

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

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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

September 20, 2024

() Action Required

(X) Informational

ADDENDUM TO 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: Addendum to 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

PURPOSE/BACKGROUND

The Office of Superintendent of Public Instruction (OSPI) has filed emergency rules clarifying and updating Chapter 392-400 WAC Student Discipline (see [OSPI Rulemaking Activity website](#)). 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
 - Clarified discretionary and non-discretionary discipline.
 - ((Added the definition non-disciplinary action to the definition of discretionary discipline.))
 - ((Defined corrective action to mean disciplinary and non-disciplinary actions taken by a certificated educator.))
- Discipline Policies and Procedures WAC 392-400-110
 - Expanded language for clarity. References RCW.
- Classroom Exclusions WAC 392-400-330
 - Expanded language for clarity.
 - ((Included language from the RCW about attempting corrective action vs. referencing RCW.))
 - ((Removed the language “brief duration”.))
- Classroom Exclusion Notice and Procedure WAC 392-400-335
 - Clarified responsibilities of LEAs in alignment with best practice.
- ((Removed language “other forms of discipline” from three WAC’s
 - WAC 392-400-435 Short-term and in-school suspension.
 - WAC 392-400-440 Long-term suspensions.
 - WAC 392-400-445 Expulsions.))

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. 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

CR:bc

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

Attachment B: Behavior and Discipline: WAC Full 392-400

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