

Summary of Changes Imposed by SB 1541

By

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On March 10, 2016, the Washington Legislature passed SB 1541 which, following signature by the Governor, became Chapter 72, Laws of 2016, effective June 9, 2016. SB 1541 changes existing law regarding student discipline, and the statute strongly encourages school districts to train staff who interact with students on the new changes. Sec. 104(2).

The specific changes found in SB 1541 are summarized below:

- When a district suspends or expels a student for more than 10 days, SB 1541 requires that the suspension or expulsion last no longer than the length of an academic term, as defined by the district. Sec. 106(6).
 - *However*, “where warranted based on public health or safety,” a school may petition its school district Superintendent for authorization to exceed this limitation, “pursuant to policies and procedures” adopted by OSPI. We believe OSPI has not yet acted to adopt such “policies and procedures.”
 - The process outlined in WAC 392-400-410 for extension of the previously-existing one-year limitation on expulsions *might* provide useful guidance until OSPI adopts such “policies and procedures.”
- SB 1541 prohibits districts from imposing long-term suspensions or expulsions as “discretionary discipline.” Sec. 105(4). “Discretionary discipline” is described in Sec. 105(6) as disciplinary action taken by a school district for student behavior that violates rules of student conduct, except for action taken in response to:
 - Violations of the prohibition against firearms on school premises, transportation, or facilities (RCW 28A.600.420);
 - Certain violent offenses, sex offenses, offenses related to liquor or controlled substances, and certain crimes related to firearms, assault, kidnapping, harassment, and arson (RCW 13.04.155);
 - Two or more violations within a three-year period of criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property (RCW 9A.46.120, 9.41.280, 3 28A.600.455, 28A.635.020, or 28A.635.060); or
 - Behavior that adversely impacts the health or safety of other students or educational staff.

- Except for violations of the prohibition against firearms on school premises, SB 1541 requires districts to consider alternative actions before imposing long-term suspensions or expulsions.
- SB 1541 prohibits districts from suspending the provision of educational services during periods of exclusion from school. Sec. 105(8).
 - A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for the student to receive educational services during that time. Sec. 105(8).
 - If the District chooses to provide educational services in an alternate setting during suspensions or expulsions, the setting must be “comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline.” Sec. 106(7). Examples of such alternate settings listed in SB 1541 include alternate high schools, one-on-one tutoring, and online learning. Sec. 106(7).
- After a student is suspended or expelled, a district must (rather than “should” in pre-existing law) convene a reengagement meeting with the student and the student’s family. Sec. 107(1). SB 1541 requires that families “have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.” Sec. 107(1).
- SB 1541 requires WSSDA to create and disseminate model student discipline policies and procedures implementing these new requirements by December 1, 2016. Sec. 103(1).
- School districts are required to adopt, enforce, and monitor policies and procedures consistent with the WSSDA model policies and procedures by the 2017-18 school year. Sec. 103(2).
 - We believe this provision does not alter the effective date of the new restrictions on expulsions and suspensions stated in SB 1541 that are summarized above.

Recommendations:

We recommend that districts amend their student conduct policy and related procedures to permit suspensions and expulsions only in the limited circumstances that are listed SB 1541 and summarized above; convene an ad hoc citizen’s committee (per WAC 392-400-245 and 260) to ask it to determine that each of the listed circumstances constitutes “exceptional misconduct” warranting immediate resort to suspensions or expulsions; publish/provide notice of the updated rules prior to the beginning of the 2016-17 school year per WAC 392-400-225; and train staff who impose suspensions and expulsions regarding the new restrictions before any additional suspensions or expulsions are imposed. Districts also may need to revisit their updated policy and procedures following dissemination of the WSSDA model policies and procedures.