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Additional Discipline Data Elements

1. Education Services During the Suspension or Expulsion

Titles	Definition	Notes
Different classroom in school	A classroom for students serving in-school suspension (ISS) that is in the same school building but is separate and apart from the classrooms in which they normally attend.	Not part of the student's regular schedule. Ideally staff monitors and assists student with problem solving on why discipline occurred.
	Student is transferred to a different classroom in the school.	
	a. Student received teacher-led instruction with feedback (yes/no)	A classroom for students serving in-school suspension (ISS) that is in the same school but in separate and physically apart from the mainstream classrooms they normally attend.
New title: In-School Suspension	Student is placed in a different room in the school during their exclusion.	
a. Student received teacher-led instruction with feedback (yes/no)		
Alternative building in school district	A classroom for students serving in-school suspension (ISS) or expulsion that is in a different building in the same school district.	Could be at a private school or an alternative high school with specific staff trained (including academic credentials and qualifications of instructional and administrative personnel, in working with at-risk students).
	A building for students serving ISS that is separate and apart from the school (building) in which the student attended prior to the suspension or expulsion.	
	Student was enrolled in alternative building in the school district.	
Virtual academy/ online learning	Online learning opportunities provided by district-approved online providers to suspended and mandatory expelled students to allow them to stay current with grade-level studies prior to return to school (classroom).	Not part of the student's regular schedule. Ideally staff monitors and assists student with problem solving on why discipline occurred.
	Student was provided access to online learning but didn't access it.	
	Use of technology to provide continued learning and advancement towards graduation credit achievement, while suspended or expelled from mainstream school environment.	Service availability dependent on school district resources.
New Title: Virtual academy/online learning but didn't access it	Student was provided access to online learning but didn't access it.	
Tutoring	Tutoring services provided by the school district to assist long term suspended or expelled students in maintaining continued academic learning while out of mainstream classroom environment.	Possible funding issues restrictions on providing this service by some school districts.
	Services, supervised by a certificated district teacher, offered to suspended or mandatory expelled student to stay current and be able to submit grade level course work.	Tutor is not the student's normal teacher. This could be offered at student's home or a "neutral" area.
	Student received in-person teacher-led instruction	
Homeschooling (petition received by school district)	Student's parent petitioned the school district to provide education in their home.	
	Parent-directed educational services provided during the period of suspension or mandatory expulsion.	Not for short term since the parent has to declare "intent": the parent, not the district, becomes responsible for educational services.
	Homeschooling alternatives for parents to provide continued learning for their students	Would requiring petitioning school district and providing evidence

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	while primarily on long-term suspension or expulsion.	of credibility of teaching and learning towards meeting content mastery. Credit instructions should meet the aggregate time requirements specified by the local school district.
Running Start program (high school students)	Higher education credit attainment while still in high school, either in a mainstream school environment, an alternative high school environment or in a suspension or expulsion mode.	Student would need to display the academic capability and commitment to taking these high level courses.
	Student enrolled in Running Start and received education at an institution of higher education and simultaneously earned of high school and college/university credit.	
	Not applicable.	A student must be enrolled in a high school to access running start. (RCW)
Skill center placement a. Student/parent paid cost of skill center placement (yes/no)	Student enrolled in a skills center. (Skill centers are an integral part of an overall expansion of CTE programming. Skill centers are regional secondary schools that serve high school students.)	
	Not applicable.	A student must be enrolled in a high school to participate in a skill center placement. Ex. Clark County Skill Center, as part of the consortium, honors all districts' discipline. Only way could be if another district would accept the student without honoring the previous district's discipline.
	Skill center for career oriented training and learning.	Question—would students on long term suspensions or school expulsions qualify to attend these resources?
Evening and/or a variation of "Saturday" school	Alternative to ISS: includes grade-level coursework for suspended students. It does not cause the student to miss classroom time.	It is usually a form of corrective action or punishment other than suspension or mandatory expulsion (WAC 392-400-205).
	Student was required to attend evening/Saturday school/detention and did not receive teacher-led instruction	I would suggest cutting this since (my understanding) is that this is often a type of punishment and is not an educational service as instruction is not provided.
	After school and weekend learning opportunities for students for credits as an extension of classroom instructions for students on suspension or expulsion from normal classroom environment.	Dependent of funding and teacher availability to staff, monitor, and assist students using this mode of educational services. Credit should be given for acceptable summer, after school or weekend school study, offered by approved public and nonpublic institutions in and outside of Washington, which is consistent with local school system policy and procedure.
Contract makeup work packet (agreement to terms)	Contract pacts between a student on long term suspension of expulsion and a school/district with specific agreements on terms of contract.	Would not be needed for short term or in-school suspensions. Could be part of credit retrievable process.
	Student was given all work, including but not limited to homework, tests, etc., at a minimum of once per week and received feedback on homework at a minimum of once per week.	
	Classroom assignments, completed at home, and returned as agreed to by the student/family and district.	Short term suspension (10 or less days) requires opportunity to make-up work WAC 393-400-2345(6)
New title: Discipline Review Committee	Committee comprised of student's teachers/principal/counselor reviews serial student offender's prior conduct and discipline to determine: 1) Whether prior discipline has been effective; and 2) Whether another type of response to the behavior would be more effective or appropriate under the circumstances.	To address the individual student (RTI).
New title: Student Performance Improvement Agreement	Student-district contract in which student complies with certain conditions in exchange for a shortened term of suspension.	Examples: Can be behavioral, attendance, treatment, or make-up work. Benefit is student buy-in. It is something districts are already doing.
New title: District Liaison for Suspended/Mandatory Expelled Students	A certified staff member or paraprofessional (paraeducator) assigned by the district to communicate with the student and student's family during the student's period of suspension or mandatory expulsion. The assigned staff member's duties include: 1) Monitoring the student's receipt of assignments and return of completed course work; 2) Serving as a liaison between the student /family and the district to provide updates on improvements in the student's behavior and academic progress; 3) Reviewing the student's	Would require state funding of a 1.0 FTE. This is not an appropriate role for a compliance officer. It is a role for an educator, ideally one with experience with high-risk youth. Does not replace petition for readmission.

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	progress with district administrators to determine whether it warrants a shortening of the period of suspension.	

2. Credit Retrieval Options

Titles	Definition	Notes
Credits prior to exclusionary discipline (w/ date stamp)	Credits that would still be credited towards meeting graduation requirements before student involved in any suspension or expulsion processes.	This would allow the student to continue efforts towards fulfilling graduation requirements after suspension or expulsion time has been served.
	Academic progress student makes prior to the date of suspension or mandatory expulsion.	Student maintains all credit received prior to disciplinary exclusion. The student's grades are frozen at the time of expulsion.
New Title: Automatic academic penalty	There was an automatic academic penalty associated with the exclusion such as, the student automatically failed a class/classes as part of the exclusion; potential grade earnings were decreased through absences in accordance with student handbook; or other automatic academic consequences.	
New Title: Collateral academic penalty	There was a collateral academic penalty associated with the exclusion such as, student was not allowed to make up tests scheduled during exclusion; or students was not provided the opportunity to keep up with course work, etc.	
Credits lost during exclusionary discipline	Student fails to make academic progress based on the student's projected graduation date because of the suspension or mandatory expulsion.	A student would only lose grades if the student failed to communicate with the school for a reengagement meeting. If the student and family do not resolve the issue with the district to get the student back into the educational program, the student's transcript would reflect withdrawals from incomplete courses.
	Credits lost when not attending classes and participating in assessment testing while suspended or expelled from school and normal classes.	This would occur when the student is not engaged in an alternative program where classes are still be attended in an alternative setting.
Program of credit retrieval (list from Education Services During the Suspension or Expulsion)	Alternative Programs for credit retrieval opportunities for students during suspension or expulsion.	Need to identify those credit retrieval programs that have minimal cost involved for either the student or the school system.
	Student will continue to accrue credits without gaps by one or more following options: 1) District Liaison for Suspended/Mandatory Expelled Students. 2) Different classroom in school 3) Alternative building in district. 3) Homeschooling. 4) Evening or Saturday school. Above options employing one or more, but not limited to a) Student Performance Agreement, b) virtual academy/online learning, c) In school Academy d) contract work packets, e) tutoring or other (list).	The goal is to make sure the student does not lose any credits due to expulsion
Number of credits retrieved during retrieval program Number of credits earned during exclusion	Number of graduation required credits student was able to retrieve during credit retrievable process.	Important for student to continue efforts to meet graduation requirements.
	Number of credits student earned while excluded.	
	Academic progress made by student during the period of suspension or mandatory expulsion.	This depends on the type of credit retrieval program(s) offered by the district. Each district can customize (individualize) credit-earning opportunities. The variance depends on district resource capacity (staffing, technology, space and funds). When a student returns to school each site should have a credit retrieval program.
New Title: Allowed to make up all missed work and tests	Student was allowed to make up all missed work and tests without penalty.	

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3. Reengagement Plans

Titles	Definition	Notes
New Title: Date reengagement meeting notice sent to students and parents/guardians		
New Title: Language reengagement meeting notice was written in		
Reengagement meeting date Date of reengagement meeting	<p>Dates by law schools are required to establish reengagement plans with student and parents of students who have been on long term suspensions or expulsions.</p> <p>The date identified for a student and family to meet with the school administration to plan reentry. It is no later than twenty days from the date of suspension or expulsion and no sooner than five days from the student's return to school.</p>	<p>Need to look at discipline process as restorative rather than punitive and have the primary focus of getting these students back in the classroom and learning as soon as possible.</p> <p>Depends on the date of suspension or expulsion. RCW?</p>
New Title: Names and titles of who attended the reengagement meeting(s)	Names and titles of who attended the reengagement meeting(s) including parent/guardian's names and student's name	
New Title: Outcome of reengagement meeting (check all that apply): <ul style="list-style-type: none"> a. Exclusion days reduced, enter how many days b. Supportive Interventions applied, describe interventions applied to aid the student's engagement in school and academic success c. School completed enrollment/reenrollment paperwork 		
Shortened length of exclusionary discipline (yes/no)	<p>A reduced suspension or expulsion is the result of the student agreeing to comply with certain conditions, such as participating in a corrective measure program. (See Student Performance Improvement Agreement).</p> <p>Circumstances under which shortened lengths of exclusionary discipline should be considered or denied.</p>	<p>For example, anger management class, drug/alcohol counseling or behavior management class.</p> <p>Will the student's educational process be positively served by in-school suspension or would another disciplinary measurement within the scope of district policy be more appropriate.</p>
Interventions applied	<p>Intervention or redirections applied to assist student in positive elimination of behavior that led to the need for disciplinary action.</p> <p>The services and/or programs provided the student to address the inappropriate behavior. One of more options may include, but not limited to: 1) Meetings with teachers/administrators and the student and parent(s); 2) Counseling sessions, peer-driven resolution activities or any other activity designed to help improve the student's behavior.</p>	<p>Teaching and reinforcement of school wide, classroom, and individual student social skills and expectations that promote and preserve a positive school and classroom climate.</p> <p>Interventions are dependent on the student, prior history, the nature of the offense, impact to the school, resources available.</p>
New Title: Reengagement plan created (yes/no)	A few sentences describing the reengagement plan, including how the plan aids the student in engaging and being successful in school.	

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Titles	Definition	Notes
a. Describe the reengagement plan		

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	FEDERAL: United States Code	STATE: Revised Code of Washington (RCW)	STATE: Washington Administrative Code (WAC)	How is it collected?
Harassment, Intimidation, Bullying (HIB)		<p>RCW 28A.300.285 (Harassment, intimidation, and bullying prevention policies and procedures) (2) "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 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act: (a) Physically harms a student or damages the student's property;or (b) Has the effect of substantially interfering with a student's education; or (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. Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.</p>	<p>WAC 392-190-059 (Harassment, intimidation, and bullying prevention policy and procedure) (2) When monitoring school districts' compliance with this chapter pursuant to WAC 392-190-076, the office of superintendent of public instruction will review such policies and procedures to ensure that they provide that students will not be harassed, intimidated, or bullied because of their sex, race, creed, religion, color, national origin, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. *Pertains to WA Nondiscrimination Laws</p>	
Hazing		<p>RCW 28B.10.901 (Hazing prohibited) (1) No student, or other person in attendance at any public or private institution of higher education, or any other postsecondary educational institution, may conspire to engage in hazing or participate in hazing of another. *Only applies to postsecondary schools</p>	<p>WAC 495A-121-011 (Definitions) (14) "Hazing" shall mean any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm to any student or person attending a public or private institution of higher education or other postsecondary educational institution in this state. *Only applies to Bates Technical College</p>	
Discrimination	<p>See OSPI's Equity & Civil Rights webpage Age: Age Discrimination Act of 1975 (34 C.F.R. Part 110); Disability: Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104) Title II of the Americans with Disabilities Act</p>	<p>Chapter 28A.640 RCW (Sexual Equality) Discrimination is prohibited in Washington public schools based on sex. Chapter 28A.642 RCW (Discrimination Prohibition)Discrimination is prohibited in</p>	<p>WAC 392-400-215 (Student rights) In addition to other rights established by law, each student served by or in behalf of a common school district shall possess the following substantive rights, and no school district shall limit these rights except for good and</p>	<p>OSPI Equity & Civil Rights Office monitors compliance with state and federal nondiscrimination laws (including requirements related to sexual harassment and discriminatory harassment) through various means, including:</p>

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	<p>(28 C.F.R. Part 35) Applies to public entities with 50 or more employees;</p> <p>National Origin: (National origin also refers to students who have a limited proficiency in English) TITLE VI of the Civil Rights Act of 1964 (34 C.F.R. Part 100), Executive Order 13166 Federally operated and federally funded programs and activities must be made meaningfully accessible to limited English proficient (LEP) persons, Employment Discrimination: Title VII of the Civil Rights Act of 1964 (34 C.F.R. Part 106); Title IV of the Civil Rights Act of 1964 (42 U.S.C. §2000c, et seq.)</p> <p>Race: TITLE VI of the Civil Rights Act of 1964 (34 C.F.R. Part 100), Employment Discrimination: Title VII of the Civil Rights Act of 1964 (34 C.F.R. Part 106); Title IV of the Civil Rights Act of 1964 (42 U.S.C. §2000c, et seq.)</p> <p>Religion/Creed: Creed refers to a shared belief system or faith, U.S. Constitution First Amendment, Employment Discrimination: Title VII of the Civil Rights Act of 1964 (34 C.F.R. Part 106); Title IV of the Civil Rights Act of 1964 (42 U.S.C. §2000c, et seq.)</p> <p>Sex: TITLE IX of the Education Amendments of 1972 (34 C.F.R. Part 106), Employment Discrimination: Title VII of the Civil Rights Act of 1964 (34 C.F.R. Part 106); Title IV of the Civil Rights Act of 1964 (42 U.S.C. §2000c, et seq.)</p>	<p>Washington public schools based on race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.</p> <p>Chapter 49.60 RCW (Discrimination— Human Rights Commission) *Schools must comply with Chapter 49.60 RCW as places of public accommodation</p> <p>Chapter 28A.600.025 RCW - Students' rights of religious expression — Duty of superintendent of public instruction to inform school districts.</p> <p>Washington State Constitution, Article I, sections 5 and 11</p>	<p>sufficient cause:</p> <p>(1) No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap.</p> <p>(2) All students possess the 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 their schools free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such right.</p> <p>(3) All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures.</p> <p>(4) All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of a common school district.</p> <p>(5) No student shall be deprived of the right to an equal educational opportunity in whole or in part by a school district without due process of law. The foregoing enumeration of rights shall not be construed to deny or disparage other rights set forth in the constitution and the laws of the state of Washington or the rights retained by the people.</p> <p>Chapter 392-190 WAC (Equal Educational Opportunity—Unlawful Discrimination Prohibited)</p>	<ul style="list-style-type: none"> • Complaints and appeals • Consolidated Program Reviews • Additional compliance reviews, when necessary <p>Annual Equity Assurance Reports through iGrants form package 447</p> <p>See: OSPI Civil Rights Guidelines –OSPI Monitoring and Enforcement (February 2012)</p> <p>RCW 28A.640.030 “The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts.”</p> <p>RCW 28A.640.050 “The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto”</p> <p>WAC 392-190-076 (1) The office of superintendent of public instruction must monitor school districts' compliance with chapters 28A.640 and 28A.642 RCW and the rules and guidelines adopted in furtherance thereof.</p> <p>(2) Procedures for monitoring school districts may include:</p> <ol style="list-style-type: none"> (a) Collection, review, and analysis of data and other information; (b) Conduct of on-site visits and interviews; and <p>Review of any compliance issues</p>
Sexual Harassment	<p>29 CFR 1604.11 - SEXUAL HARASSMENT. Harassment on the basis of sex is a violation of section 703 of title VII. ¹ Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature</p>	<p>RCW 28A.640.020 (f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually</p>	<p>WAC 392-190-056 (Sexual harassment – Definitions)</p> <p>(1) As used in this chapter, "sexual harassment" means unwelcome sexual advances, requests for</p>	<p>OSPI Equity & Civil Rights Office monitors compliance with state and federal nondiscrimination laws (including requirements related to sexual harassment and discriminatory harassment) through various means, including:</p>

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	<p>constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.</p> <p>¹ The principles involved here continue to apply to race, color, religion or national origin.</p> <p><i>*Only applies to employment</i></p> <p>Title IX of the Education Amendments of 1972 (34 C.F.R. Part 106)</p> <p>"[N]o person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance" (34 C.F.R. §106.31(a))</p> <p>Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (U.S. Department of Education Office for Civil Rights, January 2001) "Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the school's program.</p>	<p>motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:</p> <p>(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;</p> <p>(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or</p> <p>(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.</p>	<p>sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:</p> <p>(a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or</p> <p>(b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or</p> <p>(c) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.</p> <p>(2) For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.</p> <p>(3) School districts must be guided by federal and state case law in their interpretation of sexual harassment complaints and will need to determine sexual harassment on a case-by-case basis. Nothing in this chapter should be construed as diminishing or otherwise modifying 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 including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal that creates a hostile or abusive educational</p>	<ul style="list-style-type: none"> • Complaints and appeals • Consolidated Program Reviews • Additional compliance reviews, when necessary • Annual Equity Assurance Reports through iGrants form package 447 <p>See: OSPI Civil Rights Guidelines –OSPI Monitoring and Enforcement (February 2012)</p> <p>RCW 28A.640.030 "The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts."</p> <p>RCW 28A.640.050 "The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto"</p> <p>WAC 392-190-076. (1) The office of superintendent of public instruction must monitor school districts' compliance with chapters 28A.640 and 28A.642 RCW and the rules and guidelines adopted in furtherance thereof.</p> <p>(2) Procedures for monitoring school districts may include:</p> <p>(a) Collection, review, and analysis of data and other information;</p> <p>(b) Conduct of on-site visits and interviews; and</p> <p>(c) Review of any compliance issues</p> <p>WAC 392-190-058 (1) School district policies on sexual harassment must be reviewed by the superintendent of public instruction</p>

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	<p>Sexual harassment of students is, therefore, a form of sex discrimination prohibited by Title IX under the circumstances described in this guidance.”</p> <p>Dear Colleague Letter regarding Sexual Harassment and Sexual Violence under Title IX (U.S. Department of Education Office for Civil Rights, April 4, 2011)</p>		<p>or workplace environment.</p> <p>OSPI Civil Rights Guidelines – Sexual Harassment (February 2012)</p> <p>“Sexual harassment is a form of prohibited sex discrimination. Under WAC 392-190-056, sexual harassment is unwelcome conduct or communication that is sexual in nature and:</p> <p>(a) Submission to that conduct or communication is made a term or condition (explicitly or implicitly) of obtaining an education or employment or is used as a factor in decisions affecting that person’s education or employment (quid pro quo); or</p> <p>(b) That conduct or communication has the purpose or effect of substantially interfering with an individual’s educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment (hostile environment)” (page 36).</p> <p>(c) WAC 495A-121-011 (Definitions) (18) "Sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct directed at person because of his/her sex where: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing or employment; or</p> <p>(d) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions or employment affecting such individual; or</p> <p>(e) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. Examples of behaviors that may constitute harassment include but are not limited to:</p> <p>(f) Unwelcome verbal harassment of a sexual nature or abuse;</p>	<p>considering the criteria established under WAC 392-190-057 as part of the monitoring process established in RCW 28A.640.030. The superintendent of public instruction must supply upon request sample sexual harassment policies to school districts.</p> <p>(2) The school district's sexual harassment policy must be easily understood and conspicuously posted throughout each school building, and provided to each employee, volunteer and student.</p> <p>(3) Reasonable efforts must be made to inform all students and their parents about the district’s sexual harassment policy and procedures.</p> <p>(4) A copy of the policy must appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.</p> <p>(5) Each school must develop a process for discussing the district’s sexual harassment policy. The process must ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.</p>

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	FEDERAL: United States Code	STATE: Revised Code of Washington (RCW)	STATE: Washington Administrative Code (WAC)	How is it collected?
			<p>(g) Unwelcome pressure for sexual activity;</p> <p>(h) Unwelcome sexually motivated or inappropriate patting, pinching, or physical contact;</p> <p>(i) Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's educational status;</p> <p>(j) Unwelcome behavior, verbal or written words or symbols, directed at an individual because of gender;</p> <p>(k) The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs the student's full enjoyment of educational benefits, climate or opportunities.</p> <p>*Only applies to Bates Technical College</p>	
Harassment	<p>Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104)</p> <p>Title VI of the Civil Rights Act of 1964 (34 C.F.R. Part 100)</p> <p>Title IX of the Education Amendments of 1972 (34 C.F.R. Part 106)</p> <p>Dear Colleague Letter regarding Discriminatory Harassment (U.S. Department of Education Office for Civil Rights, October 26, 2010)</p> <p>"The statutes that OCR enforces include Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.⁵ School districts may violate these civil rights</p>	<p>Chapter 28A.642 RCW</p> <p>Discrimination (including discriminatory harassment) is prohibited in Washington public schools based on race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.</p>	<p>OSPI Civil Rights Guidelines – Discriminatory Harassment (February 2012) "Harassment may be discrimination when it is:</p> <ol style="list-style-type: none"> 1. Based on sex, race, creed, religion, color, national origin, sexual orientation, gender expression or identity, veteran or military status, disability, or the use of a trained dog guide or service animal; 2. Sufficiently serious to create a hostile environment; and 3. Encouraged, tolerated, ignored, or not adequately addressed by school employees" (page 32). <p>WAC 495A-121-011 (Definitions) (12) "Harassment" shall mean any malicious act, which causes harm to any person's physical or mental well-being.</p> <p>WAC 495A-121-011 (Definitions) (13) "Hate crimes" shall mean criminal acts in which victims are selected based on characteristics such as race, national origin, ethnicity, sex/gender, religion, sexual orientation or disability. Examples of behaviors that may</p> 	<p>OSPI Equity & Civil Rights Office monitors compliance with state and federal nondiscrimination laws (including requirements related to sexual harassment and discriminatory harassment) through various means, including:</p> <ul style="list-style-type: none"> • Complaints and appeals • Consolidated Program Reviews • Additional compliance reviews, when necessary • Annual Equity Assurance Reports through iGrants form package 447 <p>See: OSPI Civil Rights Guidelines –OSPI Monitoring and Enforcement (February 2012)</p> <p>RCW 28A.640.030</p> <p>"The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts."</p>

NOTE: In the Title Column, where there's an "a." I'm envisioning a dropdown menu. For example, the person selects "different classroom in school," and then has to answer "yes" or "no" to "a."

	FEDERAL: United States Code	STATE: Revised Code of Washington (RCW)	STATE: Washington Administrative Code (WAC)	How is it collected?
	<p>statutes and the Department's implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees."</p>		<p>constitute a hate crime include but are not limited to:</p> <ul style="list-style-type: none"> (a) Threatening phone calls. (b) Hate mail. (c) Physical assault. (d) Threats of harm or violence. (e) Arson. (f) Vandalism. (g) Crossburnings. (h) Bombings and bomb threats. <p>WAC 495A-121-011 (Definitions) (17) "Racial harassment" shall be defined as written, oral, graphic or physical conduct relating to an individual's race, color, or national origin that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of the individual to participate in or benefit from college's programs or activities. Examples of behaviors that constitute harassment based on race or national origin may include but are not limited to:</p> <ul style="list-style-type: none"> (a) Harassment of students because they are immigrants, speak another language, or have a foreign accent. (b) Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin. (c) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, or national origin. (d) Depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs, and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin. (e) Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or other racially/ethnically derogatory sentiments. (f) Criminal offenses directed at persons 	<p>RCW 28A.640.050 "The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto"</p> <p>WAC 392-190-076 (1) The office of superintendent of public instruction must monitor school districts' compliance with chapters 28A.640 and 28A.642 RCW and the rules and guidelines adopted in furtherance thereof.</p> <p>(2) Procedures for monitoring school districts may include:</p> <ul style="list-style-type: none"> (a) Collection, review, and analysis of data and other information; (b) Conduct of on-site visits and interviews; and (c) Review of any compliance issues <p>WAC 392-190-059 (Harassment, intimidation, and bullying prevention policy and procedure) (2) When monitoring school districts' compliance with this chapter pursuant to WAC 392-190-076, the office of superintendent of public instruction will review such policies and procedures to ensure that they provide that students will not be harassed, intimidated, or bullied because of their sex, race, creed, religion, color, national origin, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.</p>

NOTE: In the Title Column, where there's an "a." I'm envisioning a dropdown menu. For example, the person selects "different classroom in school," and then has to answer "yes" or "no" to "a."

	FEDERAL: United States Code	STATE: Revised Code of Washington (RCW)	STATE: Washington Administrative Code (WAC)	How is it collected?
			because of their race or national origin. *Only applies to Bates Technical College	
Gang Involvement	18 U.S. CODE § 521 - CRIMINAL STREET GANGS (a) Definitions. — "Conviction" includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony. "criminal street gang" means an ongoing group, club, organization, or association of 5 or more persons—that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (c); the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and the activities of which affect interstate or foreign commerce. "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.	RCW 28A.600.455 (Gang activity) (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.		
Truancy		"Becca bill" RCW 13.32A.010 Chapter 28A.225 RCW (Compulsory School Attendance and Admission) - RCW 28A.225.010 Attendance Mandatory – Age – Exceptions RCW 28A.225.020 School's duties upon child's failure to attend RCW 28A.225.030 Petition to juvenile court for violations by a parent or child RCW 28A.225.090 Court orders –Penalties– Parents' defense		

Resources:

State of Washington: Office of Superintendent of Public Instruction. (2014). Equity & Civil Rights. Civil rights laws. Retrieved from: <http://www.k12.wa.us/Equity/CivilRights/default.aspx>

Washington State Legislature. (2014). Revised Code of Washington (RCW). Retrieved from: <http://apps.leg.wa.gov/rcw/default.aspx>

Washington State Legislature. (2014). Washington Administrative Code (WAC). Retrieved from: <http://apps.leg.wa.gov/wac/default.aspx>

Frequently Asked Questions

1. What is the purpose of the Civil Rights Data Collection?

The purpose of the U.S. Department of Education (ED) 2009-10 Civil Rights Data Collection (CRDC) is to obtain data related to the nation's public school districts and elementary and secondary schools' obligation to provide equal educational opportunity. To fulfill this goal, the CRDC collects a variety of information, including student enrollment and educational programs and services data that are disaggregated by race/ethnicity, sex, limited English proficiency, and disability. This collection includes data from a representative sample of schools and districts, representing 85% of the students in our nation's schools. The CRDC is a longstanding and important aspect of the Department's Office for Civil Rights (OCR) overall strategy for administering and enforcing the civil rights statutes for which it is responsible. This information is also used by other ED offices as well as policymakers and researchers outside of ED.

2. Under what authority does the Department conduct the CRDC?

The CRDC is a mandatory data collection, authorized under the statutes and regulations implementing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and under the Department of Education Organization Act (20 U.S.C. § 3413).

3. When was the CRDC first conducted?

The CRDC has been conducted regularly since 1968, primarily as a biennial collection. The CRDC included the universe of all districts in 1976 and 2000.

4. How are school districts chosen for the CRDC?

Districts are selected to ensure that data are collected from a representative sample. Some are always in the sample, such as all districts in states with fewer than 25 public school districts, and districts subject to federal court orders that are monitored by the U.S. Department of Justice. The remaining districts are chosen using a rolling stratified sampling method that ensures that a representative group from each state is included in the data collection. For the 2009-10 CRDC all districts with more than 3,000 students, state-operated facilities for students who are deaf or blind, and state-operated long-term secure juvenile justice facilities were also included in the CRDC sample.

5. How many districts are included in the CRDC?

The sample for the 2009-10 Civil Rights Data Collection is approximately 7,000 school districts. All of the schools within these districts are included in the sample.

6. How are the data in the CRDC collected?

School districts have the option of providing their data through a web-based survey or by submitting an electronic file. Some state education agencies provide all the CRDC data for the school districts in their state.

7. When was the 2009-10 CRDC conducted?

The CRDC was conducted in two phases. The first phase, which collected "snapshot" data related to enrollment, began in March 2010 and concluded in October 2010. The second phase, which collected cumulative and end-of-year "results" data, began in October 2010 and concluded in April 2011. The enrollment and results data relate to the same school year (2009-10).

8. What data are currently available from the 2009-10 CRDC?

The data from both parts of the 2009-10 CRDC are currently available at <http://ocrdata.ed.gov>. These data include school-level and district-level data.

9. When will the state and national estimations from the 2009-10 CRDC be available?

We anticipate the state and national estimations will be released as soon as possible in 2013. .

10. What are the major changes to the 2009-10 CRDC?

- All data collected are from the 2009-10 school year. (Previously the CRDC included data from two consecutive school years.)
- New data items were added to the 2009-10 CRDC.
- Where feasible, the CRDC used data that districts already provide to states, and that states then provide to the Department through *EDFacts* instead of collecting those items again on the CRDC.
- Several other data items previously collected by the CRDC will no longer be collected by ED.

Districts that met all of the requirements of ED's 2007 Final Guidance on Collecting, Maintaining and Reporting Data on Race and Ethnicity had the option of reporting data using the seven race and ethnicity categories (Hispanic/Latino, White, Black/African-American, Asian, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native, and Two or More Races). All school districts also had the option to report data by the traditional five race and ethnicity categories (Hispanic, White, Black/African-American, Asian/Pacific Islander, and American Indian/Alaska Native).

11. What data items are collected by the 2009-10 CRDC?

The following is a list of the data that the 2009-10 CRDC collected. **New items are in bold.** Unless otherwise indicated, all student data are disaggregated by race/ethnicity, sex, disability, and LEP status.

PART 1

School level

- School characteristics, such as grades offered, whether the school is a special education, magnet, alternative or charter school, number of single sex academic courses (by content area), and whether students are ability grouped for English/Math (not disaggregated);
- Enrollment, including disaggregated data for total enrollment, limited English proficiency (LEP), disability (Individuals with Disabilities Education Act (IDEA) and **Section 504 only**), pre-kindergarten and gifted and talented programs;
- **Algebra I course-taking in grades 7&8, 9&10, or 11&12;**
- **Math and science course-taking and number of courses of each offered:**
 - **Geometry**
 - **Algebra II**
 - **Advanced mathematics (e.g., trigonometry, elementary analysis, analytic geometry, statistics, pre-calculus)**
 - **Calculus**
 - **Biology**
 - **Chemistry**
 - **Physics;**
- **Full-time Equivalent (FTE) of first- and second-year teachers**, total FTE's, and FTE's meeting all state licensing/certification requirements;
- **FTE of High school counselors;**
- Data on Advanced Placement (AP) courses:
 - Does the school have students enrolled in AP courses (Y/N)
 - Number of different AP courses offered (not disaggregated)
 - Are students allowed to self-select for participation in AP (Y/N)
 - Students participating in at least one AP course
 - Students taking particular AP courses:

- AP Math of any kind
- AP Science of any kind
- AP Foreign Language of any kind
- Other AP subjects of any kind; and
- **Students enrolled in an International Baccalaureate program.**

District level

- Number of schools;
- Number of students served in the district's schools;
- Number of students served in non-district facilities;
- Number of students awaiting special-education evaluation;
- **Harassment and bullying policies;**
- **Desegregation order or plan; and**
- **Pre-kindergarten and kindergarten programs (length of day and eligibility criteria).**

PART 2

School level

- **Number of students who passed Algebra I in grades 7&8, 9&10, or 11&12;**
- Number of students who:
 - Took AP tests for all of their AP courses
 - Took AP tests for some of their AP courses
 - Took AP courses but took no AP tests
 - Passed all AP tests taken by scoring 3 or higher
 - Passed some of AP tests taken
 - Passed no AP tests taken;
- **SAT or ACT test-taking during 2009-10 school year;**
- **FTE teachers absent more than 10 school days (excluding professional development);**
- **Discipline:**
 - **in-school suspension**
 - **separate categories for one and more than one out-of-school suspension (used to be one category)**
 - corporal punishment
 - expulsion (with and without services)
 - **zero-tolerance expulsion**
 - **referral to law enforcement**
 - **school-related arrests**
 - **Data for students with disabilities is now disaggregated by race/ethnicity, sex, and LEP status;**
- Interscholastic Athletics (Single-sex sports/teams only)
 - Number of sports, teams, participants (not disaggregated by race/ethnicity or disability);
- **Harassment and bullying (students harassed as well as students disciplined, instances)**
 - **Separate reporting for harassment under Title VI, Title IX, and Section 504/ADA;**
- **Restraint and seclusion (students and instances):**
 - **Mechanical restraint**
 - **Physical restraint**
 - **Seclusion;**
- **Retention (by grade); and**
- **School finance:**
 - **Total personnel salaries**
 - **Total instructional-staff salaries**
 - **Teachers salaries**
 - **Non-personnel expenditures.**

District level

- GED course-taking:
 - Did LEA operate a GED program (Y/N)

- Students aged 16-19 who participated in GED prep program
- Students aged 16-19 who participated in GED prep program and who received GED credential; and
- **School-financedata**
 - Check boxes for districts to indicate what type of expenditures were included/excluded in school finance reporting (e.g. special education expenditures).

Other Data

The following data are also collected by ED and are included in the final CRDC data file and available on the CRDC website:

- Students with disabilities served under IDEA, disaggregated by disability category and by education environment
- High-school completers (diploma and certificate collected separately)
- Title I schools
- Free and Reduced-price Lunch Program participation

For a mock-up of the 2009-10 CRDC, please visit: <http://www.ed.gov/ocr/data.html>

12. Which data for the CRDC are being collected through other data collections in ED?

To reduce the burden on LEAs, the 2009-10 CRDC did not collect disaggregated school data on the number of students served under the IDEA by disability category or educational environment. Instead, the CRDC uses the data that LEAs submitted to the applicable state education agency for the purpose of reporting required data under the IDEA. Likewise, high school completer data was no longer collected by the CRDC because ED already collects that data from state education agencies through the *EDFacts* collection.

13. When does OCR plan to do the next CRDC?

The next CRDC will be for the 2011-12 school year and will be a universe of all public school districts, juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities. Districts can access information about this collection at <http://www.crdc2011.org>.

There are only a few changes to the 2011-12 CRDC:

- **Data will be collected on preschool students receiving suspensions and expulsions.**
- The school expenditure district-specific inclusions and exclusions will no longer be collected, as all school districts will be required to follow the same set of directions regarding expenditures to include and exclude.
- All districts must meet the requirements of ED's 2007 Final Guidance on Collecting, Maintaining and Reporting Data on Race and Ethnicity.

For a mock-up of the 2011-12 CRDC, please visit: <http://www.ed.gov/ocr/data.html>

14. How can I find out more about OCR and the CRDC?

For more information about OCR, please visit:

<http://www.ed.gov/ocr>

For more information about the CRDC, please visit:

<http://www.ed.gov/ocr/data.html>

To view the 2009-10 CRDC Data, please visit:

<http://ocrdata.ed.gov>

Section	Language	Tasks	Completed
301	The office of the superintendent of public instruction shall convene a discipline task force	<ul style="list-style-type: none"> Organize and have meetings 	X
	Develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district	Definitions <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Defiance/disrespect/insubordination/noncompliance <input checked="" type="checkbox"/> Classroom interruption/disruptive conduct <input checked="" type="checkbox"/> Destruction of property/vandalism <input checked="" type="checkbox"/> Vulgar or lewd conduct <input checked="" type="checkbox"/> Theft/possession of stolen property <input checked="" type="checkbox"/> Academic dishonesty/plagiarism <input checked="" type="checkbox"/> Dress code <input checked="" type="checkbox"/> Use of electronic devices <input checked="" type="checkbox"/> Forgery/alteration of records <input checked="" type="checkbox"/> Extortion/blackmail/coercion <input checked="" type="checkbox"/> Hazing <input checked="" type="checkbox"/> Threats of violence <input checked="" type="checkbox"/> Multiple/accumulated offenses 	
	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.	<ul style="list-style-type: none"> Data collection standards Education services provided definition Education services provided timeline Petitions for readmissions Yes or NO Petition-approved or not Petition-dates Credit retrieval-Middle and High School Credit retrieval-credits achieved, number of deficient credits School dropout (lagging indicator after a period of time) 	
305	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 ((upon request. This collection of)), 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.		
306	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.	<ul style="list-style-type: none"> OSPI-Data Governance 	

Section	Language	Tasks	Completed
307	<p>All student data-related reports required of the superintendent</p> <p>18 of public instruction regarding student suspensions and expulsions as</p> <p>19 required in RCW 28A.300.046 are subject to disaggregation by subgroups including:</p> <p>(a) Gender;</p> <p>(b) Foster care;</p> <p>(c) Homeless, if known;</p> <p>(d) School district;</p> <p>(e) School;</p> <p>(f) Grade level;</p> <p>(g) Behavior infraction code, including:</p> <p>(i) Bullying;</p> <p>(ii) Tobacco;</p> <p>(iii) Alcohol;</p> <p>(iv) Illicit drug;</p> <p>(v) Fighting without major injury;</p> <p>(vi) Violence without major injury;</p> <p>(vii) Violence with major injury;</p> <p>(viii) Possession of a weapon; and</p> <p>(ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;</p> <p>(h) Intervention applied, including:</p> <p>(i) Short-term suspension;</p> <p>(ii) Long-term suspension;</p> <p>(iii) Emergency expulsion;</p> <p>(iv) Expulsion;</p> <p>(v) Interim alternative education settings;</p> <p>(vi) No intervention applied; and</p> <p>(vii) Other intervention applied that is not described in this subsection (2)(h);</p> <p>(i) Number of days a student is suspended or expelled, to be counted in half or full days; and</p> <p>(j) Any other categories added at a future date by the data governance group.</p> <p>(3) 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:</p> <p>(a) School and district;</p> <p>(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;</p> <p>(c) Behavior infraction code; and</p> <p>(d) Intervention applied.</p>	<ul style="list-style-type: none"> • OSPI- Data Governance 	
308	<p>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.</p>	<ul style="list-style-type: none"> • Reengagement plan- Yes or No • Dates • Components of the plan 	