



# PORTER FOSTER RORICK LLP

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## Changes to Student Discipline Laws Effective September 2013

July 29, 2013

On June 30, the governor signed Engrossed Substitute Senate Bill (“ESSB”) 5946, which significantly amends existing student discipline statutes and will require changes in student discipline practices, policies, and procedures for the 2013-14 school year. In general, the bill places new limits on emergency expulsion and expulsion actions and mandates that districts take measures to return removed students to an educational environment. The bill takes effect September 28, 2013. The key changes include:

- **Expulsions and long-term suspensions must be for a definite period and are limited in duration to one year.** Under existing law, a district may expel a student for serious violations of school rules for an indefinite duration, requiring the student to apply for readmission. WAC 392-400-275. ESSB 5946 requires an expulsion to be for a definite period of no more than one calendar year. The district has a duty to make “reasonable efforts” to assist the student and his or her parents in returning to an educational setting by the end of the expulsion. Building administrators may petition the superintendent to exceed the one-year limitation when “warranted based on public health or safety” under rules to be developed by OSPI. These requirements of the bill also apply to long-term suspensions.
- **Emergency expulsions must be converted into a different form of discipline.** Under existing law, a district may immediately expel a student on an emergency basis under certain circumstances. WAC 392-400-295. Such expulsions continue until rescinded by the district or modified or reversed during hearing or appeal processes. ESSB 5946 now requires an emergency expulsion to be converted into a different form of discipline within 10 school days of removal, and the district must provide separate notice and afford due process rights for the conversion action.
- **Reentry conferences and “reengagement plans” are required.** Under existing law, a district is not required to meet with suspended or expelled students or their parents outside of initial appeals or formal requests for readmission. ESSB 5946 requires a reentry conference with the student/parents within 20 days of a long-term suspension or expulsion (and no later than five days before the student reenrolls), regardless of whether an appeal or request for early reentry was made, to “discuss a plan to reengage the student in a school program.” Administrators must consider shortening the suspension or expulsion, imposing other forms of corrective action, and using “supportive interventions.” The district also must create a “reengagement plan tailored to the student’s individual circumstances.”

The plan must consider the incident that led to the discipline and aid the student in taking the necessary steps to remedy that situation. Reentry conferences are separate from petitions for readmission.

ESSB 5946 will require districts to revise existing student discipline policies, procedures, and student handbooks. Existing law requires districts to have written discipline rules, which must be made available to students annually. RCW 28A.600.010; WAC 392-400-225. To address ESSB 5946, districts should revise board policies, procedures, and student handbooks for the 2013-14 school year as necessary. This may require adding a supplement to handbooks that have already been printed. Although the changes do not take effect until September 28, districts should consider whether to implement the new requirements at the start of the year in order to maintain consistent disciplinary practices throughout the 2013-14 school year.

The bill also mandates collection and reporting to OSPI of additional data on district discipline actions, will require OSPI to revise its existing student discipline rules in Chapter 392-400 WAC, and raises significant issues about whether the new one-year limit on expulsion actions will apply to students currently in indefinite expulsion or suspension status. Districts should consult legal counsel regarding obligations toward previously expelled students.

If you have any questions about the changes in the law or revising board policies, procedures, or student handbooks, do not hesitate to contact any attorney at Porter Foster Rorick.

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