Behavior and Discipline WAC Side-by-Side

Revised January 2025

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| **Definitions WAC 392-400-025** |
| **Topic** | **Emergency Rules** *(In Effect)* | **Proposed Rules** *(For Permanent Rulemaking)* |
| **Corrective Action** | (3) “Corrective action” means disciplinary and non-disciplinary actions taken by a certificated educator. Non-disciplinary actions include evidence-based interventions and support outlined in [RCW](https://apps.leg.wa.gov/rcw/default.aspx?cite=28A.410.270) [28A.410.270,](https://apps.leg.wa.gov/rcw/default.aspx?cite=28A.410.270) [28A.405.100,](https://apps.leg.wa.gov/rcw/default.aspx?cite=28A.405.100) and [28A.410.260](https://apps.leg.wa.gov/rcw/default.aspx?cite=28A.410.260) to support the student in meeting behavioral expectations.  | (3) “Corrective action” means disciplinary and nondisciplinary actions taken by a certificated educator. Nondisciplinary actions include evidence-based interventions and support outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. |
| **Discipline Policies and Procedures WAC 392-400-110** |
| **Topic** | **Emergency Rules** *(In Effect)* | **Proposed Rules** *(For Permanent Rulemaking)* |
| **School District** **Policies and** **Procedures**  | (1) **School district policies and procedures.**(i) Establish grievance procedures to address parents' or students' grievances related to the administration of discretionary and nondiscretionary discipline, other than suspensions, expulsions, and emergency removals, including discipline that excludes a student from transportation or extracurricular activity.  | (1) **School district policies and procedures.**(i) Establish grievance procedures to address parents' or students' grievances related to the administration of discretionary and nondiscretionary discipline, including discipline that excludes a student from transportation or extracurricular activity. |
| **Classroom and Instructional or Activity Area Exclusions WAC 392-400-330** |
| **Topic** | **Emergency Rules** *(In Effect)* | **Proposed Rules** *(For Permanent Rulemaking)* |
| **Duration of Classroom Exclusions**  | (3) **Duration of classroom exclusion.** 1. A classroom exclusion may be administered for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first.
2. A classroom exclusion that exceeds this time period, and if such students have repeatedly disrupted the learning of other students, may be considered a suspension in accordance with this chapter and must provide for early involvement of parents in attempts to improve the student’s behavior.
 | (3) **Duration of classroom exclusion.** (c) Removal from school. A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency removal under this chapter. |
| **Classroom Exclusions Notice and Procedures WAC 392-400-335**  |
| **Topic** | **Emergency Rules** *(In Effect)* | **Proposed Rules** *(For Permanent Rulemaking)* |
| **Notices and** **Procedures**  | 1. The teacher communicates and collaborates with students, families, and all educational stakeholders in an ethical and professional manner to promote student learning. WAC 392400-110.
 | (1) The teacher communicates and collaborates with students, families, and all educational partners in an ethical and professional manner to promote student learning WAC 392-400-110. |
| **Collapsing WAC 392-400-445 on Expulsion Conditions and Limitations within WAC 392-400-440 on Long-term Suspensions Conditions and Limitations to reduce redundancy** |
| **Topic** | **Emergency Rules** *(In Effect)* | **Proposed Rules** *(For Permanent Rulemaking)* |
| **WAC 392-400-440** | **WAC 392-400-440 Long-term suspensions—Additional conditions and limitations.**(1) **Limitations on long-term suspensions.** A school district may only administer a long-term suspension:(a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and(b) After the school district has determined that, if the student returned to school before completing a long-term suspension:(i) The student would pose an imminent danger to students or school personnel; or(ii) The student would pose an imminent threat of material and substantial disruption of the educational process.(2) **Length of exclusion.**(a) A long-term suspension may not exceed the length of an academic term.(b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.(3) **Grade-level limitations**. Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension for any student in kindergarten through fourth grade. | **WAC 392-400-440 Long-term suspensions and expulsions—Additional conditions and limitations.** (1) **Limitations on long-term suspensions and expulsions.** A school district may only administer a long-term suspension or expulsion: (a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and (b) After the school district has determined that if the student returned to school before completing a long-term suspension or expulsion, the student would pose an imminent danger to students or school personnel.(2) **Length of exclusion.** Except as provided under WAC 392-400-480,(a) A long-term suspension or expulsion may not exceed the length of an academic term. (b) A school district may not administer a long-term suspension or expulsion beyond the school year in which the behavioral violation occurred. (3) **Grade-level limitations.** Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension or expulsion for any student in kindergarten through fourth grade. |
| **Topic** | **Emergency Rules** *(In Effect)* | **Proposed Rules** *(For Permanent Rulemaking)* |
| **WAC 392-400-445** | (1) **Limitations on expulsions**. A school district may only administer an expulsion:(a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and(b) After the school district has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.(2) **Length of exclusion.** An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the school district superintendent for extension of an expulsion under WAC 392-400-480, and the petition is granted.(3) **Grade-level limitations**. Except for violations of WAC 392-400-820, a school district may not administer an expulsion for any student in kindergarten through fourth grade. |  |