

Behavior and Discipline WAC Side-by-Side

Revised 9/20/2024

*Indicates new revised section

Definitions WAC 392-400-025		
	Existing Rules	Emergency Rules
Discipline	WAC 392.400.025 definitions (4) "Discipline" means any action taken by a school district in response to behavioral violations. (9) "Other forms of discipline" means actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.	WAC 392.400.025 definitions (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 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations. * (5) "Discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.015(6). Discretionary discipline does not 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. (9) "Non-discretionary" discipline" means: (a) Violations of RCW 28A.600.420; (b) An offense listed in RCW 13.04.155; (c) Two or more violations of RCW 9A.46.120, RCW 9.41.280, RCW 28A.600.455, RCW 28A.635.020, or RCW 28A.635.060 within a three-year period; or

		(d) Behavior that adversely impacts the health or safety of other students or educational staff RCW 28A.600.015 .
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	Existing Rules	Emergency Rules
Exclusion	WAC 392.400.025 definitions (2) "Classroom exclusion" means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements in WAC 392-400-330 and 392-400-335. Classroom exclusion does not include actions that result in missed instruction for a brief duration when: (a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and (b) The student remains under the supervision of the teacher or other school personnel during such brief duration.	WAC 392.400.025 definitions (2) "Classroom exclusion" means the exclusion of a student from a classroom and instructional or activity area for a discretionary behavioral violation that creates a disruption of the educational process in violation of the district disciplinary policies subject to the requirements in WAC 392-400-110.
Emergency Expulsion changed to Emergency Removal	(6) "Emergency expulsion" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.	(6) "Emergency removal" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.
Discipline Policies and Procedures WAC 392-400-110		
	Existing Rules	Emergency Rules
School District Policies and Procedures	(1) Before the commencement of the 2019-20 school year, and pursuant to RCW 28A.600.010 , a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations	(1) Pursuant to RCW 28A.600.010 , a school district must adopt and make available to each pupil, teacher and parent in the district reasonable written policies and procedures regarding pupil conduct, discipline and rights, including but not limited to classroom

	and administering discipline in accordance with this chapter. (e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035	exclusions, short-term suspensions, long-term suspensions, emergency removals, and expulsions. (e) Ensure the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere as outlined in: RCW 28A.410.270, RCW 28A.410.278, RCW 28A.405.100, RCW 28A.410.260, and RCW 28A.415.443. (f) Recognize that educators create an environment that welcomes all students and families, recognizing that the school belongs to them and the community. School faculty, staff, and administration highlight and center community expertise for learning partnerships. RCW 28A.410.260, RCW 28A.415.443.
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**Classroom and Instructional or Activity Area Exclusions
WAC 392-400-330**

	Existing Rules	Emergency Rules
Conditions and Limitations Duration	(a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335. (b) Other school personnel authority. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC	(1) Authority to administer classroom and instructional or activity area exclusions. Discretionary discipline leading to a classroom exclusion as determined by the school district's written procedures per RCW 28A.600.010 must give the highest consideration to the judgment of qualified certificated educators regarding the conditions necessary to maintain the optimum learning experience. (2) A teacher may exclude a student from the teacher's individual classroom and instructional or activity area while the student is under the teacher's immediate supervision, subject to the

	392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335. (2) Other forms of discipline. The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035. (3) Duration of classroom exclusion. (a) A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion under this chapter, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. (b) Removal from school. A student may not be removed from school during a classroom exclusion unless	requirements in WAC 392-400-110. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. A classroom exclusion does not include actions that result in missed instruction when: * (a) A teacher or other school personnel uses evidence-based classroom management practices outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations; and (b) The student remains under the supervision of the teacher or other school personnel * (3) Duration of classroom exclusion. (a) 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. (b) 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. (4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school, as well as within each classroom.
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	the school district provides notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.	
Classroom Exclusions Notice and Procedures WAC 392-400-335		
	Existing Rules	Emergency Rules
Notices and Procedures	Following a classroom exclusion under WAC 392-400-330: (1) Notice to principal. The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible. (2) Notice to parents. The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school district must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. (3) Emergency circumstances. When a teacher or school personnel administers a classroom exclusion on the grounds that the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process: (a) The teacher or other school personnel must immediately notify the principal or designee; and (b) The principal or designee must meet with the student as soon	School boards must ensure they have a policy that determines when a teacher or other school personnel shall report a classroom exclusion to a principal, principal designee, and parent.* (1) The teacher communicates and collaborates with students, families, and all educational stakeholders in an ethical and professional manner to promote student learning. WAC 392-400-110. (2) Regardless of how the notice is provided to the parents, guardians, or families (electronically, face-to-face), the school district must ensure that this notification is in a language that the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

	as reasonably possible and administer appropriate discipline.	
Removed “other forms of discipline” from WAC 392-400-435 Short-term and in-school suspension, WAC 392-400-440 Long-term suspensions, WAC 392-400-445 Expulsion and in other sections of the chapter where “other forms of discipline” was referenced		
	Existing Rules	Emergency Rules
WAC 392-400-435 Short-term and in-school suspension	(1) Other forms of discipline. Before administering a short-term or in-school suspension, a school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035 .	
WAC 392-400-440 Long-term suspensions	(1) Other forms of discipline. Before administering a long-term suspension, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035 .	
WAC 392-400-445 Expulsion	(1) Other forms of discipline. Before administering an expulsion, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for	

	behavior developed under RCW 28A.165.035 .	
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