

# Provision of Educational Services During Suspension or Expulsion

## Purpose and Background

During the 2016 regular session, the legislature passed [4SHB 1541](#), a comprehensive bill based on recommendations of the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC). Sections of the bill include significant changes to student discipline laws, effective **June 9, 2016**. These changes affect the rules for student discipline contained in chapter [392-400](#) WAC and student enrollment reporting for state funding under WAC [392-121-108](#).

This bulletin contains information regarding the provision of educational services during a period of suspension or expulsion. For additional details, see [OSPI Bulletin No. 050-16](#).

## Requirement to Provide Educational Services

School districts may not suspend the provision of educational services to a student as a disciplinary action, including, for example, English language development services for eligible English Learner (EL) students. A disciplinary action includes, but is not limited to, in-school suspension, short-term suspension, long-term suspension, expulsion, and emergency expulsion. Effective June 9, 2016, all disciplinary actions are subject to this prohibition on discontinuing the provision of educational services.

School districts must now provide all suspended and expelled students an opportunity to receive educational services, regardless of the date when the disciplinary action was imposed. Because the obligation to extend the opportunity to receive educational services lies with the district, districts should be proactive in initiating regular contact with all students who have been suspended or expelled.

Students may be excluded from particular classrooms or instructional or activity areas for a defined period of suspension or expulsion. However, following the imposition of a suspension or expulsion, districts are required to provide educational services as soon as reasonably possible. State law

already requires districts to engage with students and families regarding the implementation of discipline policies and the imposition of disciplinary actions. With the passage of [4SHB 1541](#), districts are encouraged to involve students and families in decision-making processes related to the provision of educational services during the period of suspension or expulsion—both when setting policy and when determining appropriate educational services on a case-by-case basis.

When educational services are provided in an alternative setting, the alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. The legislation mentions alternative high schools, one-on-one tutoring, and online learning as examples of alternative settings. Additionally, districts may provide educational services through an Alternative Learning Experience (ALE) or an appropriate course of study under WAC [392-121-107](#), wherein the examples mentioned by the legislature are included. Whether a course of study is deemed appropriate may depend on the individual needs of the student as well as enrollment criteria specific to different courses of study.

While a student may enroll in another program to receive educational services, school districts should make efforts to have suspended or expelled students return to their regular educational setting as soon as possible.

If a student is short-term suspended, enrollment in another program will likely not be feasible or in the best interest of the student. Therefore, schools are encouraged to place students in in-school suspension during a short-term suspension instead of assigning out-of-school suspension. In-school suspension should be designed to allow students to receive regular course assignments, have access to their regular instructional teacher(s), and receive instruction from a certificated teacher. If in-school suspension is not an option, schools should consider placing short-term suspended students in a comparable district-operated or contracted educational setting. Regardless of the location of educational services, students must be given the opportunity to make up any assignments or tests missed as a result of a short-term suspension if the student's grades or credit might be affected.

## Student Reporting and State Funding

On July 6, 2016, OSPI filed proposed rules to remove suspensions and expulsions from the list of enrollment exclusions for state funding under WAC [392-121-108](#). A public hearing was held August 9, the permanent rule was filed August 26, and the rule revision went into effect September 1, 2016. OSPI recently updated the [Enrollment Reporting Handbook](#) for the 2016–17 school year to align reporting guidance with WAC [392-121-108](#), as amended.

With this amendment, districts may now claim state funding for students who have been long-term suspended or expelled. However, the exclusion that restricts claiming students who have been absent for twenty consecutive school days prior to the count day remains unchanged. Any student who has been long-term suspended or expelled but has not met the requirements to be reported on the next monthly count day, cannot be claimed for state funding. A student who has not attended school for twenty consecutive school days prior to the monthly count day cannot be claimed for state funding, unless one of the following occurs before the count day:

- The student has enrolled in an ALE, Open Doors youth reengagement program, or Running Start program and met the specific program requirements to be claimed. The full time equivalent (FTE) a district can claim for each of these programs varies. Refer to the 2016–17 [Enrollment Reporting Handbook](#) for specific guidance on program requirements and calculation of FTE.
- The student attends an alternative setting classroom that is supervised by a teacher and where attendance is taken. The student's FTE is calculated based on enrolled weekly minutes at the alternative setting classroom.
- The student receives ancillary services with an appropriate school district staff. The student's FTE is calculated based on actual hours of service.
- There is a written agreement between the district and the student's parent or guardian that, due to exceptional circumstances, the student will continue their educational progress during their temporary absence from school. When this occurs, the FTE that was

claimed for the student prior to their absence can be claimed for state funding for up to two months, so long as the student returns to school before the end of the school year.

OSPI recently updated the [CEDARS Reporting Guidance](#) for the 2016–17 school year to align reporting guidance with the new provisions of the law. Unless a student is being immediately enrolled in another school and/or district, a student should not be withdrawn from enrollment in the school and/or district as a result of an imposed suspension or expulsion. Student absences resulting from a disciplinary action are to be reported as excused absences.

### **Questions? Contact us!**

#### **For questions about student discipline, alternatives to suspension, and reengagement meetings:**

Joshua Lynch, Program Supervisor | Student Discipline and Behavior

[joshua.lynch@k12.wa.us](mailto:joshua.lynch@k12.wa.us) | 360-725-4969

#### **For questions about Alternative Learning Experience (ALE) and online learning:**

Lillian Hunter, Director | Digital Learning Department

[lillian.hunter@k12.wa.us](mailto:lillian.hunter@k12.wa.us) | 206-543-5426

#### **For questions about student enrollment reporting for state funding:**

Becky McLean, Supervisor | Enrollment Reporting and Categorical Funding

[becky.mclean@k12.wa.us](mailto:becky.mclean@k12.wa.us) | 360-725-6306

### **Additional Resources**

## [HB 1541](#)

### [Equity in Student Discipline](#)

#### [Data and Analytics: Suspensions and Expulsions](#)

OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

**Questions and complaints of alleged discrimination should be directed to:**

Equity and Civil Rights Director

P.O. Box 47200

Olympia, WA 98504-7200

360-725-6162

TTY:360-664-3631

**STAY IN TOUCH**

[Website](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [Contact Us](#)