

LEAGUE OF EDUCATION VOTERS™

School Discipline Rules

During the 2013 legislative session, ESSB 5946 became law, which makes discipline data public and limits the number of days that students can be removed from class. The Office of Superintendent of Public Instruction (OSPI) recently proposed rules for the new law and is inviting public comment on those rules. Their proposed rules are a good start, but there's room for improvement.

Summary of OSPI's Proposed Rules

- Removes the word "punishment" from the rules.
- Emergency Expulsions must end or be converted within 10 school days. In order for a student to be emergency expelled they must pose a danger to the school or threat of substantial disruption to the educational process. Students and parents/guardians must be notified of the emergency expulsion and the right to a hearing by the end of the school day.
- Expulsions cannot exceed one calendar year unless there is a risk to public health or safety. To exceed one year, the school can petition the district superintendent. The petition must include a number of things, including: a detailed description of the student's misconduct, the school rules allegedly violated, and the public health/safety concerns; a description of the lesser forms of corrective action that were considered and the reason those were rejected; the proposed length of the expulsion; and a proposed schedule of reengagement meetings.
- Districts must make efforts to have the student returned to an education setting as soon as possible.
- Districts should convene the reengagement meeting with the student and parent/guardian within 20 days of the suspension/expulsion but no later than 5 days before the student's enrollment.
- Reengagement plans are required. The reengagement plan is developed between a district and a student and his or her parent/guardian and the plan should be written in a language that the parents can understand.
- Rewrites the definition of who is protected from unlawful discrimination or denial of education, but leaves out important categories of students.

Recommendations to Strengthen OSPI's Proposed Rules

The proposed rules are a strong foundation and we are advocating for the following improvements:

- Strengthen language regarding reengagement meetings from "should" to "must" in WAC 392-400-420 (1) to prevent misinterpretation and to make clear these meetings are required.
- The rules should make clear that the law applies to all students who are currently suspended or expelled from school even if the suspension and expulsion occurred before the law became effective.
- Provide clearer guidance for schools such as details for reengagement meetings (WAC 392-400-420 (1)) and a clear and consistent definition and process for districts to follow in order to extend a suspension or expulsion for more than a year (WAC 392-400-410).
- In light of recent research and federal school discipline guidance, encourage schools and districts to improve school climate and use restorative practices to address behavior instead of suspending and expelling students.

Get involved and learn more: Contact Kelly Munn at kelly@educationvoters.org, 206-728-6448.

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