

STUDENT DISCIPLINE



School district boards of directors are required to adopt policies which restore discipline to the classroom per RCW 28A.600.460. Teachers must be allowed to discipline for the following:

- Correcting a student who disrupts normal classroom activities;
- Abuses, or insults a teacher while carrying on his or her official duties;
- Willfully disobeys a teacher;
- Uses abusive or foul language directed at a district employee, school volunteer, or another student;
- Violates school rules; or
- Interferes with an orderly education process.

Disciplinary action may include, but is not limited to: oral or written reprimands, written notification to parents of disruptive behavior, a copy of which must be provided to the principal. RCW 28A.600.460.

Exclusion from Class: A teacher may exclude from the teacher's classroom or activity area any student who creates a disruption of the educational process or is in violation of the building disciplinary standards while under the teacher's immediate supervision. **The student may be excluded from the classroom for all or any portion of the balance of the school day and two following days or until the principal or designee and the teacher have conferred,** whichever occurs first. Except in emergency situations however, **the teacher must attempt one or more forms of corrective action before excluding the student. In no event may an excluded student be returned to the instructional area during the balance of the class or activity period without the consent of the teacher.** RCW 28A.600.020. Following the passage of HB1541 lessons during the exclusionary period are provided to the affected student. This change does not remove your rights as an educator. See the example of the Vancouver Exclusion Slip on the following pages.

- **State law requires the school to inform teachers of any incoming transfer student's history** of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students. (RCW 28A.225.330). **New bargaining language guarantees notification within 2 days to staff who need to know this information.*
- **Principals must assure appropriate student discipline** . The principal shall determine that appropriate student discipline is established and enforced. The principal and the certificated employees shall confer at least annually to develop and/or review building disciplinary standards and uniform enforcement of those standards. (RCW 28A.400.110)
- **A student committing an offense such as an assault, malicious harassment, malicious mischief, or other crimes against a teacher shall not be assigned to that teacher's**

classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned. (RCW 28A.600.460)

- **You have the right to report a student to the police** if that student has threatened or assaulted you. Just because you are a teacher, *you do not give up your rights under the law as a citizen.*

You have the right to obtain an anti-harassment protection order against a student (or a student's parent) if those individuals engage in behaviors that are abusive; threatening; seriously alarm, annoy, or harass; or would cause a reasonable person to suffer substantial emotional distress. (RCW 10.14.020). Harassment of any kind, be it from a student, student's parent, administrator, or colleague is fully covered.





OSPI released notification of **NEW RULES** on August 13th that were formally adopted on July 30, to encourage schools to use best practices when addressing student behavior – which should decrease the use of suspensions and expulsions. Chris Reykdal stated in the news release, “While some students do occasionally need discipline our approach must be different. We should do what we can to make suspensions and expulsions the last option while ensuring our schools are safe. The numbers are clear: This is an equity issue and some groups of students are impacted much more than others.” In general, the rules:

- Encourage schools to use best practices while minimizing the use of suspensions and expulsions;
- Prohibit schools from excluding students from school for absences or tardiness;
- Further limit the use of exclusionary discipline for behaviors that do not present a threat to school safety;
- Prohibit the use of expulsion for students in Kindergarten through grade four; and
- Clarify expectations for how school districts must provide students the opportunity to receive educational services during a suspension or expulsion.

Classroom Exclusions

F1. What is a “classroom exclusion” under the new rules?

The new rules specifically define a category of discipline—“classroom exclusions”—starting in the 2018-19 school year. Under the rules, a classroom exclusion is the exclusion of a student from a classroom or instructional or activity area for behavioral violations.

See WAC 392-400-023(2); WAC 392-400-025(2).

A classroom exclusion does not include actions that result in missed instruction for a brief duration when (1) a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations, and (2) the student remains under the supervision of the teacher or other school personnel during such brief duration.

F2. Do the new discipline rules include any new procedures related to classroom exclusions? Yes. The new rules require parent notification following a classroom exclusion. See WAC 392-400-335(2).

For the 2018–19 school year, the current grievance procedure will remain in place. See WAC 392-400-240. By the 2019–20 school year, school districts will need to develop local grievance procedures for classroom exclusions. The new discipline rules provide that grievance procedures adopted by a school district must include an opportunity for the student to share their perspective and explanation regarding the behavioral violation. See WAC 392-400-110(1)(h).

F3. Do the new discipline rules limit a teacher’s statutory authority to exclude a student from the classroom? No.

The new rules are consistent with the statutory provision regarding a teacher’s authority to exclude a student from the teacher’s classroom—including the statutory provision regarding the principal and teacher conferring. See RCW 28A.600.020(2).

The new rules do not prescribe the means by which a principal and teacher confer regarding a classroom exclusion. The rules provide that when a classroom exclusion exceeds the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion. However, the rules do not abridge the maximum duration of time that a teacher may exclude a student under statute.

Districts may adopt discipline policies and procedures regarding the means by which the principal (or designee) and the teacher should confer that, consistent with law, clarify district expectations in accordance with collective bargaining agreements entered into by the district.

F4. Does a classroom exclusion include any instance where a teacher might send a student from the classroom to another location in the school? No.

(continued)

The new discipline rules includes a formal definition for classroom exclusion, which specifies that classroom exclusions must be in response to behavioral violations. See WAC 392-400-023(2); WAC 392-400-025(2). For example, sending a student with a hallway pass to meet with a counselor for reasons unrelated to a behavioral violation would not constitute a classroom exclusion, whereas taking similar actions in response to a behavioral violation—such as issuing an office discipline referral (ODR) to send a student to the dean’s office—would constitute a classroom exclusion

F5. Teachers sometimes respond to a behavioral violation by directing the student to leave the classroom so they can have a conversation in the hallway. Would that action constitute a classroom exclusion under the new discipline rules? It depends. The new discipline rules clarify that a classroom exclusion does not include actions that result in missed instruction for a brief duration when (1) a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations, and (2) the student remains under the supervision of the teacher or other school personnel during such brief duration. See WAC 392-400-023(2); WAC 392-400-025(2). For example, if a student remains under the teacher’s supervision while in the hallway for a brief period of time and the purpose of the conversation is to support the student in meeting behavioral expectations, the teacher’s action would constitute “other forms of discipline” under the new rules. Similarly, if the teacher calls a building administrator to the classroom to have a brief conversation with the student for purposes of reinforcing classroom expectations, that action would not constitute a classroom exclusion. However, if a teacher directs the student to go into the hallway and leaves the student there unsupervised—or with a para-professional for longer than a brief duration of time—those actions would constitute a classroom exclusion.

Clarity from bargaining: In a building that does not have an associate principal, a staff member will be identified to support student and staff needs while the principal is out of the building.

Vancouver Exclusion Slip

Dear Principal:

I have excluded _____ from my classroom for the next two (2) days in accordance with RCW 28A.600.020. This student has created a disruption of the educational process in violation of the building disciplinary standards. I have attempted one or more alternative forms of corrective action.

In no event without my consent, may an excluded student return to my class during the class or activity period for up to the following two days until we have conferred.

Article 10.25 of our contract states that the term confer means that I have had the opportunity to provide input on a plan for disciplining the student, that my input has received full consideration, and your discipline decision was discussed with me before this student returns to my classroom.

Thank you,

Teacher's name and Date