

Emergency Rulemaking on Student Discipline

2025 AWSP Winter Forum, January 30, 2025

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Washington Office of Superintendent of
PUBLIC INSTRUCTION

Agenda

- ❑ Review of Emergency Rulemaking Process (*How it relates to the Schoolhouse & District*)
- ❑ Overview of Major Changes that impact students (*Time to talk*)
- ❑ Timeline for Formal Rulemaking Process (*Keeping you Informed*)



Emergency Rules Developed in Collaborative State Agency Partnership



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| WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS |



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OSPI



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Emergency Rules are Intended to:

1. **Update statutory definitions** of discipline that are in alignment with current law
2. **Require school boards to establish policies for reporting and notification** when **classroom exclusions** occur
3. **Clarify the scope of authority for teachers** when administering **classroom exclusions**
4. **Make evident the standards and procedures that educators must follow** to maintain an optimal learning environment for all students
5. **Promote the involvement of families** as integral partners in helping students to be successful
6. **Ensure manageable data and reporting requirements** from each level of the system, where applicable (i.e., classroom, school, district, state, etc.)



Washington State Legislation



Revised Code of Washington (RCW)

- LAWS -

- Enacted by State Legislature and signed by the Governor
- Enacted by voters (initiatives & referendums)

Washington Administrative Code (WAC)

- REGULATIONS -

- Issued by state agencies
- Provides structure and clarity for what is and isn't allowed under state law



Timeline

Effective Immediately - Emergency Rules

2024-2025 School Year – Agency Engages in Formal Rulemaking Process

- Open Comment Period
- StudentDiscipline@k12.wa.us
- Agency Hearings
 - Tuesday, March 4th, 10 am Zoom
 - In person public hearings week of March 10-14 and March 17-21, 4 pm, locations to be determined

2025-2026 School Year – Formal Rulemaking in Effect

WSSDA Model Policy updated



Emergency Rulemaking on Discipline Laws under WAC Chapter 392-400

2024 Bulletins

[2024](#) [2023](#) [2022](#) [2021](#) [2020](#)

Choose a Program

Student Engagement & Support

▼

Apply

Number	Date	Title
– B055-24	08/16/2024	Chapter 392-400 Washington Administrative Code (WAC) Student Discipline Emergency Rules

File(s)	Bulletin 055-24 (PDF) Attachment A: Behavior and Discipline Key Values and Changes (PDF) Attachment B: Behavior and Discipline WAC Side-by-Side (PDF) Attachment C: Student Behavior and Discipline Worksheet (PDF) Addendum to Bulletin 055-24 (PDF) Attachment A: Revised WAC Side-by-Side (PDF) Attachment B: WAC Full 392-400 (PDF)
Office/Program	Student Engagement & Support

OSPI Rulemaking Activity

Rule making is the process by which a state agency makes changes to the Washington Administrative Code (WAC). The tables below detail current rule making activity by OSPI concerning Title 392 WAC.

Email me when this page is updated. [↗](#)

CR 103E Emergency Adoption

WAC Chapter	Description	Filing Date	WA Register	Agency Contact
392-190 ; 392-400 ; 392-401 (PDF)	Student Discipline (emergency rules): OSPI is adopting emergency rulemaking in the area of student discipline with revisions that are intended to: (1) update statutory definitions of discipline that are in alignment with current law; (2) require school boards to establish policies for reporting and notification when classroom exclusions occur; (3) clarify the scope of authority for teachers when administering classroom exclusions; (4) make evident the standards and procedures that educators must follow to maintain an optimal learning environment for all students; (5) promote the involvement of families as integral partners in helping students to be successful, and (6) ensure manageable data and reporting requirements from each level of the system, where applicable (i.e., classroom, school, district, state, etc.). Adopting these rule updates before the beginning of the 2024-2025 school year would allow these critical changes involving the health and safety of both students and educators to take effect immediately. <i>Note: On September 20, 2024, OSPI rescinded this CR-103E filing (WSR 24-17-119) in order to file an updated CR-103E (WSR 24-20-021), which includes language updates to the emergency rules regarding student discipline.</i>	08/19/2024	24-17-119 (PDF)	Anna Marie Dufault ✉
392-190 ; 392-400 ; 392-401 (PDF)	Student Discipline (emergency rules - updated): OSPI is adopting emergency rulemaking in the area of student discipline with revisions that are intended to: (1) update statutory definitions of discipline that are in alignment with current law; (2) require school boards to establish policies for reporting and notification when classroom exclusions occur; (3) clarify the scope of authority for teachers when administering classroom exclusions; (4) make evident the standards and procedures that educators must follow to maintain an optimal learning environment for all students; (5) promote the involvement of families as integral partners in helping students to be successful, and (6) ensure manageable data and reporting requirements from each level of the system, where applicable (i.e., classroom, school, district, state, etc.). Adopting these rule updates before the beginning of the 2024-2025 school year would allow these critical changes involving the health and safety of both students and educators to take effect immediately.	09/20/2024	24-20-021 (PDF)	Anna Marie Dufault ✉

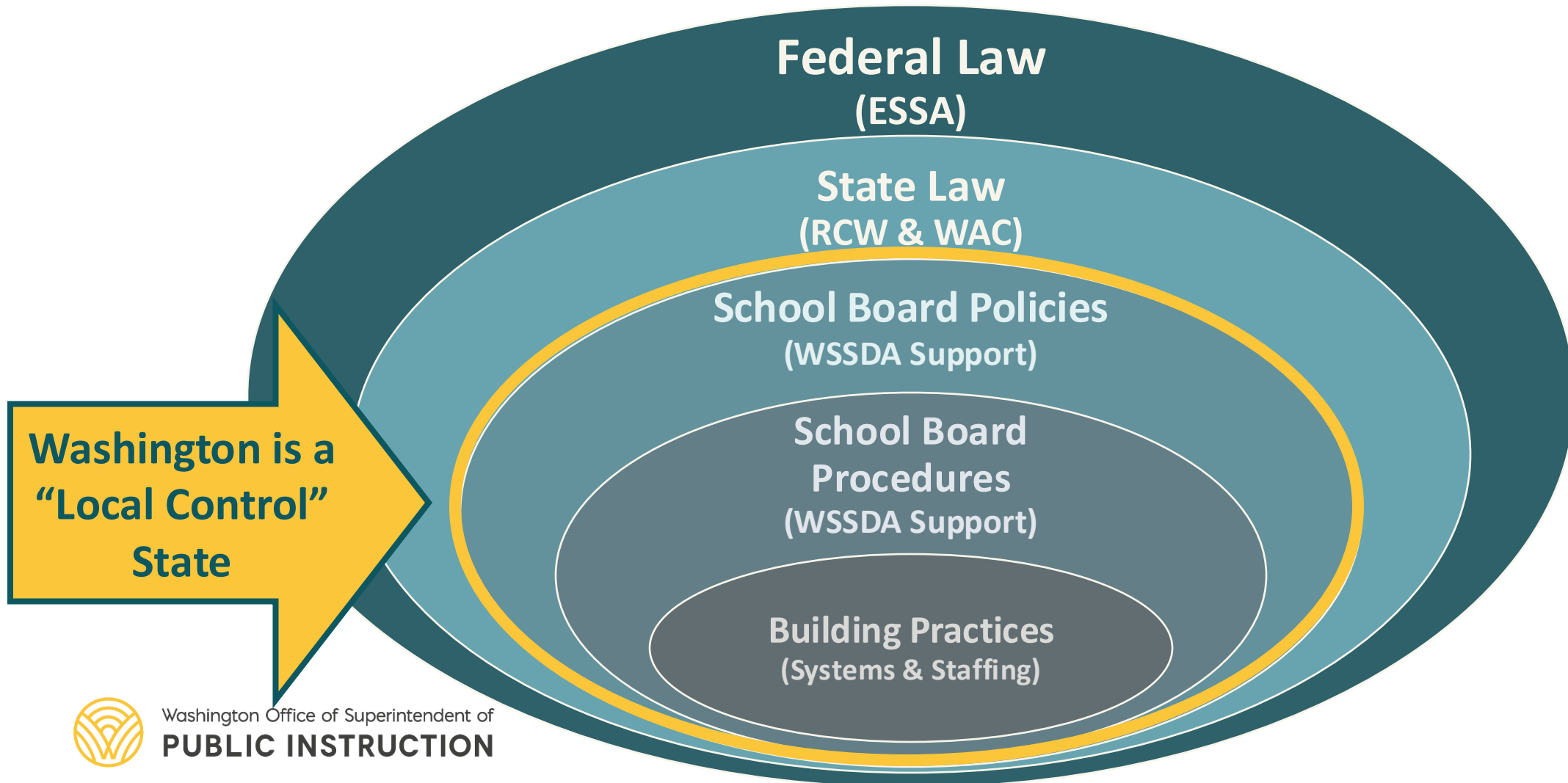


Key Changes within the Emergency Rulemaking

- **Replaces “Emergency Expulsion” with “Emergency Removal”** per RCW 28A.600.495.
- **Clarifies the definition of classroom exclusion.**
- **Includes the definitions of discretionary and non-discretionary discipline** from RCW 28A.600.015(6).
- **Removed language “Other Forms of Discipline” and added the definition of non-disciplinary action and corrective action.**
- **References RCWs related to professional standards** of educator certification and renewal, Teacher and Principal Evaluation Criterion and Frameworks (**TPEP**), and Cultural Competency Diversity Equity and Inclusion Standards (**CCDEI**).
- **Requires school districts and school boards to revisit their district policies and procedures** so that all **staff work cooperatively toward consistent enforcement of proper student behavior** throughout each school as well as within each classroom.



School Board Policy and Procedure Authority



Emergency Rulemaking on Discipline Laws under WAC Chapter 392-400

Purpose WAC 394-400-010

- Expanded purpose and definitions. References RCW.

Definitions WAC 392-400-025

- Clarified discretionary and non-discretionary discipline.
- Added the definition non-disciplinary action to the definition of discretionary discipline
- Defined corrective action to mean disciplinary and non-disciplinary actions taken by a certificated educator

Discipline Policies and Procedures WAC 392-400-110

- Expanded language for clarity. References RCW.



Emergency Rulemaking on Discipline Laws under WAC Chapter 392-400

Classroom Exclusions WAC 392-400-330

- Expanded language for clarity.
- Included language from the RCW about attempting corrective action vs. referencing RCW
- Removed the language “brief duration”

Classroom Exclusion Notice and Procedure WAC 392-400-335

- Clarified responsibilities of LEAs in alignment with best practice.

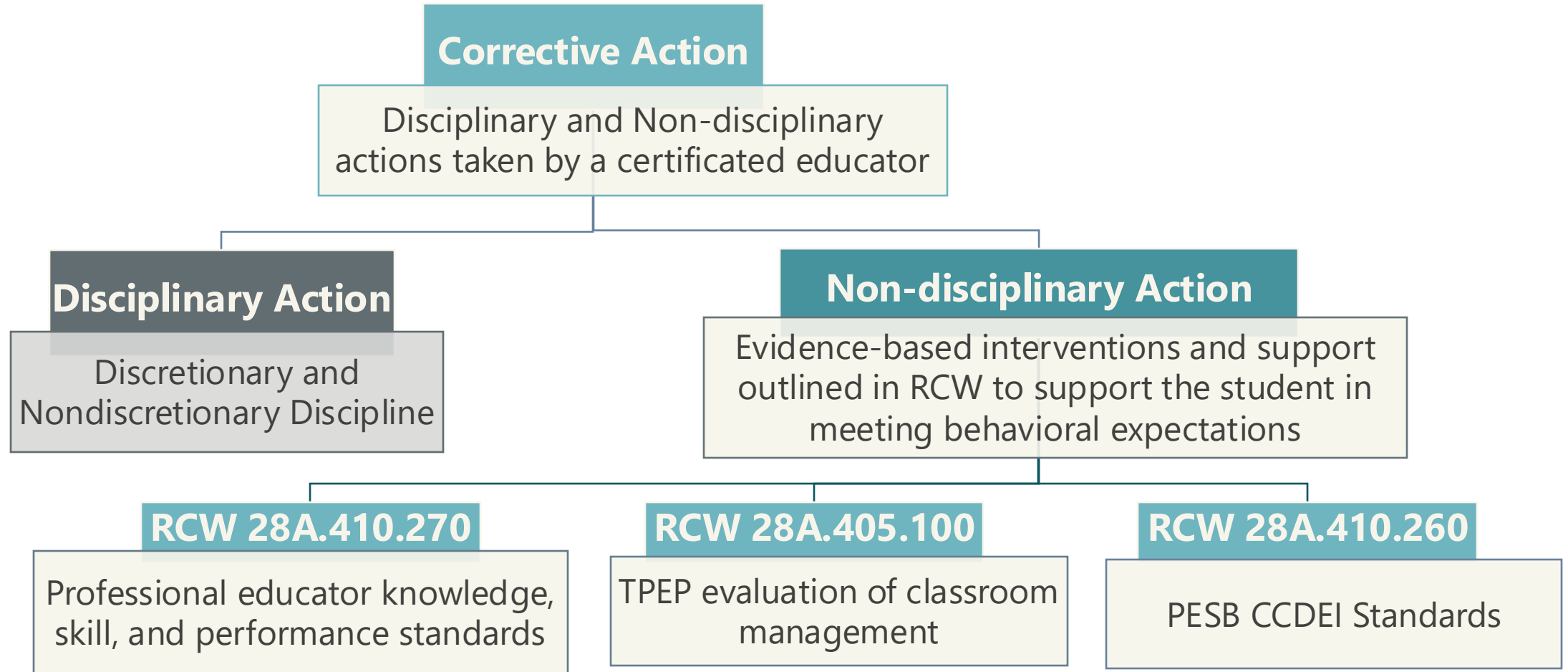
Removed language “other forms of discipline” from three WAC’s

- WAC 392-400-435 Short-term and in-school suspension.
- WAC 392-400-440 Long-term suspensions.
- WAC 392-400-445 Expulsions.



WAC 392-400-025: Definitions

Corrective Action



WAC 392-400-025: Definitions

Discretionary vs. Nondiscretionary Discipline

Discretionary

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.600.015(6).

Discretionary discipline **does not include evidence-based interventions and support** outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 **to support the student in meeting behavioral expectations.**

Nondiscretionary

(a) **Violations** of RCW 28A.600.420; (b) **An offense listed 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.** RCW 28A.600.015.



Evidence Based Interventions & Supports

RCW 28A.410.270

- > PESB knowledge, skill, and performance standards
- > SEL and CCDEI standards
- > Emotional-behavioral distress support

RCW 28A.405.100

- > TPEP evaluation of classroom management skills
- > Handling of student discipline and attendant problems
- > Fostering and managing a safe and inclusive learning environment

RCW 28A.410.260

- > PESB cultural competency, diversity, equity, and inclusion (CCDEI) standards of practice



Attachment C:

Student Behavior and Discipline Worksheet

Discretionary Behavior ← Behavior → Non-discretionary Behavior

Student behavior that violates the rules of student conduct adopted by a school district board of directors (RCW 28A.600.015).

Student behavior that violates: A.) RCW 28A.600.420 (bringing a firearm to school); B.) RCW 13.04.155 (juvenile justice laws); C.) Two or more violations of RCW 9A.46.120 (criminal gang intimidation), RCW 9.41.280 (dangerous weapons on campus), RCW 28A.600.455 (prohibits harassment, intimidation and bullying in schools), RCW 28A.635.020 (pertains to the willful disobedience of school personnel or the refusal to leave school grounds) within a three-year period; or RCW 28A.635.060 (defacing, injuring school property); D.) Behavior that adversely impacts the health/safety of other students or staff.

Student behavior that violates the rules of student conduct adopted by a school district board of directors.

D

C

B

A

State Required Tools

CCDEI Standards
T+P Evaluation Criterion and Framework
Educator Standards and Certification Renewal Requirements

School/Classroom Tools and Resources


District Tools and Resources

This is the opportunity!
What do students and staff need to be successful?
Integration of tiered supports, community resources, and partnerships.



Time to talk with your peers

How are you and your teams working with students using discretionary and non-discretionary discipline?



Please be willing to share either aloud or in the chat some of your successes this year!



WAC 392-400-330: Classroom Exclusions

A teacher may exclude a student from the teacher's individual classroom and instructional or activity area while the student is under the teacher's immediate supervision, subject to district policy and procedure requirements established in WAC 392-400-110. **Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action.**

Discretionary discipline leading to a classroom exclusion as **determined by the school district's written procedures** per RCW 28A.600.010 **must give the highest consideration to the judgment of qualified certificated educators regarding the conditions necessary to maintain the optimum learning experience**

A classroom exclusion does not include actions that result in missed instruction when

A teacher or other school personnel uses **evidence-based classroom management practices outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260** to support the student in meeting behavioral expectations; and

The **student remains under the supervision of the teacher or other school personnel**



WAC 392-400-330: Classroom Exclusions



A **classroom exclusion that exceeds this time period, and if such students have repeatedly disrupted the learning of other students, may be considered a suspension** in accordance with this chapter and must **provide for early involvement of parents** in attempts to improve the student's behavior.



Duration of classroom exclusion.

A classroom exclusion may be administered 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.**



The procedures shall assure, pursuant to RCW 28A.400.110, that **all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school, as well as within each classroom.**



School Safety Center Office Hours

Discipline, HIB, School Safety, Student Well-being

1st Monday @ 9:00am and 3rd Monday @ 3:30pm every month

- Open to all school district staff, join us with questions related to student discipline, comprehensive school safety, threat assessment, behavioral health, suicide prevention, and HIB (harassment, intimidation, and bullying).
- Office Hours run in open Q&A style with breakout rooms available for confidential topics.
- Hosted by OSPI School Safety Center staff and supported by Educational Service District Comprehensive School Safety Coordinators, Threat Assessment Coordinators, and Behavioral Health Navigators.

Please contact the OSPI School Safety Center to be added to the calendar invite schoolsafety@k12.wa.us or sign up at the QR Code.



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