

# Discipline Rulemaking

**Vanessa Hernandez**

**Youth Policy Director**

**ACLU of Washington**

**Paul Alig**

**Managing Attorney**

**TeamChild**

**ACLU**  
Washington

**Team**  
**Child**



# Laws and regulations

## Legislature



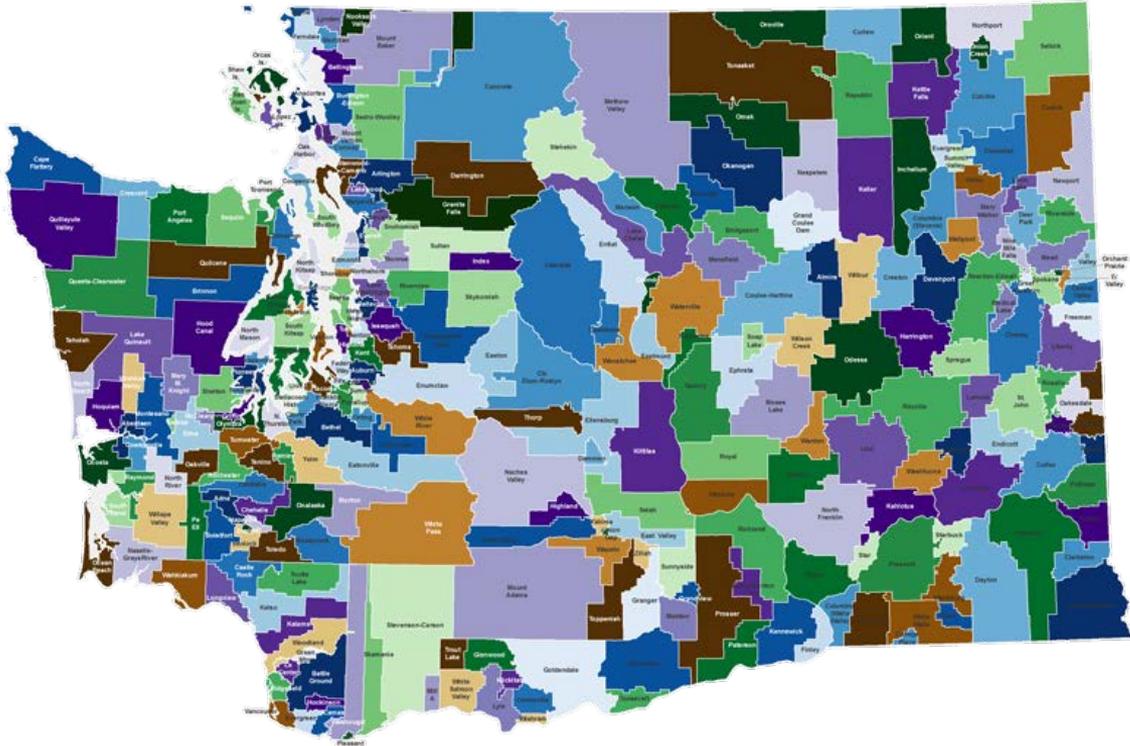
Passes laws (RCWs) that bind every district in Washington

## Office of Superintendent of Public Instruction (OSPI)



Interprets laws in regulations (WACs), plus has guidance and enforcement power.

# School Districts

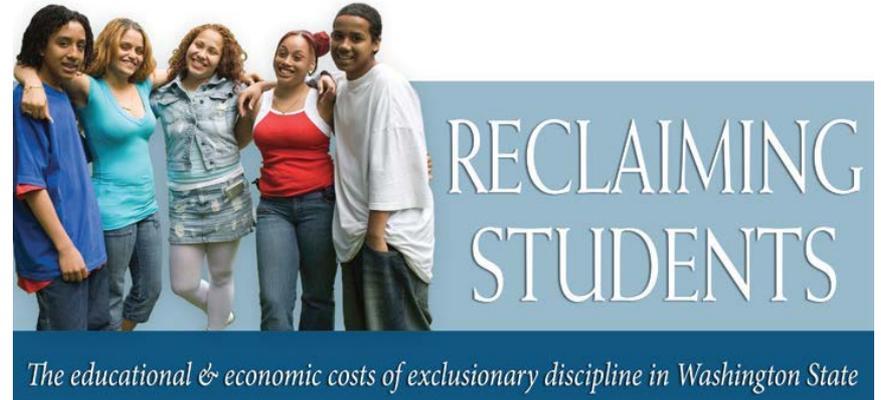


Make policy  
consistent with law  
and regulations

Puts policy into  
practice

# Why is OSPI making rules about school discipline?

- Appleseed, TeamChild, Garvey Shubert Barer, ACLU (with much help from many others)
- Came together in 2010 out of a mutual concern about the negative impact of out of school exclusions on Washington students
- Public disclosure requests sent to all 295 school districts for the 2009-2010 school year.
- Report raised many concerns about schools use of discipline



# 2013 Washington Legislature Ends Indefinite Expulsions



# Reforms Continue

- 2014 – School Discipline Task Force convened
- Summer of 2014 – Hundreds of citizens provide comments to OSPI about School Discipline Rules
- 2016 – HB 1541 passes the legislature with many more changes
  - Suspensions/expulsions limited to one academic term
  - Education Services required
  - Reengagement meetings Required
- 2017 – OSPI starts rulemaking again
  - Hundreds more citizens provide public comments during 4 hearings

How are regulations made?

NOTICE

and

COMMENT

# Timeframe: Discipline Regulations

- November 2016: CR-101 (notice of proposal)
- September- November 2017: Notice and comment (round 1)
- February 21, 2018 : Second notice of proposed rulemaking
- May 2, 2018: Comment period closes/ last hearing in Spokane.
- Summer 2019: Final rules anticipated, school districts likely to revise policies
- 2018-2019 School year: New rules/ policies effective

# Highlights of 2017-2018 Discipline Rules

# Alternatives to Exclusion

- Discipline to be administered in a way that **keeps students in classroom** to maximum extent possible. WAC 392-400-110
- District discipline policies must **identify other forms of discipline** to be used before classroom exclusion, may include menu of best practices. WAC 392-400-110
- Before administering suspension, district must consider student **individual circumstances** and nature of violation to determine whether exclusion appropriate. WAC 392-400-430

# Zero Tolerance Ended?

- Proposed WACs remove language regarding exceptional misconduct offenses



# Parent Engagement

- **Early involvement** of parents in supporting students to meet behavior expectations. WAC 392-400-010
- District staff to make “**every reasonable attempt** to involve parents in resolution of behavioral violations” WAC 392-400-010
- Parents **notified** about classroom exclusion as soon as possible. WAC 392-400-335
- If student facing short term suspension, given option to call parents before conference with admin. If long term suspension, admin. must make “reasonable attempt” to contact parent for notice and participation. WAC 392-400-455, WAC 392-400-350

# Parent Engagement

- Notices and procedures must be in language student and parents understand. WAC 392-400-335, 445, 450, 455, 460, 465, 470, 480, 515, 520, 525, 530, 710, 815
- In deciding ed services, district must consider meaningful input from family. WAC 392-400-610
- In reengagement meeting, district must
  - Collaborate with student and parent
  - Consider “as appropriate, students’ cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach). WAC 392-400-710

# Classroom Removal

- Other interventions must be tried before removal or suspension. WAC 392-400-430.
- If classroom removal is for more than balance of a school day, must be treated like suspension. If student removed from school, must be suspension. WAC 392-400-330
- In-school suspension= staff must be present and accessible to keep student current with classwork. WAC 392-400-435.

# Education Services

- Less than 5 days = coursework, access to school personnel, and opportunity to make up assignments and tests
- 6-10 days: School coordinator to contact students/parents and coordinate delivery and grading of work
- 10 days plus: Alternative learning experience in compliance with WAC 392-121-107 (online, alternative school, etc.)

# Areas for Potential Improvement

- **Culturally responsive discipline policies:** Are there areas beyond reengagement to emphasize parent and community collaboration?
- **Special Education:** Should the WACs related to disciplinary removals of students in special education be revised?
- **Administrative Transfer:** Schools cannot prohibit students from returning to their typical school after suspension, but can “administratively transfer” a student if the basis isn’t the behavioral violation. WAC 392-400-430
- **Suspension Imposed by Other District:** District can continue suspension/expulsion imposed by other district if the student’s behavior violates new district behavioral code. WAC 392-400-810

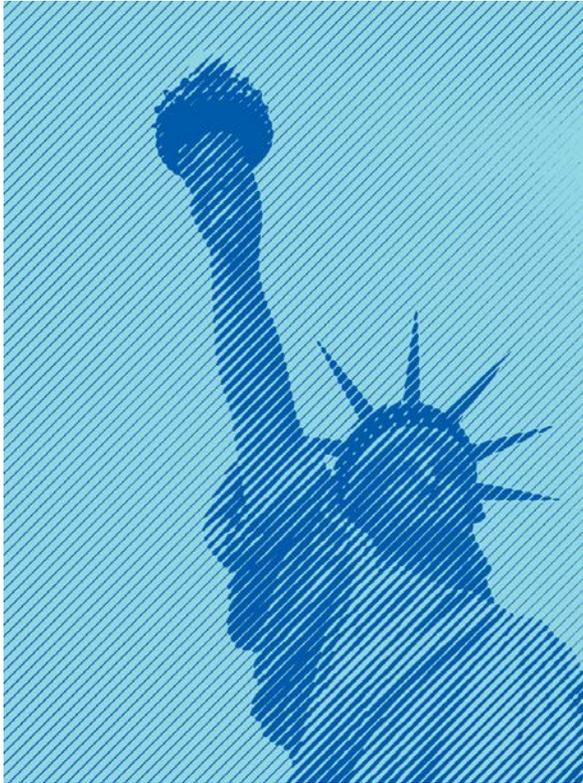


Photo Copyright Flickr-Via Tsuji

## For more information:

Vanessa Hernandez: [policy@aclu-wa.org](mailto:policy@aclu-wa.org)  
[www.aclu-wa.org](http://www.aclu-wa.org)

**ACLU**

Washington

**WE THE PEOPLE**

  
Team  
Child