The time limit must be no less than ten school business days from the date the school district superintendent or designee provides the written decision under subsection (4) of this section.

(c) Review procedure.

(i) The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.

(ii) The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision under WAC 392-400-465.

(d) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

(i) Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and

(ii) The date on which the extended expulsion will end.

(6) Duration. Any extension of an expulsion may not exceed the length of an academic term.

(7) Language assistance. The school district must ensure that any petition proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(8) Annual reporting. The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

**WAC 392-400-510. Emergency expulsions - Conditions and limitations.**

A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

(4) Conversion. If a school district converts an emergency expulsion to a suspension or expulsion, the district must:

(a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and

(b) Provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

**WAC 392-400-515. Emergency expulsions - Notice to students and parents.**

(1) Initial notice. After an emergency expulsion, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

(2) Written notice. Within twenty-four hours after an emergency expulsion, a school district must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;

(b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;

(c) The opportunity to receive educational services during the emergency expulsion under WAC 392-400-610;

(d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and

(e) The student's and parents' right to appeal the emergency expulsion under WAC 392-400-525, including where and to whom the appeal must be requested.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-520. Emergency expulsions - Optional conference with principal.**

- (1) Requesting a conference. If a student or the parents disagree with the school district's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- (2) Time limit. The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
- (3) Conference. During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.
- (4) Language assistance. The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (5) Right to appeal. An informal conference must not limit a student's or parents' right to appeal the emergency expulsion under WAC 392-400-525.

**WAC 392-400-525. Emergency expulsions - Appeal.**

- (1) Requesting an appeal. A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.
- (2) Time limit. A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.
- (3) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
  - (a) The time, date, and location of the appeal hearing;
  - (b) The name(s) of the official(s) presiding over the appeal;
  - (c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;
  - (d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and
  - (e) The student's and parents' rights under subsection (7) of this section.
- (4) Appeal hearing. The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.
- (5) Presiding official(s). The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.
- (6) Evidence and witnesses.
  - (a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.



(b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

- (i) The district made a reasonable effort to produce the witness; and
- (ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) Student and parent rights. The student and parents have the right to:

- (a) Be represented by legal counsel;
- (b) Question witnesses;
- (c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and
- (d) Introduce relevant documentary, physical, or testimonial evidence.

(8) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) Appeal decision. The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

- (a) The findings of fact;
- (b) A determination whether the student's presence continues to pose:
  - (i) An immediate and continuing danger to students or school personnel; or
  - (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
- (c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480; and
- (d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.

(10) Language assistance. The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### **WAC 392-400-530. Emergency expulsions - Review and reconsideration.**

(1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) Review procedure.

- (a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency

expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### **WAC 392-400-805. Fundamental rights.**

When administering discipline under this chapter, the school district must not:

(1) Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;

(2) Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;

(3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;

(4) Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or

(5) Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

# Return to School Following Removal

## LAWS

### **RCW 28A.150.305. Alternative educational service providers - Student eligibility.**

(4) For the purpose of this section, the superintendent of public instruction shall adopt rules for reporting and documenting enrollment. Students may reenter at the grade level appropriate to the student's ability. Students who are sixteen years of age or older may take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190.

### **RCW 28A.175.074. Definitions.**

The definitions in this section apply throughout section 3, chapter 243, Laws of 2010 and RCW 28A.175.075 unless the context clearly requires otherwise.

(3) "K-12 dropout prevention, intervention, and reengagement system" means a system that provides all of the following functions:

(g) Providing retrieval or reentry activities.

### **RCW 28A.225.090. Court orders - Penalties - Parents' defense.**

(4) If a child continues to be truant after entering into a court-approved order with the community engagement board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may impose alternatives to detention consistent with best practice models for reengagement with school.

### **RCW 28A.300.360. Grants for programs and services - Truant, at-risk, and expelled students.**

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

### **RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

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

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

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

**RCW 28A.600.022. Suspended or expelled students - Reengagement plan.**

- (1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.
- (2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.
- (3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

**REGULATIONS**

**WAC 392-400-010. Purpose.**

The purpose of this chapter is to ensure that school districts in Washington:

- (7) Facilitate collaboration between school personnel, students, and families to ensure successful reentry into the classroom following a suspension or expulsion.

**WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

- (1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:
  - (j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;
  - (k) Provide a process for students who have been suspended or expelled to petition for readmission.

**WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.**

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

- (5) Reentry. After suspending or expelling a student, a school district must:
  - (a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.
  - (b) Allow the student to petition for readmission at any time.
- (8) End date.
  - (a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

**WAC 392-400-460. Suspensions and expulsions - Optional conference with principal.**

(5) Right to appeal. An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC 392-400-465, participate in a reengagement meeting under WAC 392-400-710, or petition for readmission.

**WAC 392-400-465. Suspensions and expulsions - Appeal.**

(4) Long-term suspensions and expulsions.

(b) Reengagement. Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

**WAC 392-400-710. Student reengagement after long-term suspension or expulsion.**

(1) Reengagement meeting. When a school district administers a long-term suspension or expulsion, the district must convene a reengagement meeting with the student and parents to discuss a plan to reengage the student. Before convening a reengagement meeting, a school district must communicate with the student and parents to schedule the meeting time and location. The reengagement meeting must occur:

(a) Within twenty calendar days of the start of the student's long-term suspension or expulsion, but no later than five calendar days before the student returns to school; or

(b) As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

(2) Reengagement plan. The school district must collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district must consider:

(a) The nature and circumstances of the incident that led to the student's suspension or expulsion;

(b) As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;

(c) Shortening the length of time that the student is suspended or expelled;

(d) Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and

(e) Supporting the student, parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

(3) Documentation. The school district must document the reengagement plan and provide a copy of the plan to the student and parents.

(4) Language assistance. The school district must ensure that the reengagement meeting and plan are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Student and parent rights. Reengagement meetings do not replace an appeal hearing under WAC 392-400-465 or a petition for readmission.

**WAC 392-400-810. Exceptions for the purpose of protecting victims.**

In accordance with RCW 28A.600.460, a school district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follows:

(1) Teacher victim. A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned;

(2) Student victim. A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

**WAC 392-400-815. Behavior agreements.**

(3) Reengagement meetings and educational services. A school district must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting under WAC 392-400-710, or receive educational services as provided under WAC 392-400-610.

## **Alternative Placements**

### **LAWS**

**RCW 28A.150.305. Alternative educational service providers - Student eligibility.**

(1) The board of directors of school districts may contract with alternative educational service providers for eligible students. Alternative educational service providers that the school district may contract with include, but are not limited to:

- (a) Other schools;
- (b) Alternative education programs not operated by the school district;
- (c) Education centers;
- (d) Skills [Skill] centers;
- (e) The Washington national guard youth challenge program;
- (f) Dropout prevention programs; or
- (g) Other public or private organizations, excluding sectarian or religious organizations.

(2) Eligible students include students who are likely to be expelled or who are enrolled in the school district but have been suspended, are academically at risk, or who have been subject to repeated disciplinary actions due to behavioral problems.

(3) If a school district board of directors chooses to initiate specialized programs for students at risk of expulsion or who are failing academically by contracting out with alternative educational service providers identified in subsection (1) of this section, the school district board of directors and the organization must specify the specific learning standards that students are expected to achieve. Placement of the student shall be jointly determined by the school district, the student's parent or legal guardian, and the alternative educational service provider.

(4) For the purpose of this section, the superintendent of public instruction shall adopt rules for reporting and documenting enrollment. Students may reenter at the grade level appropriate to the student's ability. Students who are sixteen years of age or older may take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190.

(5) The board of directors of school districts may require that students who would otherwise be suspended or expelled attend schools or programs listed in subsection (1) of this section as a condition of continued enrollment in the school district.

#### **RCW 28A.175.025. Building bridges program - Grants.**

Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

(1) For purposes of RCW 28A.175.025 through 28A.175.075, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

#### **RCW 28A.175.074. Definitions.**

The definitions in this section apply throughout section 3, chapter 243, Laws of 2010 and RCW 28A.175.075 unless the context clearly requires otherwise.

(3) "K-12 dropout prevention, intervention, and reengagement system" means a system that provides all of the following functions:

(h) Providing alternative educational programming including, but not limited to, credit retrieval and online learning opportunities.

#### **RCW 28A.225.015. Attendance mandatory - Six or seven years olds - Unexcused absences - Petition.**

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

**RCW 28A.225.025. Community engagement boards.**

(1) For purposes of this chapter, "community engagement board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community engagement boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community engagement board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

**RCW 28A.225.090. Court orders - Penalties - Parents' defense.**

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program.

**RCW 28A.300.275. Alternative school start-up grants - School safety grants - Report to legislative committees.**

The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(1) Alternative school start-up grants which are in addition to the grants funded in the two million dollars alternative school start-up appropriation contained in section 501(2)(l), chapter 309, Laws of 1999, and these grants shall be awarded in the same manner and for the same purposes.

**RCW 28A.300.360. Grants for programs and services - Truant, at-risk, and expelled students.**

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

**RCW 28A.600.015. Expulsions and suspensions- Rules incorporating due process - Short-term and long-term suspensions- Emergency expulsions- Discretionary discipline.**

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



**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

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

**RCW 28A.600.420. Firearms on school premises, transportation, or facilities - Penalty - Exemptions.**

(4) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

**REGULATIONS**

**WAC 392-400-010. Purpose.**

The purpose of this chapter is to ensure that school districts in Washington:

- (6) Provide educational services that students need to complete their education without disruption.

**WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

- (i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610.

**WAC 392-400-115. Completing academic requirements.**

A school district may not:

- (1) Suspend the provision of educational services to a student in response to behavioral violations; or
- (2) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

**WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.**

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

- (3) Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

**WAC 392-400-610. Educational services during suspension, expulsion, or emergency expulsion.**

- (1) Educational services.

(a) A school district may not suspend the provision of educational services to a student in response to behavioral violations.

(b) During the suspension, expulsion, or emergency expulsion of a student, a school district must provide the student the opportunity to receive educational services. The educational services must enable the student to:

- (i) Continue to participate in the general education curriculum;
- (ii) Meet the educational standards established within the district; and
- (iii) Complete subject, grade-level, and graduation requirements.

(c) When providing a student the opportunity to receive educational services under this section, the school district must consider:

- (i) Meaningful input from the student, parents, and the student's teachers;
- (ii) Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and
- (iii) Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

(d) A school district may provide educational services to the student in an alternative setting or modify the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

(2) Notice. As soon as reasonably possible after administering a suspension or expulsion, a school district must provide written notice to the student and parents about the educational services the district will provide. The school district must provide the written notice in person, by mail, or by email. The notice must include:

- (a) A description of the educational services that will be provided; and
- (b) The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.

(3) Exclusions for up to five days. For students subject to suspension or emergency expulsion for up to five consecutive school days, a school district must provide at least the following:

- (a) Course work, including any assigned homework, from all of the student's regular subjects or classes;
- (b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and
- (c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(4) Exclusions for six to ten days. For students subject to suspension or emergency expulsion for six to ten consecutive school days, a school district must provide at least the following:

- (a) Course work, including any assigned homework, from all of the student's regular subjects or classes;
- (b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must make a reasonable attempt to contact the student or parents within three school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:

(i) Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and

(ii) Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(5) Long-term suspensions and expulsions. For students subject to expulsion or suspension for more than ten consecutive school days, a school district must provide educational services in accordance with WAC 392-121-107.

(6) Language assistance. The school district must ensure that notices and communications required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

# ***Discipline Addressing Specific Code of Conduct Violations***

## **Firearms and Other Weapons Violations**

### **LAWS**

#### **RCW 9.41.280. Possessing dangerous weapons on school facilities - Penalty - Exceptions.**

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm;
- (b) Any other dangerous weapon as defined in RCW 9.41.250;
- (c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or
- (f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or
  - (ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

#### **RCW 28A.320.130. Weapons incidents - Reporting.**

Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

#### **RCW 28A.600.210. School locker searches - Findings.**

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority

to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

**RCW 28A.600.220. School locker searches - No expectation of privacy.**

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240.

**RCW 28A.600.230. School locker searches - Authorization - Limitations.**

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

**RCW 28A.600.420. Firearms on school premises, transportation, or facilities - Penalty - Exemptions.**

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, or state school for the blind, or the director of the Washington center for deaf and hard of hearing youth, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appears to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.

## **REGULATIONS**

### **WAC 392-400-820. Firearm exceptions.**

As provided under RCW 28A.600.420:

(1) A school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The school district superintendent may modify the expulsion on a case-by-case basis.

(2) A school district may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

(3) This section does not apply to:

(a) Any student while engaged in military education authorized by the school district in which rifles are used;

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the school district in which the rifles of collectors or instructors are handled or displayed; or

(c) Any student while participating in a rifle competition authorized by the school district.

## **Students with Chronic Disciplinary Issues**

## **LAWS**

### **RCW 28A.150.305. Alternative educational service providers - Student eligibility.**

(1) The board of directors of school districts may contract with alternative educational service providers for eligible students. Alternative educational service providers that the school district may contract with include, but are not limited to:

(a) Other schools;

(b) Alternative education programs not operated by the school district;

(c) Education centers;

(d) Skills [Skill] centers;

(e) The Washington national guard youth challenge program;

(f) Dropout prevention programs; or

(g) Other public or private organizations, excluding sectarian or religious organizations.

(2) Eligible students include students who are likely to be expelled or who are enrolled in the school district but have been suspended, are academically at risk, or who have been subject to repeated disciplinary actions due to behavioral problems.

(3) If a school district board of directors chooses to initiate specialized programs for students at risk of expulsion or who are failing academically by contracting out with alternative educational service providers identified in subsection (1) of this section, the school district board of directors and the organization must specify the specific learning standards that students are expected to achieve. Placement of the student shall be jointly determined by the school district, the student's parent or legal guardian, and the alternative educational service provider.

(4) For the purpose of this section, the superintendent of public instruction shall adopt rules for reporting and documenting enrollment. Students may reenter at the grade level appropriate to the student's ability. Students who are sixteen years of age or older may take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190.

(5) The board of directors of school districts may require that students who would otherwise be suspended or expelled attend schools or programs listed in subsection (1) of this section as a condition of continued enrollment in the school district.

**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

**REGULATIONS**

No relevant regulations found.

## **Chronic Absenteeism and Truancy**

**LAWS**

**RCW 28A.225.005. Information for students and parents.**

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent

must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

**RCW 28A.225.015. Attendance mandatory - Six or seven years olds - Unexcused absences - Petition.**

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child is required to attend public school under subsection (1) of this section, after the child's seventh unexcused absence within any month during the current school year and not later than the 15th unexcused absence during the current school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

**RCW 28A.225.018. Conferences to identify barriers to child's school attendance.**

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school



district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

**RCW 28A.225.020. School's duties upon child's failure to attend school.**

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;

(b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence; and

(c) At some point after the second and before the seventh unexcused absence, take data-informed steps to eliminate or reduce the child's absences.

(i) In middle school and high school, these steps must include application of the Washington assessment of the risks and needs of students (WARNS) or other assessment by a school district's designee under RCW 28A.225.026.

(ii) For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.

(iii) With respect to any child, without an existing individualized education plan or 504 plan, reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services. This includes children with suspected emotional or behavioral disabilities as defined in WAC 392-172A-01035. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the child is found to be eligible for special education services, accommodations, or related services, a plan developed to address the child's needs.

(iv) These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or

work experience, referring the child to a community engagement board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a)(i) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(ii) Has failed to meet the school district's policy for excused absences; or

(b) Has failed to comply with alternative learning experience program attendance requirements as described by the superintendent of public instruction.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. All school districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

**RCW 28A.225.023. Youth dependent pursuant to chapter 13.34 RCW - Review of unexpected or excessive absences - Support for youth's school work.**

A school district representative or school employee shall review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth, to include the youth's caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents or the person providing placement for the youth. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, inpatient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the youth's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

**RCW 28A.225.025. Community engagement boards.**

(1) For purposes of this chapter, "community engagement board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community engagement boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community engagement board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or

recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

(2) The legislature finds that utilization of community engagement boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community engagement boards. Operation of a school engagement board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

**RCW 28A.225.026. Community engagement boards - Memoranda of understanding with juvenile courts**

**- Designation of school district coordinators to address absenteeism and truancy - Community-wide partnerships.**

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community engagement board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community engagement board. A community engagement board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community engagement board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy. School districts with fewer than three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community engagement board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community engagement board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community engagement boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.

**RCW 28A.225.0261. Community engagement boards - Effect of diversion from truancy petitions - Evaluation by Washington state institute for public policy- Reports.**

(1) By requiring an initial stay of truancy petitions for diversion to community engagement boards, the legislature intends to achieve the following outcomes:

- (a) Increased access to community engagement boards and other truancy early intervention programs for parents and children throughout the state;
- (b) Increased quantity and quality of truancy intervention and prevention efforts in the community;
- (c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community engagement board;
- (d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and
- (e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.

**RCW 28A.225.027. Community engagement boards - Grants for training - Grants for services and treatment.**

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community engagement boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memoranda of understanding, between a school district and a court, to institute a new or maintain an existing community engagement board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community engagement board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

**RCW 28A.225.030. Petition to juvenile court for violations by a parent or child - School district responsibilities.**

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an

enrolled student's absences from public school, after the child's seventh unexcused absence within any month during the current school year and not later than the 15th unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the seventh unexcused absence in a month:

- (a) Enter into an agreement with a student and parent that establishes school attendance requirements;
- (b) Refer a student to a community engagement board as defined in RCW 28A.225.025. The community engagement board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or
- (c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with seven or more unexcused absences in any month during the current school year or upon the 15th unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**RCW 28A.225.035. Petition to juvenile court - Contents - Court action - Referral to community engagement board or other coordinated intervention - Transfer of jurisdiction upon relocation.**

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

- (a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;
- (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
- (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community engagement board or other

coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community engagement board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community engagement board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community engagement board, the engagement board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the engagement board, the school district, and the child's parent. The court may permit the engagement board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community engagement board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community engagement board, the community engagement board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community engagement board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community engagement boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**RCW 28A.225.060. Custody and disposition of child absent from school without excuse.**

Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district.

**RCW 28A.225.090. Court orders - Penalties - Parents' defense.**

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the

unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may impose:

(a) Community restitution;

(b) Nonresidential programs with intensive wraparound services;

(c) A requirement that the child meet with a mentor for a specified number of times; or

(d) Other services and interventions that the court deems appropriate.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the community engagement board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may impose alternatives to detention consistent with best practice models for reengagement with school.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

**RCW 28A.225.151. Student-level truancy data - Reports - Data protocols and guidance for school districts.**

(1) As required under subsection (2) of this section, the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.

(2) The reports under subsection (1) of this section shall include, disaggregated by student group:

(a) The number of enrolled students and the number of unexcused absences;

(b) The number of enrolled students with 15 or more unexcused absences in a school year or seven or more unexcused absences in a month during a school year;

(c) A description of any programs or schools developed to serve students who have had seven or more unexcused absences in a month or 15 in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation



in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090;

(d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:

- (i) Referral to a community engagement board;
- (ii) Other coordinated means of intervention;
- (iii) A hearing in the juvenile court; or
- (iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and

(e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of actions taken under RCW 28A.225.030.

**RCW 28A.300.046. "Student absence from school" - Rules - Collection of attendance and discipline data.**

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

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

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of:

- (i) Student attendance data using the definitions of student absence adopted under this section; and
- (ii) student discipline data with a focus on suspensions and expulsions from school.

(b) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

- (i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and
- (ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

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

**REGULATIONS**

**WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.**

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

## **Substance Use**

### **LAWS**

#### **RCW 28A.170.050. Advisory committee - Members - Duties.**

The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and classified staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the traffic safety commission; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation.

#### **RCW 28A.170.075. Findings - Intent.**

- (1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.
- (2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.
- (3) Substance abuse awareness programs funded under this chapter do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.
- (4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

#### **RCW 28A.170.080. Grants - Substance abuse intervention.**

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;
- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and

(g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under Washington professional educator standards board rules adopted pursuant to RCW 28A.410.210;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

**RCW 28A.170.090. Selection of grant recipients - Program rules.**

(1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.170.050, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall include provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement RCW 28A.170.080 and 28A.170.090.

**RCW 28A.210.310. Prohibition on use of tobacco products on school property.**

(1) To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors shall have a written policy mandating a prohibition on the use of all tobacco products on public school property.

(2) The policy in subsection (1) of this section shall include, but not be limited to, a requirement that students and school personnel be notified of the prohibition, the posting of signs prohibiting the use of tobacco products, sanctions for students and school personnel who violate the policy, and a requirement that school district personnel enforce the prohibition. Enforcement policies adopted in the school board policy shall be in addition to the enforcement provisions in RCW 70.160.070.

**RCW 28A.320.127. Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse.**

(1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

(d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region.

**RCW 28A.320.1271. Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students.**

The office of the superintendent of public instruction's school safety center, established in RCW 28A.300.630, shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including practices and protocols used in schools and school districts in other states. The model plan must be posted by February 1, 2014, on the school safety center web site, along with relevant resources and information to support school districts in developing and implementing the plan required under RCW 28A.320.127.

**RCW 28A.600.210. School locker searches - Findings.**

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

**RCW 28A.600.220. School locker searches - No expectation of privacy.**

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240.

**REGULATIONS**

No relevant regulations found.

## **Gang-related Activity**

### **LAWS**

#### **RCW 28A.300.490. Task force on gangs in schools - Reports.**

- (1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the office of the superintendent of public instruction's school safety center, the school safety and student well-being advisory committee established in RCW 28A.300.635, and the Washington association of sheriffs and police chiefs.
- (2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gang activities.
- (3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature.

#### **RCW 28A.320.140. Schools with special standards - Dress codes.**

- (5) School district boards of directors may adopt dress and grooming code policies which prohibit students from wearing gang-related apparel. If a dress and grooming code policy contains this provision, the school board must also establish policies to notify students and parents of what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel.

#### **RCW 28A.600.455. Gang activity - Suspension or expulsion.**

- (1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.
- (2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

### **REGULATIONS**

No relevant regulations found.

## **Bullying, Harassment, or Hazing**

### **LAWS**

#### **RCW 28A.300.2851. School bullying and harassment - Work group.**

- (1) The office of the superintendent of public instruction and the office of the education ombuds shall convene a work group on school bullying and harassment prevention to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington. The superintendent of public instruction or a designee shall serve as the chair of the work group.
- (2) The work group shall:
  - (a) Consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data;
  - (b) Examine possible procedures for anonymous reporting of incidents of bullying and harassment;
  - (c) Identify curriculum and best practices for school districts to improve school climate, create respectful learning environments, and train staff and students in de-escalation and intervention techniques;

(d) Identify curriculum and best practices for incorporating instruction about mental health, youth suicide prevention, and prevention of bullying and harassment;

(e) Recommend best practices for informing parents about the harassment, intimidation, and bullying prevention policy and procedure under \*RCW 28A.300.285 and involving parents in improving school climate;

(f) Recommend training for district personnel who are designated as the primary contact regarding the policy and procedure and for school resource officers and other school security personnel;

(g) Recommend educator preparation and certification requirements in harassment, intimidation, and bullying prevention and de-escalation and intervention techniques for teachers, educational staff associates, and school administrators;

(h) Examine and recommend policies for discipline of students and staff who harass, intimidate, or bully; and

(i) In collaboration with the state board for community and technical colleges, examine and recommend policies to protect K-12 students attending community and technical colleges from harassment, intimidation, and bullying.

(3) The work group must include representatives from the state board of education, the Washington state parent teacher association, the Washington state association of school psychologists, school directors, school administrators, principals, teachers, school counselors, classified school staff, youth, community organizations, and parents.

(4) The work group shall submit a biennial progress and status report to the governor and the education committees of the legislature, beginning December 1, 2011, with additional reports by December 1, 2013, and December 1, 2015.

(5) The work group is terminated effective January 1, 2016.

**RCW 28A.300.479. Social-emotional learning resources.**

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create and publish on its web site a list of resources available for professional development of school district staff on the following topics: Social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. The office of the superintendent of public instruction must include in the list the professional development opportunities and resources identified by the social-emotional learning committee created under RCW 28A.300.477.

**RCW 28A.320.127. Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse.**

(3) The plan under this section may be a separate plan or a component of another district plan or policy, such as the harassment, intimidation, and bullying prevention policy under RCW 28A.300.2851 or the comprehensive safe school plan required under RCW 28A.320.125.

**RCW 28A.410.270. Washington professional educator standards board-Performance standards-Certification levels-Teacher effectiveness evaluations-Requirements for professional certificate and residency teaching certificate-Demonstration of educator preparation programs' outcomes.**

(1)(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies,

such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

**RCW 28A.415.445. Training in children's mental health topics-Required use of one professional learning day every other year.**

Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

**RCW 28A.600.477. Prohibition of harassment, intimidation, and bullying.**

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary a policy and procedure prohibiting harassment, intimidation, and bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section.

(b) School districts must share the policy and procedure prohibiting harassment, intimidation, and bullying with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying. In addition to other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policy and procedure prohibiting harassment, intimidation, and bullying;

(B) Receive copies of all formal and informal complaints relating to harassment, intimidation, or bullying;

(C) Communicate with the school district employees responsible for monitoring school district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, and the primary contact regarding the school district's policies and procedures related to transgender students under RCW 28A.642.080; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on the policy and procedure prohibiting harassment, intimidation, and bullying.

(ii) The primary contact from each school district must attend at least one training class as provided in subsection (4) of this section, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policies and procedures relating to transgender students under RCW 28A.642.080.

(2) School districts are encouraged to adopt and update the policy and procedure prohibiting harassment, intimidation, and bullying through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure prohibiting harassment, intimidation, and bullying.

(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials prohibiting harassment, intimidation, and bullying to be posted on the office of the superintendent of public instruction's school safety center web site, and must also provide the office of the superintendent of public instruction with a link to the school district's web site for further information. The school district's primary contact for harassment, intimidation, and bullying issues must annually by

August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its web site, with a link to the school safety center web site, the revised and updated model policy and procedure prohibiting harassment, intimidation, and bullying, along with training and instructional materials on the components that must be included in any school district policy and procedure prohibiting harassment, intimidation, and bullying. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts' communication of the policy and procedure prohibiting harassment, intimidation, and bullying to parents, students, employees, and volunteers.

(4) By December 31, 2020, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (3) of this section and include materials related to hazing and the Washington state school directors' association model transgender student policy and procedure as provided in RCW 28A.642.080.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(A) Physically harms a student or damages the student's property;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

#### **RCW 28A.600.480. Reporting of harassment, intimidation, or bullying - Retaliation prohibited - Immunity.**

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.



**RCW 28A.642.080. Transgender student policy and procedure.**

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection;

(B) Receive copies of all formal and informal complaints relating to transgender students;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to transgender students that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students that meet the requirements of subsection (1)(a) of this section.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's web site at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model transgender student policy and procedure described in subsection (3) of this section and the office of the superintendent of public instruction's rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and bullying, and this section related to policies and procedures relating to transgender students.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material.

**RCW 43.06B.060. Public school antiharassment policies and strategies - Lead agency.**

In addition to duties assigned under RCW 43.06B.020, the office of the education ombuds shall serve as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

**REGULATIONS**

**WAC 392-190-0555. Discriminatory harassment.**

(1) For purposes of administrative enforcement of this chapter under WAC 392-190-060 through 392-190-081, a school district or public charter school violates a student's rights regarding discriminatory harassment, including sexual harassment as defined under WAC 392-190-056, when the following conditions are met:

(a) The alleged conduct is based on a student's sex, race, creed, religion, color, national origin, sexual orientation, gender expression, gender identity, honorably discharged veteran or military status, presence of any sensory, mental, or physical disability, or use of a trained dog guide or service animal;

(b) The alleged conduct is sufficiently severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the school district's or public charter school's course offerings, including any educational program or activity (i.e., creates a hostile environment); and

(c) The school district or public charter school, upon notice, fails to take prompt and appropriate action to investigate or fails to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

(2) For purposes of administrative enforcement of this chapter under WAC 392-190-060 through 392-190-081, the office of superintendent of public instruction deems a school district or public charter school to have notice of discriminatory harassment if a reasonable employee knew, or in the exercise of reasonable care should have known, about the harassment.

(3) Nothing in this chapter is intended to diminish or otherwise modify an individual's right to bring an action under state or federal law alleging that the individual has been harmed by conduct or communication related to the individual's sex, race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, presence of any sensory, mental, or physical disability, or use of a trained dog guide or service animal that creates a hostile or abusive educational or workplace environment.

**WAC 392-190-059. Harassment, intimidation, and bullying prevention policy and procedure - School districts.**

(1) Each school district must adopt a harassment, intimidation, and bullying prevention policy and procedure as provided for in RCW 28A.300.285.

(2) If the allegations in a written report of harassment, intimidation, or bullying pursued under the school district's procedure adopted under RCW 28A.300.285 indicate a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district's harassment, intimidation, and bullying compliance officer, designated under RCW 28A.300.285, must promptly notify the district employee designated under WAC 392-190-060. Or, if during the course of an investigation of harassment, intimidation, or bullying, the district becomes aware of a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district staff member investigating the report must promptly notify the district employee designated under WAC 392-190-060. Upon receipt of this information, the designated employee must notify the complainant that their complaint will also proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075, in addition to the

procedures adopted under RCW 28A.300.285. School districts must provide this notice in a language that the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964. In these cases, the investigation and response timeline set forth in WAC 392-190-065 begins when the school district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations that the school district has violated this chapter or the guidelines adopted under WAC 392-190-005.

(3) This section is not intended to limit the scope of RCW 28A.300.285 or the use of a school district's procedures adopted under RCW 28A.300.285.

**WAC 392-190-060. Compliance - School district or public charter school - Designation of responsible employee - Notification.**

(1) The superintendent of each school district or the public charter school governing board must designate at least one employee who is responsible for monitoring and coordinating the district's or charter school's compliance with this chapter and the guidelines adopted under WAC 392-190-005. The employee designated under this section is also responsible for ensuring that all complaints communicated to the school district or public charter school under WAC 392-190-065 are promptly investigated and resolved.

(2) Each school district and public charter school must, once each year or more often as deemed necessary, publish notice in a manner that is reasonably calculated to inform all students, students' parents and guardians, and employees of the complaint procedure set forth in WAC 392-190-065, 392-190-070 and 392-190-075. School districts and public charter schools must provide this notice in a language that each parent and guardian can understand, which may require language assistance for parents and guardians with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

(3) Each school district and public charter school must include a nondiscrimination statement in written announcements, notices, recruitment materials, employment application forms, and other publications made available to all students, parents, or employees. The statement must include:

(a) Notice that the district or public charter school may not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal;

(b) The name or title, office address, and telephone number of the employee or employees designated under this section, as well as the employees designated to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972; and

(c) Pursuant to the Boy Scouts of America Equal Access Act, notice that the school district or public charter school provides equal access to the Boy Scouts of America and any other youth group listed in Title 36 of the United States Code as a patriotic society.

(4) School districts and public charter schools must not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under this chapter or have the effect of discouraging any person from utilizing the complaint procedure in WAC 392-190-065 through 392-190-075. School districts and public charter schools must not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right secured by this chapter or the guidelines adopted under WAC 392-190-005 or because the individual has made a complaint or participated in an investigation under this chapter.

**WAC 392-405-005. Authority.**

The authority for this chapter is RCW 28A.300.285, which provides that the superintendent of public instruction shall adopt rules regarding school districts' communication of a model harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers.

**WAC 392-405-010. Purpose.**

The purpose of this chapter is to establish the requirements school districts must meet when communicating the district's harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers.

**WAC 392-405-020. School district rules defining harassment, intimidation and bullying prevention policies and procedures - Distribution of rules.**

- (1) A school district's harassment, intimidation and bullying policy and procedure must be published and made available to all parents or guardians, students, employees, and volunteers on an annual basis.
- (2) A school district must publish, at a minimum, the following materials:
  - (a) The district's policy and procedure;
  - (b) A harassment, intimidation, and bullying incident reporting form; and
  - (c) Current contact information for the district's harassment, intimidation and bullying compliance officer.
- (3) If a school district does not distribute the policy and procedure to all parents or guardians, students, employees, and volunteers, the district must provide notice that describes the contents of the policy and procedure and specifies the person(s) to contact for a copy. The notice must be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

## **Dating and Relationship Violence**

### **LAWS**

**RCW 26A.300.185. Family preservation education program.**

The office of the superintendent of public instruction shall develop a family preservation education program model curriculum that is available to each of the school district boards of directors. The model curriculum shall be posted on the superintendent of public instruction's web site. The model curriculum shall include, but is not limited to, instruction on developing conflict management skills, communication skills, domestic violence and dating violence, financial responsibility, and parenting responsibility.

### **REGULATIONS**

No relevant regulations found.

# ***Prevention, Behavioral Intervention, and Supports***

## **State Model Policies and Implementation Support**

### **LAWS**

#### **RCW 28A.170.050. Advisory committee - Members - Duties.**

The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and classified staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the traffic safety commission; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation.

#### **RCW 28A.225.151. Student-level truancy data - Reports - Data protocols and guidance for school districts.**

(4) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of actions taken under RCW 28A.225.030.

#### **RCW 28A.300.042. Collection and submittal of student-level data - Student data-related reports - Disaggregation of data by subgroups - Modification of statewide student data systems.**

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

#### **RCW 28A.300.2851. School bullying and harassment - Work group.**

(1) The office of the superintendent of public instruction and the office of the education ombuds shall convene a work group on school bullying and harassment prevention to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington. The superintendent of public instruction or a designee shall serve as the chair of the work group.

(2) The work group shall:

- (a) Consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data;
- (b) Examine possible procedures for anonymous reporting of incidents of bullying and harassment;
- (c) Identify curriculum and best practices for school districts to improve school climate, create respectful learning environments, and train staff and students in de-escalation and intervention techniques;
- (d) Identify curriculum and best practices for incorporating instruction about mental health, youth suicide prevention, and prevention of bullying and harassment;
- (e) Recommend best practices for informing parents about the harassment, intimidation, and bullying prevention policy and procedure under \*RCW 28A.300.285 and involving parents in improving school climate;

- (f) Recommend training for district personnel who are designated as the primary contact regarding the policy and procedure and for school resource officers and other school security personnel;
- (g) Recommend educator preparation and certification requirements in harassment, intimidation, and bullying prevention and de-escalation and intervention techniques for teachers, educational staff associates, and school administrators;
- (h) Examine and recommend policies for discipline of students and staff who harass, intimidate, or bully; and
- (i) In collaboration with the state board for community and technical colleges, examine and recommend policies to protect K-12 students attending community and technical colleges from harassment, intimidation, and bullying.

(3) The work group must include representatives from the state board of education, the Washington state parent teacher association, the Washington state association of school psychologists, school directors, school administrators, principals, teachers, school counselors, classified school staff, youth, community organizations, and parents.

(4) The work group shall submit a biennial progress and status report to the governor and the education committees of the legislature, beginning December 1, 2011, with additional reports by December 1, 2013, and December 1, 2015.

(5) The work group is terminated effective January 1, 2016.

**RCW 28A.300.477. Social-emotional learning committee.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the social-emotional learning committee is created to promote and expand social-emotional learning. Social-emotional learning will help students build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and life.

(2) At a minimum, the committee shall:

- (a) Develop and implement a statewide framework for social-emotional learning that is trauma-informed, culturally sustaining, and developmentally appropriate;
- (b) Review and update as needed the standards and benchmarks for social-emotional learning and the developmental indicators for grades kindergarten through twelve and confirm they are evidence-based;
- (c) Align the standards and benchmarks for social-emotional learning with other relevant standards and guidelines including the health and physical education K-12 learning standards and the early learning and development guidelines;
- (d) Advise the office of the superintendent of public instruction's duty under RCW 28A.300.478;
- (e) Identify best practices or guidance for schools implementing the standards, benchmarks, and developmental indicators for social-emotional learning;
- (f) Identify professional development opportunities for teachers and educational staff and review, update, and align as needed the social-emotional learning online education module;
- (g) Consider systems for collecting data about social-emotional learning and monitoring implementation efforts;
- (h) Identify strategies to improve coordination between early learning, K-12 education, youth-serving community partners and culturally-based providers, and higher education regarding social-emotional learning; and
- (i) Engage with stakeholders and seek feedback.

(3) The committee must consist of the following members:

- (a) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans; and
  - (b) One representative from the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.
- (4) The governor and the tribes are encouraged to jointly designate a total of two members to serve on the committee who have experience working in and with schools: One member from east of the crest of the Cascade mountains; and one member from west of the crest of the Cascade mountains.
- (5) Additional members of the committee must be appointed by the office of the superintendent of public instruction to serve on the committee. Additional members must include:
- (a) One representative from the department of children, youth, and families;
  - (b) Two representatives from the office of the superintendent of public instruction: One with expertise in student support services; and one with expertise in curriculum and instruction;
  - (c) One representative from the office of the education ombuds;
  - (d) One representative from the state board of education;
  - (e) One representative from the health care authority's division of behavioral health and recovery;
  - (f) One higher educational faculty member with expertise in social-emotional learning;
  - (g) One currently employed K-12 educator;
  - (h) One currently employed K-12 administrator;
  - (i) One school psychologist;
  - (j) One school social worker;
  - (k) One school counselor;
  - (l) One school nurse;
  - (m) One mental health counselor;
  - (n) One representative from a school parent organization;
  - (o) One member from a rural school district;
  - (p) One representative from the educational service districts;
  - (q) One representative from a coalition of members who educate about and advocate for access to social-emotional learning and skill development;
  - (r) One representative from a statewide expanded learning opportunities intermediary;
  - (s) One representative from a nonprofit organization with expertise in developing social-emotional curricula;
  - (t) One representative from a foundation that supports social-emotional learning; and
  - (u) One representative from a coalition of youth-serving organizations working together to improve outcomes for young people.
- (6) The members of the committee shall select the chairs or cochairs of the committee.
- (7) In addition to other meetings, the committee shall have a joint meeting once a year with the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.
- (8) The office of the superintendent of public instruction shall provide staff support for the committee.
- (9) Members of the committee shall serve without compensation but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(10) Beginning June 1, 2021, and annually thereafter, the committee shall provide a progress report, in compliance with RCW 43.01.036, to the governor and appropriate committees of the legislature. The report must include accomplishments, state-level data regarding implementation of social-emotional learning, identification of systemic barriers or policy changes necessary to promote and expand social-emotional learning, and recommendations.

**RCW 28A.300.478. Social-emotional learning standards and benchmarks.**

(1) The office of the superintendent of public instruction shall review the recommendations of the social-emotional learning work group convened as directed in the 2017 omnibus appropriations act and the recommendations of the social-emotional learning committee created in RCW 28A.300.477. The office of the superintendent of public instruction shall adopt social-emotional learning standards and benchmarks by January 1, 2020, and revise the social-emotional learning standards and benchmarks as appropriate.

(2) The office of the superintendent of public instruction shall align the programs it oversees with the standards for social-emotional learning and integrate the standards where appropriate.

**RCW 28A.300.479. Social-emotional learning resources.**

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create and publish on its web site a list of resources available for professional development of school district staff on the following topics: Social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. The office of the superintendent of public instruction must include in the list the professional development opportunities and resources identified by the social-emotional learning committee created under RCW 28A.300.477.

**RCW 28A.300.640. School-based threat assessment program - Model policy and procedure.**

(1) The Washington state school directors' association, in collaboration with the office of the superintendent of public instruction, shall develop a model policy and procedure to establish a school-based threat assessment program that meets the requirements of RCW 28A.320.123. The model policy and procedure must be posted on the web site of the state school safety center, established in RCW 28A.300.630, by January 1, 2020.

(2) In developing the model policy and procedure, the Washington state school directors' association and the office of the superintendent of public instruction must:

(a) Consult with the school safety and student well-being advisory committee, established under RCW 28A.300.635, and other organizations with expertise in school safety, behavioral health, the rights of students with disabilities, and protecting civil liberties; and

(b) Consider multilevel threat assessment programs implemented in schools in Washington.

**RCW 28A.320.123. School-based threat assessment program.**

(2) By the beginning of the 2020-21 school year, each school district shall adopt a policy and procedure to establish a school-based threat assessment program that meets the requirements of subsection (1) of this section. The school district policy and procedure must be consistent with the model policy and procedure developed under RCW 28A.300.640, and with other school district policies, procedures, and plans addressing safe and supportive learning environments.



**RCW 28A.320.1271. Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students.**

The office of the superintendent of public instruction's school safety center, established in RCW 28A.300.630, shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including practices and protocols used in schools and school districts in other states. The model plan must be posted by February 1, 2014, on the school safety center web site, along with relevant resources and information to support school districts in developing and implementing the plan required under RCW 28A.320.127.

**RCW 28A.320.128. Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty.**

(2) The Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section. The model policy shall be disseminated by the Washington state school directors' association and made available to the public on its web site. Each school district shall adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

**RCW 28A.345.085. Model policy and procedure for nurturing a positive social and emotional school and classroom climate - Adoption by school districts.**

(1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must include the following elements:

- (a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;
- (b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;
- (c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and
- (d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3)(a) The model policy and procedure must also protect the integrity of learning environments with the following elements:

(i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.

(ii) School districts must provide meaningful access to this information for families with limited English proficiency.

(b) The elements described in this subsection (3) may be included in a separate model policy and procedure.

(4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:

(a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(6)(a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy.

**RCW 28A.345.090. Model school district discipline policies - Adoption and enforcement by school districts.**

(1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year.

**RCW 28A.415.410. Training to support discipline policies under chapter 28A.600 RCW.**

(1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

- (2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.
- (3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.
- (4) The trainings must be developed in modules that allow:
  - (a) Access to material over a reasonable number of training sessions;
  - (b) Delivery in person or online; and
  - (c) Use in a self-directed manner.

**RCW 28A.415.445. Training in children's mental health topics-Required use of one professional learning day every other year.**

Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

**RCW 28A.600.477. Prohibition of harassment, intimidation, and bullying.**

- (1)(a) By January 31, 2020, each school district must adopt or amend if necessary a policy and procedure prohibiting harassment, intimidation, and bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section. [...]
- (3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure prohibiting harassment, intimidation, and bullying.

**RCW 28A.600.490. Discipline task force - Development of standard definitions - Development of data collection standards - Membership - Statewide student data system revision.**

- (1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.
- (2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombuds, school districts, tribal representatives, and other education and advocacy organizations.
- (3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

**RCW 28A.642.080. Transgender student policy and procedure.**

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section. [...]

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's web site at no cost to school districts.

**RCW 43.06B.060. Public school antiharassment policies and strategies - Lead agency.**

In addition to duties assigned under RCW 43.06B.020, the office of the education ombuds shall serve as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

**REGULATIONS****WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(l) Be consistent with the model policy developed under RCW 28A.345.090.

**WAC 392-405-005. Authority.**

The authority for this chapter is RCW 28A.300.285, which provides that the superintendent of public instruction shall adopt rules regarding school districts' communication of a model harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers.

**Multi-tiered Frameworks and Systems of Support****LAWS****RCW 28A.175.074. Definitions.**

The definitions in this section apply throughout section 3, chapter 243, Laws of 2010 and RCW 28A.175.075 unless the context clearly requires otherwise.

(3) "K-12 dropout prevention, intervention, and reengagement system" means a system that provides all of the following functions:

- (d) Timely academic and nonacademic group and individual interventions for vulnerable students based on a response to intervention model, including planning and sharing of information at critical academic transitions.

**RCW 28A.300.139. Washington integrated student supports protocol.**

(1) The Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

- (a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;
- (b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;
- (c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;
- (d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and
- (e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

- (i) Needs assessments: A system-level needs assessment with resource mapping must be conducted in order to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community. A student-level needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.
- (ii) Integration and coordination: The school and district leadership and staff must establish clear, cooperative policies and procedures with community-based and other out-of-school providers of academic and nonacademic supports to enhance the effectiveness of the protocol.
- (iii) Community partnerships: Community partners must be engaged to provide academic, nonacademic, and social-emotional supports to reduce barriers to students' academic success, including supports to students' families.
- (iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

**RCW 28A.320.280. School counselors, social workers, and psychologists - Priorities.**

The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School

psychologists carry out special education evaluation duties, among other things. School social workers promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources. All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, social workers, and psychologists have the time available to prioritize these functions, in addition to other activities requiring direct student contact, responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible.

**RCW 28A.345.085. Model policy and procedure for nurturing a positive social and emotional school and classroom climate - Adoption by school districts.**

- (1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.
- (2) The model policy and procedure must include the following elements:
  - (a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;
  - (b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;
  - (c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and
  - (d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.
- (3)(a) The model policy and procedure must also protect the integrity of learning environments with the following elements:
  - (i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.
  - (ii) School districts must provide meaningful access to this information for families with limited English proficiency.
- (b) The elements described in this subsection (3) may be included in a separate model policy and procedure.
- (4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:
  - (a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(6)(a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy.

## **REGULATIONS**

No relevant regulations found.

## **Prevention**

## **LAWS**

### **RCW 28A.300.270. Violence prevention training.**

The superintendent of public instruction shall, to the extent funding is available, contract with school districts, educational service districts, and approved in-service providers to conduct training sessions for school certificated and classified employees in conflict resolution and other violence prevention topics. The training shall be developmentally and culturally appropriate for the school populations being served and be research based. The training shall not be based solely on providing materials, but also shall include techniques on imparting these skills to students. The training sessions shall be developed in coordination with school districts, the superintendent of public instruction, parents, law enforcement agencies, human services providers, and other interested parties. The training shall be offered to school districts and school staff requesting the training, and shall be made available at locations throughout the state.

### **RCW 28A.300.275. Alternative school start-up grants - School safety grants - Report to legislative committees.**

The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff

as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

**RCW 28A.300.2851. School bullying and harassment - Work group.**

(1) The office of the superintendent of public instruction and the office of the education ombuds shall convene a work group on school bullying and harassment prevention to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington. The superintendent of public instruction or a designee shall serve as the chair of the work group.

(2) The work group shall:

- (a) Consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data;
- (b) Examine possible procedures for anonymous reporting of incidents of bullying and harassment;
- (c) Identify curriculum and best practices for school districts to improve school climate, create respectful learning environments, and train staff and students in de-escalation and intervention techniques;
- (d) Identify curriculum and best practices for incorporating instruction about mental health, youth suicide prevention, and prevention of bullying and harassment;
- (e) Recommend best practices for informing parents about the harassment, intimidation, and bullying prevention policy and procedure under \*RCW 28A.300.285 and involving parents in improving school climate;
- (f) Recommend training for district personnel who are designated as the primary contact regarding the policy and procedure and for school resource officers and other school security personnel;
- (g) Recommend educator preparation and certification requirements in harassment, intimidation, and bullying prevention and de-escalation and intervention techniques for teachers, educational staff associates, and school administrators;
- (h) Examine and recommend policies for discipline of students and staff who harass, intimidate, or bully; and
- (i) In collaboration with the state board for community and technical colleges, examine and recommend policies to protect K-12 students attending community and technical colleges from harassment, intimidation, and bullying.

(3) The work group must include representatives from the state board of education, the Washington state parent teacher association, the Washington state association of school psychologists, school directors, school administrators, principals, teachers, school counselors, classified school staff, youth, community organizations, and parents.

(4) The work group shall submit a biennial progress and status report to the governor and the education committees of the legislature, beginning December 1, 2011, with additional reports by December 1, 2013, and December 1, 2015.

(5) The work group is terminated effective January 1, 2016.

**RCW 28A.320.128. Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty.**

(2) The Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model



policy that includes the issues listed in subsection (1) of this section. The model policy shall be disseminated by the Washington state school directors' association and made available to the public on its web site. Each school district shall adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

**RCW 28A.345.085. Model policy and procedure for nurturing a positive social and emotional school and classroom climate - Adoption by school districts.**

(1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must include the following elements:

- (a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;
- (b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;
- (c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and
- (d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3)(a) The model policy and procedure must also protect the integrity of learning environments with the following elements:

- (i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.
- (ii) School districts must provide meaningful access to this information for families with limited English proficiency.

(b) The elements described in this subsection (3) may be included in a separate model policy and procedure.

(4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:

- (a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;
- (b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;
- (c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(6)(a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy.

## **REGULATIONS**

### **WAC 392-400-020. Application.**

(2) This chapter must be construed in a manner consistent with the following laws and rules:

(e) RCW 28A.165.035, regarding the state menu of best practices and strategies for behavior.

## **Social-emotional Learning (SEL)**

### **LAWS**

#### **RCW 28A.300.477. Social-emotional learning committee.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the social-emotional learning committee is created to promote and expand social-emotional learning. Social-emotional learning will help students build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and life.

(2) At a minimum, the committee shall:

(a) Develop and implement a statewide framework for social-emotional learning that is trauma-informed, culturally sustaining, and developmentally appropriate;

(b) Review and update as needed the standards and benchmarks for social-emotional learning and the developmental indicators for grades kindergarten through twelve and confirm they are evidence-based;

(c) Align the standards and benchmarks for social-emotional learning with other relevant standards and guidelines including the health and physical education K-12 learning standards and the early learning and development guidelines;

(d) Advise the office of the superintendent of public instruction's duty under RCW 28A.300.478;

(e) Identify best practices or guidance for schools implementing the standards, benchmarks, and developmental indicators for social-emotional learning;

(f) Identify professional development opportunities for teachers and educational staff and review, update, and align as needed the social-emotional learning online education module;

(g) Consider systems for collecting data about social-emotional learning and monitoring implementation efforts;

(h) Identify strategies to improve coordination between early learning, K-12 education, youth-serving community partners and culturally-based providers, and higher education regarding social-emotional learning; and

(i) Engage with stakeholders and seek feedback.

(3) The committee must consist of the following members:

(a) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans; and

(b) One representative from the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.

(4) The governor and the tribes are encouraged to jointly designate a total of two members to serve on the committee who have experience working in and with schools: One member from east of the crest of the Cascade mountains; and one member from west of the crest of the Cascade mountains.

(5) Additional members of the committee must be appointed by the office of the superintendent of public instruction to serve on the committee. Additional members must include:

(a) One representative from the department of children, youth, and families;

(b) Two representatives from the office of the superintendent of public instruction: One with expertise in student support services; and one with expertise in curriculum and instruction;

(c) One representative from the office of the education ombuds;

(d) One representative from the state board of education;

(e) One representative from the health care authority's division of behavioral health and recovery;

(f) One higher educational faculty member with expertise in social-emotional learning;

(g) One currently employed K-12 educator;

(h) One currently employed K-12 administrator;

(i) One school psychologist;

(j) One school social worker;

(k) One school counselor;

(l) One school nurse;

(m) One mental health counselor;

(n) One representative from a school parent organization;

(o) One member from a rural school district;

(p) One representative from the educational service districts;

(q) One representative from a coalition of members who educate about and advocate for access to social-emotional learning and skill development;

(r) One representative from a statewide expanded learning opportunities intermediary;

(s) One representative from a nonprofit organization with expertise in developing social-emotional curricula;

(t) One representative from a foundation that supports social-emotional learning; and

(u) One representative from a coalition of youth-serving organizations working together to improve outcomes for young people.

(6) The members of the committee shall select the chairs or cochairs of the committee.

- (7) In addition to other meetings, the committee shall have a joint meeting once a year with the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.
- (8) The office of the superintendent of public instruction shall provide staff support for the committee.
- (9) Members of the committee shall serve without compensation but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.
- (10) Beginning June 1, 2021, and annually thereafter, the committee shall provide a progress report, in compliance with RCW 43.01.036, to the governor and appropriate committees of the legislature. The report must include accomplishments, state-level data regarding implementation of social-emotional learning, identification of systemic barriers or policy changes necessary to promote and expand social-emotional learning, and recommendations.

**RCW 28A.300.478. Social-emotional learning standards and benchmarks.**

- (1) The office of the superintendent of public instruction shall review the recommendations of the social-emotional learning work group convened as directed in the 2017 omnibus appropriations act and the recommendations of the social-emotional learning committee created in RCW 28A.300.477. The office of the superintendent of public instruction shall adopt social-emotional learning standards and benchmarks by January 1, 2020, and revise the social-emotional learning standards and benchmarks as appropriate.
- (2) The office of the superintendent of public instruction shall align the programs it oversees with the standards for social-emotional learning and integrate the standards where appropriate.

**RCW 28A.300.479. Social-emotional learning resources.**

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create and publish on its web site a list of resources available for professional development of school district staff on the following topics: Social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. The office of the superintendent of public instruction must include in the list the professional development opportunities and resources identified by the social-emotional learning committee created under RCW 28A.300.477.

**RCW 28A.410.044. School psychologists and social workers-Domains and roles.**

(2) A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the professional educator standards board. The purpose and role of the school social worker is to provide an integral link between school, home, and community in helping students achieve academic and social success. This is accomplished by removing barriers and providing services that include: Mental health and academic counseling, support for students and parents, crisis prevention and intervention, professional case management, collaboration with other professionals, organizations, and community agencies, and advocacy for students and parents. School social workers work directly with school administrators as well as students and families, at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success.

**RCW 28A.410.270. Washington professional educator standards board-Performance standards-Certification levels-Teacher effectiveness evaluations-Requirements for professional certificate and residency teaching certificate-Demonstration of educator preparation programs' outcomes.**

(1)(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

**RCW 28A.415.445. Training in children's mental health topics-Required use of one professional learning day every other year.**

Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

**REGULATIONS**

No relevant regulations found.

**Trauma-informed Practices**

**LAWS**

**RCW 28A.225.027. Community engagement boards - Grants for training - Grants for services and treatment.**

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community engagement boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memoranda of understanding, between a school district and a court, to institute a new or maintain an existing community engagement board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community engagement board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

**RCW 28A.300.477. Social-emotional learning committee.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the social-emotional learning committee is created to promote and expand social-emotional learning. Social-emotional learning will help students build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and life.

(2) At a minimum, the committee shall:

(a) Develop and implement a statewide framework for social-emotional learning that is trauma-informed, culturally sustaining, and developmentally appropriate.

**RCW 28A.300.479. Social-emotional learning resources.**

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create and publish on its web site a list of resources available for professional development of school district staff on the following topics: Social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. The office of the superintendent of public instruction must include in the list the professional development opportunities and resources identified by the social-emotional learning committee created under RCW 28A.300.477.

**RCW 28A.410.270. Washington professional educator standards board-Performance standards-Certification levels-Teacher effectiveness evaluations-Requirements for professional certificate and residency teaching certificate-Demonstration of educator preparation programs' outcomes.**

(1)(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

**RCW 28A.415.445. Training in children's mental health topics-Required use of one professional learning day every other year.**

Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

## **REGULATIONS**

No relevant regulations found.

## **Mental Health Literacy Training**

### **LAWS**

#### **RCW 28A.300.273. Annual school safety summits.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety and student well-being advisory committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

#### **RCW 28A.300.479. Social-emotional learning resources.**

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create and publish on its web site a list of resources available for professional development of school district staff on the following topics: Social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. The office of the superintendent of public instruction must include in the list the professional development opportunities and resources identified by the social-emotional learning committee created under RCW 28A.300.477.

#### **RCW 28A.310.500. Youth suicide screening and referral - Response to emotional or behavioral distress in students - Training for educators and staff - Suicide prevention training.**

(1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

#### **RCW 28A.320.127. Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse.**

(1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

(a) Identification of training opportunities in recognition, screening, and referral that may be available for staff.

**RCW 28A.320.290. School counselors, social workers, and psychologists - Professional collaboration.**

(1) Within existing resources, beginning in the 2019-20 school year, first-class school districts must provide a minimum of six hours of professional collaboration per year, preferably in person, for school counselors, social workers, and psychologists that focuses on the following: Recognizing signs of emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals. Teachers may also participate in this professional collaboration, as deemed appropriate and allowed by their building administrators. School districts that have mental health centers in their area shall collaborate with local licensed mental health service providers under chapter 71.24 RCW. Those districts without a mental health center in their area shall collaborate via telephone or other remote means that allow for dialogue and discussion. By collaborating with local providers in this manner, educational staff associates get to collaborate in short but regular segments, in their own schools or near school district facilities, and school districts are not put in a position that they must obtain substitutes or otherwise expend additional funds. This local connection will also help foster a connection between school personnel and the mental health professionals in the community to whom school personnel may make referrals, in line with the legislative intent expressed throughout Engrossed Substitute House Bill No. 1336, chapter 197, Laws of 2013, to form partnerships with qualified health, mental health, and social services agencies in the community to coordinate and improve support for youth in need and the directive to the department of social and health services with respect to the provision of funds for mental health first-aid training targeted at teachers and educational staff.

(2) Second-class districts are encouraged, but not required, to collaborate and provide the professional collaboration as provided in subsection (1) of this section.

**RCW 28A.410.035. Qualifications - Coursework on issues of abuse; sexual abuse and exploitation of a minor; and emotional or behavioral distress in students, including possible substance abuse, violence, and youth suicide.**

(2) The professional educator standards board shall incorporate into the content required for the course under this section, knowledge and skill standards pertaining to recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. To receive initial certification after August 31, 2014, an applicant must have successfully completed a course that includes the content of this subsection. The board shall consult with the office of the superintendent of public instruction and the department of health in developing the standards.

**RCW 28A.410.270. Washington professional educator standards board-Performance standards-Certification levels-Teacher effectiveness evaluations-Requirements for professional certificate and residency teaching certificate-Demonstration of educator preparation programs' outcomes.**

(1)(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.



**RCW 28A.415.445. Training in children's mental health topics-Required use of one professional learning day every other year.**

Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

**REGULATIONS**

No relevant regulations found.

**School-based Behavioral Health Programs**

**LAWS**

**RCW 28A.300.630. School safety center.**

- (1) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall establish a school safety center as provided in this section.
- (2) The center, working in conjunction with the regional school safety centers established in RCW 28A.310.510, forms a statewide network for school safety.
- (3) The center, in collaboration with staff in the office of the superintendent of public instruction, must:
  - (d) Serve as the lead school safety center, and work in conjunction with the regional school safety centers, to support school districts efforts to meet state requirements regarding school safety including the development and implementation of:
    - (ii) Plans for recognition, initial screening, and response to emotional or behavioral distress in students as required by RCW 28A.320.127.

**RCW 28A.300.645. Monitoring and data collection - Comprehensive safe school plans, student distress, and school-based threat assessment programs.**

- (1) Subject to the availability of amounts appropriated for this specific purpose, in order to ensure that public schools and school districts are meeting the requirements of RCW 28A.320.125 relating to comprehensive safe school plans, RCW 28A.320.127 related to plans for recognition, initial screening, and response to emotional or behavioral distress in students, and RCW 28A.320.123 relating to school-based threat assessment programs, the superintendent of public instruction shall monitor these programs no less than once every five years.
- (2) The superintendent of public instruction must consult with interested stakeholders to develop data collection and submission requirements for school districts as they relate to RCW 28A.320.125 relating to comprehensive safe school plans, RCW 28A.320.127 related to plans for recognition, initial screening, and response to emotional or behavioral distress in students, and RCW 28A.320.123 relating to school-based threat assessment programs.

**RCW 28A.310.510. Regional school safety centers.**

- (1) Subject to the availability of amounts appropriated for this specific purpose, each educational service district must establish a regional school safety center as provided in this section.
- (2) The regional school safety centers working in collaboration with one another and the state school safety center, established in RCW 28A.300.630, form a statewide network for school safety. The purpose

of this statewide network is to provide coordination of school safety efforts throughout the state and to provide school safety resources to the school districts in each educational service district region.

(3) Working in collaboration with the office of the superintendent of public instruction and the statewide network, each regional school safety center must provide to the school districts in its region:

(a) Behavioral health coordination that, at a minimum, includes:

- (i) Providing support for school district development and implementation of plans for recognition, initial screening, and response to emotional or behavioral distress in students as required by RCW 28A.320.127;
- (ii) Suicide prevention training for school counselors, school psychologists, and school social workers;
- (iii) Facilitating partnerships and coordination between school districts, public schools, and existing regional and local systems of behavioral health care services and supports in order to increase student and family access to the services and supports;
- (iv) Assisting school districts and public schools in building capacity to identify and support students in need of behavioral health care services and to link students and families with community-based behavioral health care services;
- (v) Identifying, sharing, and integrating, to the extent practicable, behavioral and physical health care service delivery models;
- (vi) Providing medicaid billing related training, technical assistance, and coordination between school districts; and
- (vii) Guidance in implementing best practices in response to, and to recover from, the suicide or attempted suicide of a student.

**RCW 28A.320.127. Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse.**

(1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

- (d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region.

**RCW 28A.320.1271. Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students.**

The office of the superintendent of public instruction's school safety center, established in RCW 28A.300.630, shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including practices and protocols used in schools and school districts in other states. The model plan must be posted by February 1, 2014, on the school safety center web site, along with relevant resources and information to support school districts in developing and implementing the plan required under RCW 28A.320.127.

**RCW 28A.320.280. School counselors, social workers, and psychologists - Priorities.**

The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other things. School social workers promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources. All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, social workers, and psychologists have the time available to prioritize these functions, in addition to other activities requiring direct student contact, responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible.

**RCW 28A.410.044. School psychologists and social workers-Domains and roles.**

(1) A school psychologist is a professional educator who holds a valid school psychologist certification as defined by the professional educator standards board. Pursuant to the national association of school psychologists' model for comprehensive and integrated school psychological services, school psychologists deliver services across ten domains of practice. Two domains permeate all areas of service delivery: Data-based decision making; and consultation and collaboration. Five domains encompass direct and indirect services to children and their families: Student-level services, interventions, and instructional supports to develop academic skills; student-level interventions and mental health services to develop social and life skills; systems-level school-wide practices to promote learning; systems-level preventive and responsive services; and systems-level family school collaboration services. The three foundational domains include: Knowledge and skills related to diversity in development and learning; research and program evaluation; and legal and ethical practice.

(2) A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the professional educator standards board. The purpose and role of the school social worker is to provide an integral link between school, home, and community in helping students achieve academic and social success. This is accomplished by removing barriers and providing services that include: Mental health and academic counseling, support for students and parents, crisis prevention and intervention, professional case management, collaboration with other professionals, organizations, and community agencies, and advocacy for students and parents. School social workers work directly with school administrators as well as students and families, at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success.

**REGULATIONS**

No relevant regulations found.

# ***Monitoring and Accountability***

## **Formal Incident Reporting of Conduct Violations**

### **LAWS**

#### **RCW 28A.600.480. Reporting of harassment, intimidation, or bullying - Retaliation prohibited - Immunity.**

- (1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.
- (2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.
- (3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

#### **RCW 28A.600.485. Restraint of students-Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973-Procedures-Summary of incidents of isolation or restraint-Publishing to web site.**

- (5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information:
  - (a) The date and time of the incident;
  - (b) The name and job title of the individual who administered the restraint or isolation;
  - (c) A description of the activity that led to the restraint or isolation;
  - (d) The type of restraint or isolation used on the student, including the duration;
  - (e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and
  - (f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

### **REGULATIONS**

#### **WAC 392-190-059. Harassment, intimidation, and bullying prevention policy and procedure - School districts.**

- (2) If the allegations in a written report of harassment, intimidation, or bullying pursued under the school district's procedure adopted under RCW 28A.300.285 indicate a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district's harassment, intimidation, and bullying compliance officer, designated under RCW 28A.300.285, must promptly notify the district employee designated under WAC 392-190-060. Or, if during the course of an investigation of harassment, intimidation, or bullying, the district becomes aware of a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district staff member investigating the report must promptly notify the district employee designated under WAC 392-190-060. Upon receipt of this information, the designated employee must notify the complainant that their complaint will also proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075, in addition to the procedures adopted under RCW 28A.300.285. School districts must provide this notice in a language that

the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964. In these cases, the investigation and response timeline set forth in WAC 392-190-065 begins when the school district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations that the school district has violated this chapter or the guidelines adopted under WAC 392-190-005.

**WAC 392-400-335. Short-term and in-school suspensions - Additional conditions and limitations.**

Following a classroom exclusion under WAC 392-400-330:

- (1) Notice to principal. The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible.

**WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.**

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

- (4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

**WAC 392-400-510. Emergency expulsions - Conditions and limitations.**

A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

- (5) Reporting. All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

## **Parental Notification**

### **LAWS**

**RCW 28A.155.210. Use of restraint or isolation - Requirement for procedures to notify parent or guardian.**

A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of a parent or guardian regarding the use of restraint or isolation.

**RCW 28A.225.015. Attendance mandatory - Six or seven years olds - Unexcused absences - Petition.**

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

- (a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;
- (b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day; and
- (c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative

schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

**RCW 28A.225.018. Conferences to identify barriers to child's school attendance.**

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

**RCW 28A.225.020. School's duties upon child's failure to attend school.**

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

- (a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;
- (b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

**RCW 28A.225.035. Petition to juvenile court - Contents - Court action - Referral to community engagement board or other coordinated intervention - Transfer of jurisdiction upon relocation.**

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community engagement board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

- (i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);
- (ii) Notify the parent and the child of their rights to present evidence at the hearing; and

- (iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.
- (b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

**RCW 28A.600.022. Suspended or expelled students - Reengagement plan.**

- (1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.
- (2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.
- (3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

**RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.**

- (1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.
- (2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.
- (3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.
- (4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.
- (5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

**RCW 28A.600.485. Restraint of students-Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973-Procedures-Summary of incidents of isolation or restraint-Publishing to web site.**

(6) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

**REGULATIONS**

**WAC 392-400-335. Short-term and in-school suspensions - Additional conditions and limitations.**

Following a classroom exclusion under WAC 392-400-330:

(2) Notice to parents. The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school district must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-450. Suspensions and expulsions - Initial hearing with student.**

(2) Parent participation.

(a) Short-term and in-school suspensions. At an initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

(b) Long-term suspensions and expulsions. At an initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.

**WAC 392-400-455. Suspensions and expulsions - Notice to student and parents.**

(1) Initial notice. Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

(2) Written notice. No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;

(d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;

(e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;

(f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, including where and to whom the appeal must be requested; and

(g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.



(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-510. Emergency expulsions - Conditions and limitations.**

A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

- (4) Conversion. If a school district converts an emergency expulsion to a suspension or expulsion, the district must:
  - (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
  - (b) Provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

**WAC 392-400-515. Emergency expulsions - Notice to students and parents.**

(1) Initial notice. After an emergency expulsion, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

(2) Written notice. Within twenty-four hours after an emergency expulsion, a school district must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- (a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
- (b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;
- (c) The opportunity to receive educational services during the emergency expulsion under WAC 392-400-610;
- (d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and
- (e) The student's and parents' right to appeal the emergency expulsion under WAC 392-400-525, including where and to whom the appeal must be requested.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-525. Emergency expulsions - Appeal.**

(3) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

- (a) The time, date, and location of the appeal hearing;
- (b) The name(s) of the official(s) presiding over the appeal;
- (c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;

- (d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and
- (e) The student's and parents' rights under subsection (7) of this section.

**WAC 392-400-610. Educational services during suspension, expulsion, or emergency expulsion.**

(2) Notice. As soon as reasonably possible after administering a suspension or expulsion, a school district must provide written notice to the student and parents about the educational services the district will provide. The school district must provide the written notice in person, by mail, or by email. The notice must include:

- (a) A description of the educational services that will be provided; and
- (b) The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.

## **Data Collection, Review, and Reporting of Discipline Policies and Actions**

### **LAWS**

**RCW 28A.225.151. Student-level truancy data - Reports - Data protocols and guidance for school districts.**

- (1) As required under subsection (2) of this section, the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.
- (2) The reports under subsection (1) of this section shall include, disaggregated by student group:
  - (a) The number of enrolled students and the number of unexcused absences;
  - (b) The number of enrolled students with 15 or more unexcused absences in a school year or seven or more unexcused absences in a month during a school year;
  - (c) A description of any programs or schools developed to serve students who have had seven or more unexcused absences in a month or 15 in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090;
  - (d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:
    - (i) Referral to a community engagement board;
    - (ii) Other coordinated means of intervention;
    - (iii) A hearing in the juvenile court; or
    - (iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and
  - (e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.
- (3) A report required under this section shall not disclose the name or other identification of a child or parent.
- (4) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of actions taken under RCW 28A.225.030.

**RCW 28A.300.042. Collection and submittal of student-level data - Student data-related reports - Disaggregation of data by subgroups - Modification of statewide student data systems.**

(1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

- (a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;
- (b) Further disaggregation of countries of origin for Asian students;
- (c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and
- (d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

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

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
  - (i) Bullying;
  - (ii) Tobacco;
  - (iii) Alcohol;
  - (iv) Illicit drug;
  - (v) Fighting without major injury;
  - (vi) Violence without major injury;
  - (vii) Violence with major injury;
  - (viii) Possession of a weapon; and
  - (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;
- (h) Intervention applied, including:
  - (i) Short-term suspension;
  - (ii) Long-term suspension;

- (iii) Emergency expulsion;
- (iv) Expulsion;
- (v) Interim alternative education settings;
- (vi) No intervention applied; and
- (vii) Other intervention applied that is not described in this subsection (4)(h);

- (i) Number of days a student is suspended or expelled, to be counted in half or full days; and
- (j) Any other categories added at a future date by the data governance group.

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

- (a) School and district;
- (b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;
- (c) Behavior infraction code; and
- (d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

**RCW 28A.300.046. "Student absence from school" - Rules - Collection of attendance and discipline data.**

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of: (i) Student attendance data using the definitions of student absence adopted under this section; and (ii) student discipline data with a focus on suspensions and expulsions from school.

(b) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

- (i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and
- (ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

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

**RCW 28A.300.2851. School bullying and harassment - Work group.**

(2) The work group shall:

- (a) Consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data.

**RCW 28A.300.490. Task force on gangs in schools - Reports.**

(1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the office of the superintendent of public instruction's school safety center, the school safety and student well-being advisory committee established in RCW 28A.300.635, and the Washington association of sheriffs and police chiefs.

(2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gang activities.

(3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature.

**RCW 28A.300.645. Monitoring and data collection - Comprehensive safe school plans, student distress, and school-based threat assessment programs.**

(3) By December 1, 2020, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature regarding the office's plans for data collection and monitoring under this section and describing any implementation issues that could be fixed through legislation.

**RCW 28A.320.130. Weapons incidents - Reporting.**

Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9A.12.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

**RCW 28A.320.211. Discipline policies, procedures, and rules - Dissemination of information - Use of disaggregated data - Review.**

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

**RCW 28A.400.110. Principal to assure appropriate student discipline - Building discipline standards - Classes to improve classroom management skills.**

Within each school the school principal shall determine that appropriate student discipline is established and enforced. In order to assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW 28A.600.020(3).

School principals and certificated employees shall also confer annually, to establish criteria for determining when certificated employees must complete classes to improve classroom management skills.

**RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.**

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

**RCW 28A.600.485. Restraint of students-Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973-Procedures-Summary of incidents of isolation or restraint-Publishing to web site.**

(7)(a) Beginning January 1, 2016, and by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of

individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.

(b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its web site the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

**RCW 28A.600.490. Discipline task force - Development of standard definitions - Development of data collection standards - Membership - Statewide student data system revision.**

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombuds, school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

**REGULATIONS**

**WAC 392-190-048. Access to course offerings - Student discipline and corrective action.**

At least annually, each school district and public charter school must review data on corrective and disciplinary actions taken against students within each school disaggregated by sex, race, limited-English proficiency (i.e., English language learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act. This review must include, but is not limited to, short-term suspensions, long-term suspensions, expulsions, and emergency expulsions. In reviewing this data, each school district or public charter school must determine whether it has disciplined or applied corrective action to a substantially disproportionate number of students within any of the categories identified in this section. If a school district or public charter school finds that it has disciplined or applied corrective action to a substantially disproportionate number of students who are members of one of the categories identified in this section, the school district or charter school must take prompt action to ensure that the disproportion is not the result of discrimination.

**WAC 392-400-020. Application.**

(2) This chapter must be construed in a manner consistent with the following laws and rules:

(b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;

(c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected

under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act.

**WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.**

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

- (a) Monitor the impact of the school district's discipline policies, procedures, and practices; and
- (b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

**WAC 392-401-005. Purpose.**

The purpose of this chapter is to provide a definition of absence to districts that supports accurate and consistent attendance data collection across the state. This effort will support the state and districts to address the challenge of chronic absenteeism, in an effort to improve learning outcomes and success in school for all students and to support the whole child.

**WAC 392-401-010. Authority.**

The authority for this chapter is RCW 28A.300.046, which requires the superintendent of public instruction to adopt rules establishing a standard definition of student absence from school.

**WAC 392-401-015. Definition of absent or absence.**

(1) A student is absent when they are:

- (a) Not physically present on school grounds; and
- (b) Not participating in the following activities at an approved location:
  - (i) Instruction;
  - (ii) Any instruction-related activity; or
  - (iii) Any other district or school approved activity that is regulated by an instructional/academic accountability system, such as participation in district-sponsored sports.

(2) Students shall not be absent if:

- (a) They have been suspended, expelled, or emergency expelled pursuant to chapter 392-400 WAC;
- (b) Are receiving educational services as required by RCW 28A.600.015 and chapter 392-400 WAC; and
- (c) The student is enrolled in qualifying "course of study" activities as defined in WAC 392-121-107.

(3) A full day absence is when a student is absent for fifty percent or more of their scheduled day.

(4) A school or district shall not convert or combine tardies into absences that contribute to a truancy petition.

**WAC 392-401-020. Excused absences.**

Absences due to the following reasons must be excused:

- (1) Physical health or mental health symptoms, illness, health condition or medical appointment for the student or person for whom the student is legally responsible. Examples of symptoms, illness, health conditions, or medical appointments include, but are not limited to, medical, counseling, dental, optometry, pregnancy, and behavioral health treatment (which can include in-patient or out-patient treatment for chemical dependency or mental health);
- (2) Family emergency including, but not limited to, a death or illness in the family;

- (3) Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;
- (4) Court, judicial proceeding, court-ordered activity, or jury service;
- (5) Post-secondary, technical school or apprenticeship program visitation, or scholarship interview;
- (6) State-recognized search and rescue activities consistent with RCW 28A.225.055;
- (7) Absence directly related to the student's homeless or foster care/dependency status;
- (8) Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW 28A.705.010;
- (9) Absences due to suspensions, expulsions or emergency expulsions imposed pursuant to chapter 392-400 WAC if the student is not receiving educational services and is not enrolled in qualifying "course of study" activities as defined in WAC 392-121-107;
- (10) Absences due to student safety concerns, including absences related to threats, assaults, or bullying;
- (11) Absences due to a student's migrant status; and
- (12) An approved activity that is consistent with district policy and is mutually agreed upon by the principal or designee and a parent, guardian, or emancipated youth.

A school principal or designee has the authority to determine if an absence meets the above criteria for an excused absence. Districts may define additional categories or criteria for excused absences.

**WAC 392-401-030. Unexcused absences.**

Any absence from school is unexcused unless it meets one of the criteria provided in WAC 392-401-020.



# ***Partnerships between Schools and Law Enforcement***

## **Referrals to Law Enforcement**

### **LAWS**

#### **RCW 28A.225.025. Community engagement boards.**

(1) For purposes of this chapter, "community engagement board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community engagement boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community engagement board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

#### **RCW 28A.225.026. Community engagement boards - Memoranda of understanding with juvenile courts**

##### **- Designation of school district coordinators to address absenteeism and truancy - Community-wide partnerships.**

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community engagement board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community engagement board. A community engagement board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community engagement board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy. School districts with fewer than three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community engagement board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community engagement board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community engagement boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.

**RCW 28A.225.0261. Community engagement boards - Effect of diversion from truancy petitions - Evaluation by Washington state institute for public policy- Reports.**

(1) By requiring an initial stay of truancy petitions for diversion to community engagement boards, the legislature intends to achieve the following outcomes:

- (a) Increased access to community engagement boards and other truancy early intervention programs for parents and children throughout the state;
- (b) Increased quantity and quality of truancy intervention and prevention efforts in the community;
- (c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community engagement board;
- (d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and
- (e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.

**RCW 28A.225.027. Community engagement boards - Grants for training - Grants for services and treatment.**

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community engagement boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community engagement board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community engagement board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of

individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

**RCW 28A.225.030. Petition to juvenile court for violations by a parent or child - School district responsibilities.**

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, after the child's seventh unexcused absence within any month during the current school year and not later than the 15th unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the seventh unexcused absence in a month:

- (a) Enter into an agreement with a student and parent that establishes school attendance requirements;
- (b) Refer a student to a community engagement board as defined in RCW 28A.225.025. The community engagement board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or
- (c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with seven or more unexcused absences in any month during the current school year or upon the 15th unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**RCW 28A.225.035. Petition to juvenile court - Contents - Court action - Referral to community engagement board or other coordinated intervention - Transfer of jurisdiction upon relocation.**

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

- (a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;
- (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community engagement board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community engagement board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community engagement board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community engagement board, the engagement board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the engagement board, the school district, and the child's parent. The court may permit the engagement board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community engagement board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community engagement board, the community engagement board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community engagement board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community engagement boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

#### **RCW 28A.225.060. Custody and disposition of child absent from school without excuse.**

Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district.

#### **RCW 28A.225.090. Court orders - Penalties - Parents' defense.**

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may impose:

(a) Community restitution;

(b) Nonresidential programs with intensive wraparound services;

(c) A requirement that the child meet with a mentor for a specified number of times; or

(d) Other services and interventions that the court deems appropriate.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the community engagement board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may impose alternatives to detention consistent with best practice models for reengagement with school.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

## **REGULATIONS**

No relevant regulations found.

## **School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification**

### **LAWS**

#### **RCW 28A.300.2851. School bullying and harassment - Work group.**

(1) The office of the superintendent of public instruction and the office of the education ombuds shall convene a work group on school bullying and harassment prevention to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington. The superintendent of public instruction or a designee shall serve as the chair of the work group.

(2) The work group shall:

(f) Recommend training for district personnel who are designated as the primary contact regarding the policy and procedure and for school resource officers and other school security personnel.

#### **RCW 28A.300.650. School resource officer training - Materials- Grant program- Report.**

(1) Subject to the availability of amounts appropriated for this specific purpose, by January 1, 2020, the state school safety center, established in RCW 28A.300.630, in collaboration with the school safety and student well-being advisory committee, established in RCW 28A.300.635, and law enforcement entities interested in providing training to school resource officers, shall identify and make publicly available training materials that are consistent with the requirements in RCW 28A.320.124.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must establish and implement a grant program to fund training for school resource officers as described in RCW 28A.320.124. Eligible grantees include school districts, educational service districts, law enforcement agencies, and law enforcement training organizations. Training under this section may be developed by schools in partnership with local law enforcement and organizations that have expertise in topics such as juvenile brain development; restorative practices or restorative justice; social-emotional learning; civil rights; and student rights, including free speech and search and seizure. This training may be provided by the criminal justice training commission.

(b) By December 1st of each year the program is funded, the office of the superintendent of public instruction must submit an annual report to the governor and appropriate committees of the legislature on the program.

#### **RCW 28A.320.124. School resource officer programs.**

(1) By the beginning of the 2021-22 school year, school districts that have safety and security staff working on school property when students are expected to be present must adopt, and periodically update, a policy and procedure that:

(a) Includes a clear statement regarding safety and security staff duties and responsibilities related to student behavior and discipline that:

(i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators; and

(ii) Recognizes that trained safety and security staff know when to informally interact with students to reinforce school rules and when to enforce the law;

- (b) Clarifies the circumstances under which teachers and school administrators may ask safety and security staff to intervene with a student;
- (c) Explains how safety and security staff will be engaged in creating a positive school climate and positive relationships with students; and
- (d) Describes the process for families to file complaints with the school and, when applicable, the local law enforcement agency or the company that provides the safety and security staff on contract related to safety and security staff and a process for investigating and responding to complaints.

(2) At the beginning of each school year, school districts that have safety and security staff working on school property must present to and discuss with students, and distribute to students' families, information about the role and responsibilities of safety and security staff.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Safety and security staff" means a school resource officer, a school security officer, a campus security officer, and any other commissioned or noncommissioned employee or contractor, whose primary job duty is to provide safety or security services for a public school, as defined in RCW 28A.150.010.

(b) "School resource officer" means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff's office to work in schools to build positive relationships with students and address crime and disorder problems, gangs, and drug activities affecting or occurring in or around K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

## **REGULATIONS**

No relevant regulations found.

## **Authorizations, Memoranda of Understanding (MOUs), and/or Funding**

## **LAWS**

### **RCW 28A.320.124. School resource officer programs.**

(1) By the beginning of the 2021-22 school year, school districts that have safety and security staff working on school property when students are expected to be present must adopt, and periodically update, a policy and procedure that:

- (a) Includes a clear statement regarding safety and security staff duties and responsibilities related to student behavior and discipline that:
  - (i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators; and
  - (ii) Recognizes that trained safety and security staff know when to informally interact with students to reinforce school rules and when to enforce the law;
- (b) Clarifies the circumstances under which teachers and school administrators may ask safety and security staff to intervene with a student;
- (c) Explains how safety and security staff will be engaged in creating a positive school climate and positive relationships with students; and



(d) Describes the process for families to file complaints with the school and, when applicable, the local law enforcement agency or the company that provides the safety and security staff on contract related to safety and security staff and a process for investigating and responding to complaints.

(2) At the beginning of each school year, school districts that have safety and security staff working on school property must present to and discuss with students, and distribute to students' families, information about the role and responsibilities of safety and security staff.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Safety and security staff" means a school resource officer, a school security officer, a campus security officer, and any other commissioned or noncommissioned employee or contractor, whose primary job duty is to provide safety or security services for a public school, as defined in RCW 28A.150.010.

(b) "School resource officer" means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff's office to work in schools to build positive relationships with students and address crime and disorder problems, gangs, and drug activities affecting or occurring in or around K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

#### **RCW 28A.605.010. Removing child from school grounds during school hours.**

The board of directors of each school district by rule or regulation shall set forth proper procedure to ensure that each school within their district is carrying out district policy providing that no child may be removed from any school grounds or building thereon during school hours except by a person so authorized by a parent or legal guardian having legal custody thereof, except that a student may leave secondary school grounds only in accordance with the school district's open campus policy under RCW 28A.600.035. Such rules shall be applicable to school employees or their designees who may not remove, cause to be removed, or allow to be removed, any student from school grounds without authorization from the student's parent or legal guardian unless the employee is: The student's parent, legal guardian, or immediate family member, a school employee providing school bus transportation services in accordance with chapter 28A.160 RCW, a school employee supervising an extracurricular activity in which the student is participating and the employee is providing transportation to or from the activity; or, the student is in need of emergent medical care, and the employee is unable to reach the parent for transportation of the student. School security personnel may remove a student from school grounds without parental authorization for disciplinary reasons.

#### **REGULATIONS**

No relevant regulations found.

### **Threat Assessment Protocols**

#### **LAWS**

#### **RCW 28A.300.640. School-based threat assessment program - Model policy and procedure.**

(1) The Washington state school directors' association, in collaboration with the office of the superintendent of public instruction, shall develop a model policy and procedure to establish a school-based threat assessment program that meets the requirements of RCW 28A.320.123. The model policy

and procedure must be posted on the web site of the state school safety center, established in RCW 28A.300.630, by January 1, 2020.

(2) In developing the model policy and procedure, the Washington state school directors' association and the office of the superintendent of public instruction must:

(a) Consult with the school safety and student well-being advisory committee, established under RCW 28A.300.635, and other organizations with expertise in school safety, behavioral health, the rights of students with disabilities, and protecting civil liberties; and

(b) Consider multilevel threat assessment programs implemented in schools in Washington.

**RCW 28A.300.645. Monitoring and data collection - Comprehensive safe school plans, student distress, and school-based threat assessment programs.**

(1) Subject to the availability of amounts appropriated for this specific purpose, in order to ensure that public schools and school districts are meeting the requirements of RCW 28A.320.125 relating to comprehensive safe school plans, RCW 28A.320.127 related to plans for recognition, initial screening, and response to emotional or behavioral distress in students, and RCW 28A.320.123 relating to school-based threat assessment programs, the superintendent of public instruction shall monitor these programs no less than once every five years.

(2) The superintendent of public instruction must consult with interested stakeholders to develop data collection and submission requirements for school districts as they relate to RCW 28A.320.125 relating to comprehensive safe school plans, RCW 28A.320.127 related to plans for recognition, initial screening, and response to emotional or behavioral distress in students, and RCW 28A.320.123 relating to school-based threat assessment programs.

(3) By December 1, 2020, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature regarding the office's plans for data collection and monitoring under this section and describing any implementation issues that could be fixed through legislation.

(4) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

**RCW 28A.310.510. Regional school safety centers.**

(1) Subject to the availability of amounts appropriated for this specific purpose, each educational service district must establish a regional school safety center as provided in this section.

(2) The regional school safety centers working in collaboration with one another and the state school safety center, established in RCW 28A.300.630, form a statewide network for school safety. The purpose of this statewide network is to provide coordination of school safety efforts throughout the state and to provide school safety resources to the school districts in each educational service district region.

(3) Working in collaboration with the office of the superintendent of public instruction and the statewide network, each regional school safety center must provide to the school districts in its region:

(b) School-based threat assessment coordination that, at a minimum, includes:

(i) Providing training and technical assistance regarding the use of the model policy and procedure to establish a school-based threat assessment program, developed under RCW 28A.300.640;

(ii) Assisting with ongoing identification and implementation of best practices for school-based threat assessment programs, described under RCW 28A.320.123; and

(iii) Building partnerships with community partners, such as behavioral health providers, law enforcement agencies, emergency responders, juvenile justice organizations, and child welfare

agencies, for the purpose of implementing school-based threat assessment programs that comply with best practices.

**RCW 28A.320.123. School-based threat assessment program.**

- (1) At a minimum, a school-based threat assessment program must:
  - (a) Provide for timely and methodical school-based threat assessment and management;
  - (b) Be prompted by the behavior of a student rather than some combination of a student's demographic and personal characteristics;
  - (c) Convene a multidisciplinary, multiagency team, including special education teachers and practicing educational staff associates, to:
    - (i) Identify and assess the behavior of a student that is threatening, or potentially threatening, to self, other students, staff, school visitors, or school property;
    - (ii) Gather and analyze information about the student's behavior to determine a level of concern for the threat that focuses on situational variables, rather than the student's demographic or personal characteristics;
    - (iii) Depending on the determined level of concern, develop and implement intervention strategies to manage the student's behavior in ways that promote a safe, supportive teaching and learning environment, without excluding the student from the school; and
    - (iv) In the case of the threatening, or potentially threatening, behavior of a student with disabilities, align intervention strategies with the student's individualized education program or plan developed under section 504 of the rehabilitation act of 1973 by coordinating with the student's individualized education program or section 504 plan team;
  - (d) Create guidelines for each threat assessment team to collect, report, and review quantitative data on its activities; and
  - (e) Prohibit suspension or expulsion based merely on threat assessment referral or performance.
- (2) By the beginning of the 2020-21 school year, each school district shall adopt a policy and procedure to establish a school-based threat assessment program that meets the requirements of subsection (1) of this section. The school district policy and procedure must be consistent with the model policy and procedure developed under RCW 28A.300.640, and with other school district policies, procedures, and plans addressing safe and supportive learning environments.
- (3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.
  - (a) "School-based threat assessment" means the formal process, established by a school district, of evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the threat is likely to be carried out.
  - (b) "School-based threat management" means the development and implementation of a plan to manage or reduce the threatening, or potentially threatening, behavior of a student in a way that increases the physical and psychological safety of students, staff, and visitors, while providing for the education of all students.

**REGULATIONS**

No relevant regulations found.

## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Washington provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
<b>Website</b>		
Attendance, Chronic Absenteeism, and Truancy, Washington Office of Superintendent of Public Instruction (WA OSPI)	Provides information and resources related to attendance, absences, and truancy in Washington schools.	<a href="https://www.k12.wa.us/student-success/support-programs/attendance-chronic-absenteeism-and-truancy">https://www.k12.wa.us/student-success/support-programs/attendance-chronic-absenteeism-and-truancy</a>
Harassment, Intimidation, and Bullying (HIB), WA OSPI	Provides information for policies, data, documents and related resources addressing bullying in Washington schools.	<a href="https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-security-related-rcws-wacs/harassment-intimidation-and-bullying-hib">https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-security-related-rcws-wacs/harassment-intimidation-and-bullying-hib</a>
Health & Safety, WA OSPI	Provides an overview of health and safety topics such as school safety and mental, social, and behavioral health which includes in each section research, data, laws and policies, and other resources.	<a href="https://www.k12.wa.us/student-success/health-safety">https://www.k12.wa.us/student-success/health-safety</a>
Multi-Tiered System of Supports (MTSS), WA OSPI	Presents an overview of the multi-tiered system of supports and the essential components of an MTSS framework in Washington schools.	<a href="https://www.k12.wa.us/student-success/support-programs/multi-tiered-system-supports-mtss">https://www.k12.wa.us/student-success/support-programs/multi-tiered-system-supports-mtss</a>
Restraint and Isolation, WA OSPI	Provides information and resources related to restraint and isolation in Washington schools.	<a href="https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-resource-library/restraint-and-isolation">https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-resource-library/restraint-and-isolation</a>

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
School Safety Center, WA OSPI	Provides resources to districts and schools to help in the development of high-quality emergency operations and safety plans, including safety planning toolkits, trainings and professional development, data and reports, and state laws.	<a href="https://www.k12.wa.us/student-success/health-safety/school-safety-center">https://www.k12.wa.us/student-success/health-safety/school-safety-center</a>
Student Discipline, WA OSPI	Provides information and resources related to discipline laws, data, and training - including parent and family resources and guidance for school districts.	<a href="https://www.k12.wa.us/student-success/support-programs/student-discipline">https://www.k12.wa.us/student-success/support-programs/student-discipline</a>
Social and Emotional Learning (SEL), WA OSPI	Presents the history of SEL and provides links to SEL implementation tools, legislative reports, research-supporting work, and other resources to related topics such as trauma informed.	<a href="https://www.k12.wa.us/student-success/health-safety/mental-social-behavioral-health/social-and-emotional-learning-sel">https://www.k12.wa.us/student-success/health-safety/mental-social-behavioral-health/social-and-emotional-learning-sel</a>
<b>Documents</b>		
2010 Model Policy and Procedures on Harassment, Intimidation and Bullying to Model Policy and Procedures 3207/3207P-Prohibition of Harassment, Intimidation and Bullying, Washington State School Directors' Association (WSSDA)	Model policy prohibiting harassment, intimidation and bullying in WA schools. This policy and procedure is developed and periodically updated by WSSDA so the latest versions are publicly available on the WSSDA website. They were last revised in 2019.	<a href="https://www.wssda.org/policy-legal/featured-policies/">https://www.wssda.org/policy-legal/featured-policies/</a>
Behavior Menu of Best Practices and Strategies (2020), WA OSPI	Document guidance contains best practices and strategies for student behavior and foundational concept describing Washington state's approach to school discipline and other initiatives designed to improve social-emotional learning for all students.	<a href="https://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies">https://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies</a>
Model Policy and Procedures 3241/3241P-Student Discipline	Model policy and procedure on student discipline, developed in accordance with RCW 28A.345.090	<a href="https://www.wssda.org/policy-legal/featured-policies/">https://www.wssda.org/policy-legal/featured-policies/</a>

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
Preventing & Addressing Discrimination in Student Discipline (October 2019), WA OSPI	Guidelines describing how school districts can meet their obligations under state law to administer student discipline without discrimination.	<a href="https://www.k12.wa.us/sites/default/files/public/equity/2019_Discipline_Equity_Guidelines_Final.pdf">https://www.k12.wa.us/sites/default/files/public/equity/2019_Discipline_Equity_Guidelines_Final.pdf</a>
Student Discipline Rules Questions & Answers: A Technical Guide, (September 2019) WA OSPI	Guide presents questions and answers relevant to Washington's student discipline rules to help assist school districts with implementation of state laws regarding discipline.	<a href="https://www.k12.wa.us/sites/default/files/public/studentdiscipline/publicdocs/Student%20Discipline%20Rules%20Technical%20Guide%202019.pdf">https://www.k12.wa.us/sites/default/files/public/studentdiscipline/publicdocs/Student%20Discipline%20Rules%20Technical%20Guide%202019.pdf</a> .
Washington State Common School Manual (Revised and published February 2021), WA OSPI	Manual compilation of most of the laws enacted by the state legislature governing common school system operations and other titles containing laws affecting school operations.	<a href="http://www.k12.wa.us/ProfPractice/adminresources/CSM.aspx">http://www.k12.wa.us/ProfPractice/adminresources/CSM.aspx</a>
<b><i>Other Resources</i></b>		
SEL Online Education Module, WA State OSPI	Online training module for school leaders and educators to assist in building and improving students' knowledge and understanding of social emotional skills.	<a href="https://www.k12.wa.us/student-success/health-safety/mental-social-behavioral-health/social-and-emotional-learning-sel/sel-online-education-module">https://www.k12.wa.us/student-success/health-safety/mental-social-behavioral-health/social-and-emotional-learning-sel/sel-online-education-module</a>
Washington State Report Card, WA State OSPI	Discipline data regarding overall out-of-school exclusion rates by state, district, and school level. Rates by race/ethnicity, gender, special education, English Learner, and other student characteristics such as grade-level.	<a href="https://washingtonstatereportcard.ospi.k12.wa.us/">https://washingtonstatereportcard.ospi.k12.wa.us/</a>