



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 17, 2025

TIME: 8:37 AM

WSR 25-03-097

Agency: Office of Superintendent of Public Instruction (OSPI)

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR** 24-21-142 ; or

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject)

WAC 392-190-048 – Access to course offerings—Student discipline and corrective action

WAC 392-400-010 – Purpose

WAC 392-400-020 – Application

WAC 392-400-025 – Definitions

WAC 392-400-110 – Discipline policies and procedures—Development, review, and distribution

WAC 392-400-330 – Classroom exclusions—Conditions and limitations

WAC 392-400-335 – Classroom exclusion—Notice and procedure

WAC 392-400-435 – Short-term and in-school suspensions—Additional conditions and limitations

WAC 392-400-440 – Long-term suspensions—Additional conditions and limitations

WAC 392-400-445 – Expulsions—Additional conditions and limitations

WAC 392-400-455 – Suspensions and expulsions—Notice to student and parents

WAC 392-400-460 – Suspensions and expulsions—Optional conference with principal

WAC 392-400-510 – Emergency expulsions—Conditions and limitations

WAC 392-400-515 – Emergency expulsions—Notice to student and parents

WAC 392-400-520 – Emergency expulsions—Optional conference with principal

WAC 392-400-525 – Emergency expulsions—Appeal

WAC 392-400-530 – Emergency expulsions—Review and reconsideration

WAC 392-400-610 – Educational services during suspension, expulsion, or emergency expulsion

WAC 392-401-020 – Excused absences

WAC 392-401-040 – Student absences—General requirements

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 4, 2025	10:00 a.m.	Virtual Public Hearing via Zoom (call-in option also available). Participation link available on OSPI Rules webpage: ospi.k12.wa.us/policy- funding/ospi-rulemaking-activity	The hearing will be held as a virtual public hearing, without a physical meeting space. Please visit the OSPI Rules webpage for information on participating in the hearing: ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity For participation questions, please email: sirena.wu@k12.wa.us

Date of intended adoption: March 6, 2025 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Briana Kelly

Address OSPI, PO Box 47200, Olympia, WA 98504

Email StudentDiscipline@k12.wa.us

Fax

Other

Beginning (date and time) January 20, 2025, 8:00 a.m.

Assistance for persons with disabilities:

Contact Sirena Wu, OSPI Rules Coordinator

Phone 360-480-9317

Fax

TTY 360-664-3631

Email sirena.wu@k12.wa.us

Other

By (date and time) March 4, 2025, no later than 5:00 p.m. | By (date) February 25, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is proposing rulemaking in the area of student discipline to include changes made in the emergency rules and any other sections that need to be clarified or updated to ensure definitions and requirements relevant to student discipline are in alignment with current law. Revisions are intended to ensure required data and reporting requirements are manageable for each level of the system (i.e., classroom, school, district, state, etc.) and discipline guidance is consistent with professional standards for maintaining safe, optimal learning environments for all students that further OSPI's commitment to reducing disproportionate exclusionary practices.

Reasons supporting proposal: The proposed revisions to the student discipline rules clarify the standards and procedures that educators must follow in order to ensure that all students have an optimal learning environment. Updated statutory definitions of discipline were included to be in alignment with current law. Also, in order to comply with legislative mandates under RCW 28A.600.495, OSPI is replacing the prejudicial term "emergency expulsion" with the term "emergency removal" in the context of student discipline. Additionally, requirements for reporting and notification when school exclusions occur were included in the revisions.

Statutory authority for adoption: RCW 28A.300.046; RCW 28A.600.010; RCW 28A.600.015; RCW 28A.600.020

Statute being implemented:

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No

Federal Court Decision? ☐ Yes ☒ No

State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

Type of proponent: ☐ Private. ☐ Public. ☐ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Briana Kelly	OSPI, 600 S. Washington St, Olympia, WA	
Implementation	Briana Kelly	OSPI, 600 S. Washington St, Olympia, WA	
Enforcement		OSPI, 600 S. Washington St, Olympia, WA	

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

☒ No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☒ This rule proposal, or portions of the proposal, is exempt under RCW [19.85.030](#).

Explanation of how the above exemption(s) applies to the proposed rule: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

(2) Scope of exemptions: *Check one.*

- ☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: January 17, 2025	Signature: 
Name: Chris Reykdal	
Title: State Superintendent of Public Instruction	