

Old Capitol Building  
PO Box 47200  
Olympia, WA 98504-7200



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**  
Chris Reykdal, Superintendent

ospi.k12.wa.us

August 16, 2024

( ) Action Required  
(X) Informational

## BULLETIN NO. 055-24 STUDENT ENGAGEMENT & SUPPORT

**TO:** Educational Service District Superintendents  
School District Superintendents  
School District Business Managers

**FROM:** Chris Reykdal, Superintendent of Public Instruction

**RE:** Chapter 392-400 Washington Administrative Code (WAC) Student Discipline  
Emergency Rules

**CONTACT:** Anna Marie Dufault, Assistant Superintendent, Student Engagement and  
Support  
564-669-1360, [annamarie.dufault@k12.wa.us](mailto:annamarie.dufault@k12.wa.us)

## PURPOSE/BACKGROUND

The Office of Superintendent of Public Instruction (OSPI) has filed [emergency rules clarifying and updating Chapter 392-400 WAC \(Student Discipline\)](#). OSPI plans to also conduct permanent rulemaking concerning Student Discipline. The emergency rules are effective immediately and the permanent rules are anticipated to be in effect by the 2025–26 school year.

This bulletin is intended to provide information about Chapter 392-400 WAC. Additional guiding documents will be posted to the OSPI website. The practice of updating older WACs is a common practice after implementation. Given the interruption of school during COVID-19, there was limited opportunity to put the rules into practice until the 2023–24 school year. Consistent feedback and new legislation provided OSPI the opportunity to clarify and update these rules to better align with RCW 28A.600.010-022 and maintain a focus on disproportionality in discipline. OSPI worked in collaboration with the following organizations to make the immediate changes necessary to put the focus back on instructional and leadership practice. OSPI, in collaboration with the Association of Washington School Principals (AWSP), Washington Association of School Administrators (WASA), Washington Education Association (WEA), and Washington State School Directors' Association (WSSDA), have listened

to educators to guide the clarifications and updates to these rules.

## **SUMMARY OF THE EMERGENCY RULES**

The emergency rules are effective August 16, 2024, and establish expectations and requirements for LEAs in implementing and administering Student Discipline. The emergency rules and supplemental information are posted on the OSPI website, and include:

- Purpose WAC 394-400-010
  - Expanded purpose and definitions. References RCW.
- Definitions WAC 392-400-025
  - Clarifies discretionary and non-discretionary discipline.
- Discipline Policies and Procedures WAC 392-400-110
  - Expanded language for clarity. References RCW.
- Classroom Exclusions WAC 392-400-330
  - Expanded language for clarity. References RCW.
- Classroom Exclusion Notice and Procedure WAC 392-400-335
  - Clarifies responsibilities of LEAs in alignment with best practice.

Initial guidance documents “Behavior and Discipline: Key Values and Changes” and “Behavior and Discipline WAC Side-by-Side” were created to support initial implementation. Further guidance and technical assistance will be available in the coming weeks through both OSPI and our statewide partners.

## **INFORMATION AND ASSISTANCE**

For questions regarding this bulletin, please contact Anna Marie Dufault, Assistant Superintendent, Student Engagement and Support, at 564-669-1360, or email [annamarie.dufault@k12.wa.us](mailto:annamarie.dufault@k12.wa.us). The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

Michaela W. Miller, Ed.D., NBCT  
Deputy Superintendent

Anna Marie Dufault  
Assistant Superintendent  
Student Engagement and Support

Briana Kelly  
Assistant Director  
Restorative Practices and Student Discipline Supports

CR:bc

Attachment A: Behavior and Discipline: Key Values and Changes

Attachment B: Behavior and Discipline WAC Side-by-Side

*OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Equity and Civil Rights Director at 360-725-6162/TTY: 360-664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or [equity@k12.wa.us](mailto:equity@k12.wa.us).*