

# Behavior and Discipline WAC Side-by-Side

Revised January 2025

<b>Definitions WAC 392-400-025</b>			
<b>Topic</b>	<b>Pre-Existing Rules</b>	<b>Emergency Rules <i>(In Effect)</i></b>	<b>Proposed Rules <i>(For Permanent Rulemaking)</i></b>
<b>Discipline and Corrective Action</b>	<p>(4) "Discipline" means any action taken by a school district in response to behavioral violations.</p> <p>(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.</p>	<p>(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 <a href="#">28A.410.270</a>, <a href="#">28A.405.100</a>, and <a href="#">28A.410.260</a> to support the student in meeting behavioral expectations.</p> <p>(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 <a href="#">28A.600.015(6)</a>. Discretionary discipline does not include evidence-based interventions and support outlined in RCW <a href="#">28A.410.270</a>, <a href="#">28A.405.100</a>, and</p>	<p>(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.</p>

		<p>28A.410.260 to support the student in meeting behavioral expectations.</p> <p>(9) "Non-discretionary" discipline" means:</p> <p>(a) Violations of RCW <a href="#">28A.600.420</a>;</p> <p>(b) An offense listed in RCW <a href="#">13.04.155</a>;</p> <p>(c) Two or more violations of RCW <a href="#">9A.46.120</a>, RCW <a href="#">9.41.280</a>, RCW <a href="#">28A.600.455</a>, RCW <a href="#">28A.635.020</a>, or RCW <a href="#">28A.635.060</a> within a three-year period; or</p> <p>(d) Behavior that adversely impacts the health or safety of other students or educational staff RCW <a href="#">28A.600.015</a>.</p>	
<b>Topic</b>	<b>Pre-Existing Rules</b>	<b>Emergency Rules (In Effect)</b>	<b>Proposed Rules (For Permanent Rulemaking)</b>
<b>Exclusion</b>	<p><b>WAC 392.400.025 Definitions</b></p> <p>(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</p>	<p><b>WAC 392.400.025 Definitions</b></p> <p>(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.</p>	

	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.		
<b>Emergency Expulsion changed to Emergency Removal</b>	(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.	
<b>Discipline Policies and Procedures WAC 392-400-110</b>			
<b>Topic</b>	<b>Pre-Existing Rules</b>	<b>Emergency Rules</b> <i>(In Effect)</i>	<b>Proposed Rules</b> <i>(For Permanent Rulemaking)</i>
<b>School District Policies and Procedures</b>	(1) Before the commencement of the 2019-20 school year, and pursuant to RCW <a href="#">28A.600.010</a> , a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and	(1) Pursuant to RCW <a href="#">28A.600.010</a> , 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	(1) <b>School district policies and procedures.</b> (i) Establish grievance procedures to address parents' or students' grievances related to the administration of discretionary and nondiscretionary discipline,

	<p>administering discipline in accordance with this chapter.</p> <p>(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 <a href="#">28A.165.035</a></p>	<p>to classroom exclusions, short-term suspensions, long-term suspensions, emergency removals, and expulsions.</p> <p>(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: <a href="#">RCW 28A.410.270</a>, <a href="#">RCW 28A.410.278</a>, <a href="#">RCW 28A.405.100</a>, <a href="#">RCW 28A.410.260</a>, and <a href="#">RCW 28A.415.443</a>.</p> <p>(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 <a href="#">28A.410.260</a>, RCW <a href="#">28A.415.443</a>.</p>	<p>including discipline that excludes a student from transportation or extracurricular activity.</p>
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**Classroom and Instructional or Activity Area Exclusions WAC 392-400-330**

<b>Topic</b>	<b>Pre-Existing Rules</b>	<b>Emergency Rules</b> <i>(In Effect)</i>	<b>Proposed Rules</b> <i>(For Permanent Rulemaking)</i>
<p><b>Conditions and Limitations Duration</b></p>	<p>(1) <b>Authority to administer classroom exclusions.</b>                      (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 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.</p> <p>(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</p>	<p>(1) <b>Authority to administer classroom and instructional or activity area exclusions.</b>                      Discretionary discipline leading to a classroom exclusion as determined by the school district's written procedures per RCW <a href="#">28A.600.010</a> must give the highest consideration to the judgment of qualified certificated educators regarding the conditions necessary to maintain the optimum learning experience.</p> <p>(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 requirements in WAC 392-400110. 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:</p>	<p>(3) <b>Duration of classroom exclusion.</b>                      (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.</p>

	<p>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 <a href="#">28A.165.035</a>.</p> <p><b>(3) Duration of classroom exclusion.</b></p> <p>(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</p>	<p>(a) A teacher or other school personnel uses evidence-based classroom management practices outlined in RCW <a href="#">28A.410.270</a>, <a href="#">28A.405.100</a>, and <a href="#">28A.410.260</a> to support the student in meeting behavioral expectations; and</p> <p>(b) The student remains under the supervision of the teacher or other school personnel</p> <p><b>(3) Duration of classroom exclusion.</b></p> <p>(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.</p> <p>(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.</p>	
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	<p>following two days, or until the principal or designee and teacher have conferred, whichever occurs first.</p> <p>(b) <b>Removal from school.</b> 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 expulsion under this chapter.</p>	<p>(4) The procedures shall assure, pursuant to RCW <a href="#">28A.400.110</a>, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school, as well as within each classroom.</p>	
<b>Classroom Exclusions Notice and Procedures WAC 392-400-335</b>			
<b>Topic</b>	<b>Pre-Existing Rules</b>	<b>Emergency Rules <i>(In Effect)</i></b>	<b>Proposed Rules <i>(For Permanent Rulemaking)</i></b>
<b>Notices and Procedures</b>	<p>Following a classroom exclusion under WAC 392-400-330:</p> <p>(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.</p> <p>(2) Notice to parents. The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as</p>	<p>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.</p> <p>(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.</p>	<p>(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.</p>

	<p>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.</p> <p>(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:</p> <p>(a) The teacher or other school personnel must immediately notify the principal or designee; and</p> <p>(b) The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.</p>	<p>(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.</p>	
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**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**

<b>Topic</b>	<b>Pre-Existing Rules</b>	<b>Emergency Rules</b> <i>(In Effect)</i>	<b>Proposed Rules</b> <i>(For Permanent Rulemaking)</i>
<b>WAC 392-400-435 Short-term and in-school suspension</b>	(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 <a href="#">28A.165.035</a> .		
<b>WAC 392-400-440 Long-term suspensions</b>	(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 <a href="#">28A.165.035</a> .		

<p><b>WAC 392-400-445 Expulsion</b></p>	<p>(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 <a href="#">28A.165.035</a>.</p>		
<p><b>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</b></p>			
<p><b>Topic</b></p>	<p><b>Pre-Existing Rules</b></p>	<p><b>Emergency Rules</b> <i>(In Effect)</i></p>	<p><b>Proposed Rules</b> <i>(For Permanent Rulemaking)</i></p>
<p><b>WAC 392-400-440</b></p>		<p><b>WAC 392-400-440 Long-term suspensions—Additional conditions and limitations.</b> (1) <b>Limitations on long-term suspensions.</b> 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</p>	<p><b>WAC 392-400-440 Long-term suspensions and expulsions—Additional conditions and limitations.</b> (1) <b>Limitations on long-term suspensions and expulsions.</b> 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</p>

		<p>returned to school before completing a long-term suspension:</p> <p>(i) The student would pose an imminent danger to students or school personnel; or</p> <p>(ii) The student would pose an imminent threat of material and substantial disruption of the educational process.</p> <p>(2) <b>Length of exclusion.</b></p> <p>(a) A long-term suspension may not exceed the length of an academic term.</p> <p>(b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.</p> <p>(3) <b>Grade-level limitations.</b> 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.</p>	<p>(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.</p> <p>(2) <b>Length of exclusion.</b> Except as provided under WAC 392-400-480,</p> <p>(a) A long-term suspension or expulsion may not exceed the length of an academic term.</p> <p>(b) A school district may not administer a long-term suspension or expulsion beyond the school year in which the behavioral violation occurred.</p> <p>(3) <b>Grade-level limitations.</b> 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.</p>
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<p><b>WAC 392-400-445</b></p>		<p>(1) <b>Limitations on expulsions.</b> A school district may only administer an expulsion:</p> <p>(a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and</p> <p>(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.</p> <p>(2) <b>Length of exclusion.</b> 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.</p> <p>(3) <b>Grade-level limitations.</b> Except for violations of WAC 392-400-820, a school district may not administer an expulsion for any student in kindergarten through fourth grade.</p>	
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