



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 30, 2018

TIME: 1:50 PM

WSR 18-16-081

Agency: Office of Superintendent of Public Instruction

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 31 days after filing, except for the following, which are effective on July 1, 2019: WAC 392-400-025, -110, -430, -435, -440, -445, -450, -455, -460, -465, -470, -475, -480, -510, -515, -520, -525, and -530.

(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: These permanent rules amend chapter 392-400 WAC, which governs how a public school district may administer student discipline, including notice requirements to students and parents and due process protections for students who are suspended or expelled.

The permanent rules are intended to:

- Simplify and clarify due process procedures for school districts, students, and families;
- Improve clarity and readability of the entire chapter, thereby eliminating problems of interpretation and problems of practice that are a result of confusing or vague terminology;
- Encourage fewer adversarial resolutions to discipline-related issues and the use of best practices to minimize the use of exclusionary discipline practices;
- Increase opportunities for students, family, and community engagement in discipline, including in the development of discipline policies and in resolving discipline-related issues; and
- Provide further guidance on the requirements passed by the legislature in 2016 in HB 1541, including specific guidance on the provision of educational services while a student is suspended or expelled.

The permanent rules incorporate substantial stakeholder feedback, including formal comments OSPI received in writing and during eight public hearings.

Citation of rules affected by this order:

New: 392-400-010, -015, -020, -023, -025, -110, -330, -335, -430, -435, -440, -445, -450, -455, -460, -465, -470, -475, -480, -510, -515, -520, -525, -530, -610, -710, -805, -810, -815, -820, -825, -830
 Repealed: 392-400-200, -205, -210, -215, -220, -227, -290, -420
 Amended: 392-400-230, -233, -235
 Suspended:

Statutory authority for adoption: RCW 28A.600.015; RCW 28A.600.020

Other authority: RCW 28A.600.010 through 28A.600.022; RCW 28A.320.211

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-12-122 on June 6, 2018 (date).

Describe any changes other than editing from proposed to adopted version:

- WAC 392-400-335(4) was deleted.
- WAC 392-400-440(2) was revised to state: "A school district may only administer an expulsion: (a) For behavioral violations under RCW 28A.600.015(6)(a) through (6)(d); . . ."
- WAC 392-400-445(2) was revised to state: "A school district may only administer an expulsion: (a) For behavioral violations under RCW 28A.600.015(6)(a) through (6)(d); . . ."
- WAC 392-400-510(1)(b) was revised to state: "An immediate and continuing threat of material and substantial disruption of the educational process, ~~subject.~~"

- WAC 392-400-610 was revised to add: "A school district may not suspend the provision of educational services to a student in response to behavioral violations."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Web site:
 Other:

**Note: If any category is left blank, it will be calculated as zero.
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
 A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>32</u>	Amended	<u>3</u>	Repealed	<u>8</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: July 30, 2018

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature: