

2017 OSPI Discipline Rules Comparison

Question	What Do the Current Rules Say?	What Do the Proposed Rules Say?
What behaviors can students be suspended for?	<p><u>Short Term Suspensions:</u> Can be imposed for any violation of school rules (a separate rule).</p> <p><u>Long Term Suspensions</u> (over 10 days): Can only be imposed for offenses listed in RCW 28A.600.015</p>	<p><u>Short Term Suspensions:</u> Can be imposed for any violation of school rules, except for tardies and absences.</p> <p><u>Long Term Suspensions:</u> Can only be imposed if (a) the behavior violation is one of the offenses listed in RCW 28A.600.015; and (b) the district determines that returning the student to school before the period of long term suspension would pose an imminent danger to students or school personnel, or an imminent threat of material and substantial disruption to the education process.</p>
What behaviors can students be expelled for?	Can only be imposed for offenses listed in RCW 28A.600.015	Can be imposed if: a) the behavior violation is one of the offenses listed in RCW 28A.600.015; and (b) the school district finds that returning the student before the period of expulsion would pose an imminent danger to students or school personnel.
Can elementary school aged children be suspended or expelled?	<p><u>Short Term Suspensions:</u> Can be imposed on students in K-4, but are limited to 10 days total in one academic term.</p> <p><u>Long Term Suspensions (10+ days):</u> Cannot be imposed on children in grades K-4</p> <p><u>Expulsion:</u> Can be imposed on children in grades K-4.</p>	<p><u>Short Term Suspensions:</u> Can be imposed on students in K-4, but are limited to 10 days total in one academic term.</p> <p><u>Long Term Suspensions (10+ days):</u> Cannot be imposed on children in grades K-4</p> <p><u>Expulsion:</u> <i>Cannot be imposed</i> on children in grades K-4</p>
What types of discipline can the school use other than suspension and expulsion?	Unspecified. The current rules reference other forms of "corrective action" but don't say what types of actions schools should consider other than suspension, expulsion, or removal from class.	The proposed rules require district discipline policies to identify other forms of discipline that school personnel should administer before or instead of classroom exclusion, suspension or expulsion. The goal of those other forms of discipline should be to support students in meeting behavior expectations, and other forms of discipline may involve the use of best practices for behavior, listed in a state menu published by OSPI.
Does the school have to try other behavior interventions before they suspend or expel students?	It depends. Generally, schools should not use suspension or expulsion to punish a first time offense, unless the school has tried other interventions first, or unless the behavior is listed in school policies as "exceptional misconduct." Schools have full authority to define what is exceptional misconduct.	<p><u>Short Term Suspension:</u> Yes. Before administering a short term suspension, a school district <i>must attempt</i> one or more forms of other discipline to support the student.</p> <p><u>Long Term Suspension and Expulsion:</u> Before administering long term suspension, the school must <i>consider</i> other forms of discipline.</p>

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Does the school have to engage me to help solve behavior issues before they escalate to suspension?	No. The rules do not require that parents be contacted about behavior problems unless the district has already decided to suspend a student.	Yes. District policies must "provide for the early involvement of parents in efforts to support students in meeting behavioral expectations" and require school district personnel to "make every reasonable attempt to involve parents and students in resolution of behavioral violations." In addition, school officials must notify parents when students are removed from class and "before administering suspension and expulsion, . . . must attempt to notify parents as soon as reasonably possible regarding the behavior violation.
Do I have a right to notice if my student is being suspended or expelled? What is in the notice?	Yes. You have the right to written notice that includes: (i) a description of the behavior violation; (ii) the corrective action imposed; (iii) the student and parent's right to a hearing and deadlines for the hearing.	Yes. For all suspensions and expulsions, parents should be given an initial notice before the suspension and expulsion is imposed, and a follow up written notice. The written notice must include: (i) a description of the student behavior and how it violated district policy; (ii) the beginning and end dates of suspension and expulsion, and the conditions imposed; (iii) the other forms of discipline considered or attempted and an explanation of the district's decision to suspend or expel; (iv) the student and parent's right to an informal conference; (v) the student and parent right to appeal; (vi) the student and parent right to participate in a reengagement meeting.
Do schools have to meet with students and parents to get their input before suspending or expelling a student?	<u>Student:</u> Under the current regulations, the school must have an informal conference with the student to notify the student of the misconduct, the evidence supporting the district's decision, and the disciplinary action that will be imposed. The student must also be given the chance to present his or her side of the story. <u>Parents:</u> Parents receive notice of suspensions over 1 day, and have the right to an informal conference after the suspension is imposed, or to request a hearing to challenge the suspension.	<u>Student:</u> Schools are required to have an informal conference with the student before issuing any suspension or expulsion, where the student will receive notice of the behavior violation, an explanation of the evidence supporting the district's decision, and the disciplinary action that will be imposed. The student must also be given the chance to present his or her side of the story and given the chance to call his or her parents. <u>Parents:</u> Schools must attempt to notify parents before imposing suspension or expulsion, as soon as reasonably possible.

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What factors should a school consider before suspending or expelling a student?	Schools should consider the "nature and circumstances of the violation" and whether that "reasonably warrants" a suspension and the length of suspension imposed.	In addition to the limits described in section 1, the district must consider <i>the student's individual circumstance s</i> and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion and the length of suspension or expulsion is warranted.
What rights do I have if I disagree with suspension or expulsion?	It depends on the type of suspension or expulsion. <u>Short Term Suspensions</u> : Parents and students have the right to: 1) an informal meeting with the principal to address their concerns; (2) a grievance meeting with the superintendent; and (3) by an appeal to the school board. <u>Long Term Suspension and Expulsion</u> : Parents and students have the right to (1) a hearing before a discipline hearing officer; (2) an appeal to the school board; (3) an appeal to superior court.	<u>Short Term Suspensions</u> : (1) an informal conference with the principal; (2) an appeal to the superintendent; (3) a review by the school board or discipline appeal council. <u>Long Term Suspensions or Expulsions</u> : Students and parents may request but are not required to participate in an informal conference with the principal. They are also entitled to: (1) an appeal hearing with the superintendent; (2) review by the school board or discipline appeal council; and (3) an appeal to superior court.
What is the deadlines for challenging a suspension or expulsion?	<u>Short Term Suspension</u> : Informal meeting= no specific deadline; Appeal to superintendent= 2 days notice required before meeting; Appeal to school board= 2 days notice required, either at board's next regular meeting or to disciplinary council. <u>Long Term Suspension and Expulsion</u> : Hearing= request must be made within 3 business days of receipt of notice; Appeal= Within 3 school business days of decision by hearing officer.	<u>Informal conference</u> : No deadline to request <u>Appeals</u> (either to superintendent or hearing officer): Districts can set a time limit, which cannot be less than 5 school days from the date the district provides notice. <u>Review by school board or disciplinary appeal council</u> : Districts can establish their own time frames, which cannot be less than 10 school business days from the date the district provides the written appeal decision to student and parents.
When does the decision maker have to issue a decision on my discipline challenge?	There are no deadlines for school boards or disciplinary councils to issue decisions in appeals of suspension or expulsion.	<u>Appeal of short term suspension to superintendent</u> : Decision within 2 school business days after appeal. <u>Appeal of long term suspension or expulsion to hearing officer</u> : Decision within 3 school business days of hearing. <u>Review by school board</u> : Decision within 10 school business days of request for review and reconsideration.

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Can my student return to school if we are challenging the suspension or expulsion on appeal?	<p><u>Short Term Suspension:</u> No. Even if you file a grievance or appeal, the short term suspension continues unless the principal or designee agrees to postpone it.</p> <p><u>Long Term Suspension:</u> Generally, yes, unless the student has also been emergency expelled. If a student has not been emergency expelled and the parent has requested a hearing, the district cannot impose the suspension until after the hearing. If the student loses during the hearing, the district can impose the long-term suspension for up to 10 days while the student's appeal is pending.</p>	No. The district can temporarily impose a suspension or expulsion for up to 10 days pending the hearing or appeal, or until the appeal is decided, whatever is earlier.
Is my student entitled to continue his education during suspension and expulsion?	Yes. A district cannot deny a student access to educational services as a result of suspension and expulsion.	<p>Yes. Generally, educational services must be comparable, equitable, and adequate, and should be determined based on input from the student's parents and teachers. The requirements vary depending on the length of exclusion.</p> <p><u>Exclusions Up to 5 days:</u> Course work, access to school personnel who can offer support to keep the student current with assignments and course work, and an opportunity to make up any missed assignments and tests.</p> <p><u>Exclusions of 6-10 days:</u> Course work, access to school personnel who can offer support and who must contact parents within 3 days of suspension and periodically afterwards to coordinate the delivery and grading of course work and communicate with the student's parents and teachers about progress.</p> <p><u>Exclusions over 10 days:</u> The student must be provided a course of study that meets the requirements of WAC 392-121-107. This can include an online instruction, alternative learning experiences, transition schools, dropout reengagement programs.</p>

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What determines whether educational services are "comparable, equitable, and adequate" to the services my student would have received without the suspension or expulsion?	Unclear	When determining whether education services are comparable, equitable, and adequate, the district must consider (i) how the educational services will enable the student to continue to participate in the general education curriculum and meet the educational standards established in the district; (ii) meaningful input from the student, parent, and teachers; (iii) whether the student's regular education services include ELL, special education, 504 accommodations, or supplemental services; (iv) access to technology, transportation and resources the student needs to participate fully.
How should my student be reengaged in school after suspension or expulsion?	Districts should make efforts to return suspended and expelled students to an educational setting as soon as possible. Districts must hold reengagement meetings with students who have been long-term suspended or expelled, to develop a plan tailored to the student's individual circumstances.	In addition to the requirements of the current rules, the 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 the plan, the school district must consider (i) the nature and circumstances of the incident that led to the student's suspension and expulsion; (ii) as appropriate, student's cultural histories and context, family cultural norms and values, community resources, and community and parent outreach; (iii) shortening the length of time that the student is suspended and expelled; (iv) providing academic and nonacademic supports that aid the student's academic success and keep the student on track to graduate; (v) 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.

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Is it a suspension if my student is removed from class for part of the day?	No. The current rules allow for a student to be removed from class if the student's presence poses an immediate and continuing danger to the student, other students, or school staff, or an immediate and continuing threat of disruption of a class, subject, activity, or the educational process. The removal can continue until either the danger or threat ceases, or the principal imposes corrective action. These removals are not treated as suspension.	If the removal is longer than the balance of a particular subject or class period, it must be treated like a suspension.
Can parents participate in shaping school district discipline rules?	Yes. Districts are required to involve students, parents, families and the community in periodically reviewing discipline policies and procedures.	Yes. Districts are required to involve students, parents, families and the community in developing and periodically reviewing discipline policies and procedures.
Do schools have to consider race/gender/income or other disparities in developing discipline policies?	Districts are required to use disaggregated data to determine the impact of discipline policies and review whether disproportionate impact is the product of discrimination.	Yes. Districts are required to use disaggregated data on race, gender, income, disability and other characteristics when developing and revising discipline policies. The data should be used to monitor the impact of district policies and update them to increase fairness and equity.
Am I entitled to receive notices and communicate with the school in the language I speak at home?	The rules explicitly require schools to provide parents with some notices in the language spoken at home, including notices of long term suspension or expulsion and petitions extend the duration of expulsion. The rules don't explicitly say how to treat other notices or hearings.	Yes. Discipline notices, appeal and review decisions, and notices and decisions of petitions to extend expulsion must be translated in the language that the student and family understand. Appeal and review proceedings and reengagement meetings should also be in the language the student and family understand.
Can a school require my student to sign a behavior agreement as a way to address a behavior violation?	Unclear -- there is no reference to behavior agreements in the current rules.	Yes. Districts can enter into behavioral agreements if they have written policies and procedures authorizing them. Behavior agreements can be used to reduce the length of suspension, or be used in exchange for a suspension or expulsion. Behavior agreements cannot be for longer than 1 academic term, and cannot waive the right to a reengagement meeting or educational services.
Is in-school suspension treated differently than out of school suspension?	Unclear -- the existing rules do not discuss in school suspension.	No. In-school suspensions are permitted for up to 10 days and treated like short-term suspensions for the purposes of the rules.