

2 **SSB 5543** - H COMM AMD
3 By Committee on Education

4 ADOPTED AS AMENDED 03/06/02

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** Following the tragic events of September
8 11, 2001, the government's primary role in protecting the health,
9 safety, and well-being of its citizens has been underscored. The
10 legislature recognizes that there is a need to focus on the development
11 and implementation of comprehensive safe school plans for each public
12 school. The legislature recognizes that comprehensive safe school
13 plans for each public school are an integral part of rebuilding public
14 confidence. In developing these plans, the legislature finds that a
15 coordinated effort is essential to ensure the most effective response
16 to any type of emergency. Further, the legislature recognizes that
17 comprehensive safe school plans for each public school are of paramount
18 importance and will help to assure students, parents, guardians, school
19 employees, and school administrators that our schools provide the
20 safest possible learning environment.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
22 RCW to read as follows:

23 (1) By June 1, 2002, within existing resources, the superintendent
24 of public instruction, in consultation with representatives from the
25 emergency management division of the state military department,
26 educators, classified staff, principals, superintendents,
27 administrators, the American society for industrial security, the state
28 criminal justice training commission, the Washington association of
29 sheriffs and police chiefs, and others as determined by the
30 superintendent, shall provide guidance to school districts in
31 developing comprehensive safe school plans for each school. This
32 guidance shall include, but shall not be limited to, a comprehensive
33 school safety checklist to use as a tool when developing their own
34 individual comprehensive safe school plans, and successful models of

1 comprehensive safe school plans that include prevention, intervention,
2 all-hazards/crisis response, and postcrisis recovery.

3 (2) Schools and school districts shall consider the guidance,
4 including the comprehensive school safety checklist and the model
5 comprehensive safe school plans, when developing their own individual
6 comprehensive safe school plans.

7 (3) The superintendent of public instruction, in consultation with
8 school district superintendents, shall establish timelines for school
9 districts to develop individual comprehensive safe school plans. The
10 superintendent of public instruction shall require school districts to
11 periodically report progress on their comprehensive safe school plans.

12 (4) The superintendent of public instruction may adopt rules to
13 implement provisions of this section. These rules may include, but are
14 not limited to, provisions for periodic drills and testing,
15 evacuations, lockdowns, or other components of a comprehensive safe
16 school plan.

17 **Sec. 3.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read
18 as follows:

19 In addition to any other powers and duties as provided by law, the
20 state board of education shall:

21 (1) Approve or disapprove the program of courses leading to
22 teacher, school administrator, and school specialized personnel
23 certification offered by all institutions of higher education within
24 the state which may be accredited and whose graduates may become
25 entitled to receive such certification.

26 (2) Conduct every five years a review of the program approval
27 standards, including the minimum standards for teachers,
28 administrators, and educational staff associates, to reflect research
29 findings and assure continued improvement of preparation programs for
30 teachers, administrators, and educational staff associates.

31 (3) Investigate the character of the work required to be performed
32 as a condition of entrance to and graduation from any institution of
33 higher education in this state relative to such certification as
34 provided for in subsection (1) (~~above~~) of this section, and prepare
35 a list of accredited institutions of higher education of this and other
36 states whose graduates may be awarded such certificates.

37 (4)(a) The state board of education shall adopt rules to allow a
38 teacher certification candidate to fulfill, in part, teacher

1 preparation program requirements through work experience as a
2 classified teacher's aide in a public school or private school meeting
3 the requirements of RCW 28A.195.010. The rules shall include, but are
4 not limited to, limitations based upon the recency of the teacher
5 preparation candidate's teacher aide work experience, and limitations
6 based on the amount of work experience that may apply toward teacher
7 preparation program requirements under this chapter.

8 (b) The state board of education shall require that at the time of
9 the individual's enrollment in a teacher preparation program, the
10 supervising teacher and the building principal shall jointly provide to
11 the teacher preparation program of the higher education institution at
12 which the teacher candidate is enrolled, a written assessment of the
13 performance of the teacher candidate. The assessment shall contain
14 such information as determined by the state board of education and
15 shall include: Evidence that at least fifty percent of the candidate's
16 work as a classified teacher's aide was involved in instructional
17 activities with children under the supervision of a certificated
18 teacher and that the candidate worked a minimum of six hundred thirty
19 hours for one school year; the type of work performed by the candidate;
20 and a recommendation of whether the candidate's work experience as a
21 classified teacher's aide should be substituted for teacher preparation
22 program requirements. In compliance with such rules as may be
23 established by the state board of education under this section, the
24 teacher preparation programs of the higher education institution where
25 the candidate is enrolled shall make the final determination as to what
26 teacher preparation program requirements may be fulfilled by teacher
27 aide work experience.

28 (5) Supervise the issuance of such certificates as provided for in
29 subsection (1) (~~above~~) of this section and specify the types and
30 kinds of certificates necessary for the several departments of the
31 common schools by rule or regulation in accordance with RCW
32 28A.410.010.

33 (6) Accredite, subject to such accreditation standards and
34 procedures as may be established by the state board of education, all
35 schools that apply for accreditation, and approve, subject to the
36 provisions of RCW 28A.195.010, private schools carrying out a program
37 for any or all of the grades kindergarten through twelve: PROVIDED,
38 That no private school may be approved that operates a kindergarten
39 program only: PROVIDED FURTHER, That no public or private schools

1 shall be placed upon the list of accredited schools so long as secret
2 societies are knowingly allowed to exist among its students by school
3 officials: PROVIDED FURTHER, That the state board may elect to require
4 all or certain classifications of the public schools to conduct and
5 participate in such preaccreditation examination and evaluation
6 processes as may now or hereafter be established by the board.

7 (7) Make rules and regulations governing the establishment in any
8 existing nonhigh school district of any secondary program or any new
9 grades in grades nine through twelve. Before any such program or any
10 new grades are established the district must obtain prior approval of
11 the state board.

12 (8) Prepare such outline of study for the common schools as the
13 board shall deem necessary, and prescribe such rules for the general
14 government of the common schools, as shall seek to secure regularity of
15 attendance, prevent truancy, secure efficiency, and promote the true
16 interest of the common schools.

17 (9) Continuously reevaluate courses and adopt and enforce
18 regulations within the common schools so as to meet the educational
19 needs of students and articulate with the institutions of higher
20 education and unify the work of the public school system.

21 (10) Carry out board powers and duties relating to the organization
22 and reorganization of school districts under RCW 28A.315.010 through
23 28A.315.680 and 28A.315.900.

24 ~~(11) ((By rule or regulation promulgated upon the advice of the
25 chief of the Washington state patrol, through the director of fire
26 protection, provide for instruction of pupils in the public and private
27 schools carrying out a K through 12 program, or any part thereof, so
28 that in case of sudden emergency they shall be able to leave their
29 particular school building in the shortest possible time or take such
30 other steps as the particular emergency demands, and without confusion
31 or panic; such rules and regulations shall be published and distributed
32 to certificated personnel throughout the state whose duties shall
33 include a familiarization therewith as well as the means of
34 implementation thereof at their particular school.~~

35 ~~(12))~~ Hear and decide appeals as otherwise provided by law.

36 The state board of education is given the authority to promulgate
37 information and rules dealing with the prevention of child abuse for
38 purposes of curriculum use in the common schools.

1 **Sec. 4.** RCW 42.17.310 and 2001 c 278 s 1, 2001 c 98 s 2, and 2001
2 c 70 s 1 are each reenacted and amended to read as follows:

3 (1) The following are exempt from public inspection and copying:

4 (a) Personal information in any files maintained for students in
5 public schools, patients or clients of public institutions or public
6 health agencies, or welfare recipients.

7 (b) Personal information in files maintained for employees,
8 appointees, or elected officials of any public agency to the extent
9 that disclosure would violate their right to privacy.

10 (c) Information required of any taxpayer in connection with the
11 assessment or collection of any tax if the disclosure of the
12 information to other persons would (i) be prohibited to such persons by
13 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
14 taxpayer's right to privacy or result in unfair competitive
15 disadvantage to the taxpayer.

16 (d) Specific intelligence information and specific investigative
17 records compiled by investigative, law enforcement, and penology
18 agencies, and state agencies vested with the responsibility to
19 discipline members of any profession, the nondisclosure of which is
20 essential to effective law enforcement or for the protection of any
21 person's right to privacy.

22 (e) Information revealing the identity of persons who are witnesses
23 to or victims of crime or who file complaints with investigative, law
24 enforcement, or penology agencies, other than the public disclosure
25 commission, if disclosure would endanger any person's life, physical
26 safety, or property. If at the time a complaint is filed the
27 complainant, victim or witness indicates a desire for disclosure or
28 nondisclosure, such desire shall govern. However, all complaints filed
29 with the public disclosure commission about any elected official or
30 candidate for public office must be made in writing and signed by the
31 complainant under oath.

32 (f) Test questions, scoring keys, and other examination data used
33 to administer a license, employment, or academic examination.

34 (g) Except as provided by chapter 8.26 RCW, the contents of real
35 estate appraisals, made for or by any agency relative to the
36 acquisition or sale of property, until the project or prospective sale
37 is abandoned or until such time as all of the property has been
38 acquired or the property to which the sale appraisal relates is sold,

1 but in no event shall disclosure be denied for more than three years
2 after the appraisal.

3 (h) Valuable formulae, designs, drawings, computer source code or
4 object code, and research data obtained by any agency within five years
5 of the request for disclosure when disclosure would produce private
6 gain and public loss.

7 (i) Preliminary drafts, notes, recommendations, and intra-agency
8 memorandums in which opinions are expressed or policies formulated or
9 recommended except that a specific record shall not be exempt when
10 publicly cited by an agency in connection with any agency action.

11 (j) Records which are relevant to a controversy to which an agency
12 is a party but which records would not be available to another party
13 under the rules of pretrial discovery for causes pending in the
14 superior courts.

15 (k) Records, maps, or other information identifying the location of
16 archaeological sites in order to avoid the looting or depredation of
17 such sites.

18 (l) Any library record, the primary purpose of which is to maintain
19 control of library materials, or to gain access to information, which
20 discloses or could be used to disclose the identity of a library user.

21 (m) Financial information supplied by or on behalf of a person,
22 firm, or corporation for the purpose of qualifying to submit a bid or
23 proposal for (i) a ferry system construction or repair contract as
24 required by RCW 47.60.680 through 47.60.750 or (ii) highway
25 construction or improvement as required by RCW 47.28.070.

26 (n) Railroad company contracts filed prior to July 28, 1991, with
27 the utilities and transportation commission under RCW 81.34.070, except
28 that the summaries of the contracts are open to public inspection and
29 copying as otherwise provided by this chapter.

30 (o) Financial and commercial information and records supplied by
31 private persons pertaining to export services provided pursuant to
32 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
33 export projects pursuant to RCW 43.23.035.

34 (p) Financial disclosures filed by private vocational schools under
35 chapters 28B.85 and 28C.10 RCW.

36 (q) Records filed with the utilities and transportation commission
37 or attorney general under RCW 80.04.095 that a court has determined are
38 confidential under RCW 80.04.095.

1 (r) Financial and commercial information and records supplied by
2 businesses or individuals during application for loans or program
3 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
4 or during application for economic development loans or program
5 services provided by any local agency.

6 (s) Membership lists or lists of members or owners of interests of
7 units in timeshare projects, subdivisions, camping resorts,
8 condominiums, land developments, or common-interest communities
9 affiliated with such projects, regulated by the department of
10 licensing, in the files or possession of the department.

11 (t) All applications for public employment, including the names of
12 applicants, resumes, and other related materials submitted with respect
13 to an applicant.

14 (u) The residential addresses or residential telephone numbers of
15 employees or volunteers of a public agency which are held by any public
16 agency in personnel records, public employment related records, or
17 volunteer rosters, or are included in any mailing list of employees or
18 volunteers of any public agency.

19 (v) The residential addresses and residential telephone numbers of
20 the customers of a public utility contained in the records or lists
21 held by the public utility of which they are customers, except that
22 this information may be released to the division of child support or
23 the agency or firm providing child support enforcement for another
24 state under Title IV-D of the federal social security act, for the
25 establishment, enforcement, or modification of a support order.

26 (w)(i) The federal social security number of individuals governed
27 under chapter 18.130 RCW maintained in the files of the department of
28 health, except this exemption does not apply to requests made directly
29 to the department from federal, state, and local agencies of
30 government, and national and state licensing, credentialing,
31 investigatory, disciplinary, and examination organizations; (ii) the
32 current residential address and current residential telephone number of
33 a health care provider governed under chapter 18.130 RCW maintained in
34 the files of the department, if the provider requests that this
35 information be withheld from public inspection and copying, and
36 provides to the department an accurate alternate or business address
37 and business telephone number. On or after January 1, 1995, the
38 current residential address and residential telephone number of a
39 health care provider governed under RCW 18.130.040 maintained in the

1 files of the department shall automatically be withheld from public
2 inspection and copying unless the provider specifically requests the
3 information be released, and except as provided for under RCW
4 42.17.260(9).

5 (x) Information obtained by the board of pharmacy as provided in
6 RCW 69.45.090.

7 (y) Information obtained by the board of pharmacy or the department
8 of health and its representatives as provided in RCW 69.41.044,
9 69.41.280, and 18.64.420.

10 (z) Financial information, business plans, examination reports, and
11 any information produced or obtained in evaluating or examining a
12 business and industrial development corporation organized or seeking
13 certification under chapter 31.24 RCW.

14 (aa) Financial and commercial information supplied to the state
15 investment board by any person when the information relates to the
16 investment of public trust or retirement funds and when disclosure
17 would result in loss to such funds or in private loss to the providers
18 of this information.

19 (bb) Financial and valuable trade information under RCW 51.36.120.

20 (cc) Client records maintained by an agency that is a domestic
21 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
22 crisis center as defined in RCW 70.125.030.

23 (dd) Information that identifies a person who, while an agency
24 employee: (i) Seeks advice, under an informal process established by
25 the employing agency, in order to ascertain his or her rights in
26 connection with a possible unfair practice under chapter 49.60 RCW
27 against the person; and (ii) requests his or her identity or any
28 identifying information not be disclosed.

29 (ee) Investigative records compiled by an employing agency
30 conducting a current investigation of a possible unfair practice under
31 chapter 49.60 RCW or of a possible violation of other federal, state,
32 or local laws prohibiting discrimination in employment.

33 (ff) Business related information protected from public inspection
34 and copying under RCW 15.86.110.

35 (gg) Financial, commercial, operations, and technical and research
36 information and data submitted to or obtained by the clean Washington
37 center in applications for, or delivery of, program services under
38 chapter 70.95H RCW.

1 (hh) Information and documents created specifically for, and
2 collected and maintained by a quality improvement committee pursuant to
3 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
4 4.24.250, regardless of which agency is in possession of the
5 information and documents.

6 (ii) Personal information in files maintained in a data base
7 created under RCW 43.07.360.

8 (jj) Financial and commercial information requested by the public
9 stadium authority from any person or organization that leases or uses
10 the stadium and exhibition center as defined in RCW 36.102.010.

11 (kk) Names of individuals residing in emergency or transitional
12 housing that are furnished to the department of revenue or a county
13 assessor in order to substantiate a claim for property tax exemption
14 under RCW 84.36.043.

15 (ll) The names, residential addresses, residential telephone
16 numbers, and other individually identifiable records held by an agency
17 in relation to a vanpool, carpool, or other ride-sharing program or
18 service. However, these records may be disclosed to other persons who
19 apply for ride-matching services and who need that information in order
20 to identify potential riders or drivers with whom to share rides.

21 (mm) The personally identifying information of current or former
22 participants or applicants in a paratransit or other transit service
23 operated for the benefit of persons with disabilities or elderly
24 persons.

25 (nn) The personally identifying information of persons who acquire
26 and use transit passes and other fare payment media including, but not
27 limited to, stored value smart cards and magnetic strip cards, except
28 that an agency may disclose this information to a person, employer,
29 educational institution, or other entity that is responsible, in whole
30 or in part, for payment of the cost of acquiring or using a transit
31 pass or other fare payment media, or to the news media when reporting
32 on public transportation or public safety. This information may also
33 be disclosed at the agency's discretion to governmental agencies or
34 groups concerned with public transportation or public safety.

35 (oo) Proprietary financial and commercial information that the
36 submitting entity, with review by the department of health,
37 specifically identifies at the time it is submitted and that is
38 provided to or obtained by the department of health in connection with
39 an application for, or the supervision of, an antitrust exemption

1 sought by the submitting entity under RCW 43.72.310. If a request for
2 such information is received, the submitting entity must be notified of
3 the request. Within ten business days of receipt of the notice, the
4 submitting entity shall provide a written statement of the continuing
5 need for confidentiality, which shall be provided to the requester.
6 Upon receipt of such notice, the department of health shall continue to
7 treat information designated under this section as exempt from
8 disclosure. If the requester initiates an action to compel disclosure
9 under this chapter, the submitting entity must be joined as a party to
10 demonstrate the continuing need for confidentiality.

11 (pp) Records maintained by the board of industrial insurance
12 appeals that are related to appeals of crime victims' compensation
13 claims filed with the board under RCW 7.68.110.

14 (qq) Financial and commercial information supplied by or on behalf
15 of a person, firm, corporation, or entity under chapter 28B.95 RCW
16 relating to the purchase or sale of tuition units and contracts for the
17 purchase of multiple tuition units.

18 (rr) Any records of investigative reports prepared by any state,
19 county, municipal, or other law enforcement agency pertaining to sex
20 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
21 defined in RCW 71.09.020, which have been transferred to the Washington
22 association of sheriffs and police chiefs for permanent electronic
23 retention and retrieval pursuant to RCW 40.14.070(2)(b).

24 (ss) Credit card numbers, debit card numbers, electronic check
25 numbers, card expiration dates, or bank or other financial account
26 numbers supplied to an agency for the purpose of electronic transfer of
27 funds, except when disclosure is expressly required by law.

28 (tt) Financial information, including but not limited to account
29 numbers and values, and other identification numbers supplied by or on
30 behalf of a person, firm, corporation, limited liability company,
31 partnership, or other entity related to an application for a liquor
32 license, gambling license, or lottery retail license.

33 (uu) Records maintained by the employment security department and
34 subject to chapter 50.13 RCW if provided to another individual or
35 organization for operational, research, or evaluation purposes.

36 (vv) Individually identifiable information received by the work
37 force training and education coordinating board for research or
38 evaluation purposes.

1 (ww) Those portions of records containing specific and unique
2 vulnerability assessments or specific and unique response plans, either
3 of which is intended to prevent or mitigate criminal terrorist acts as
4 defined in RCW 70.74.285, the public disclosure of which would have a
5 substantial likelihood of threatening public safety.

6 (xx) Commercial fishing catch data from logbooks required to be
7 provided to the department of fish and wildlife under RCW 77.12.047,
8 when the data identifies specific catch location, timing, or
9 methodology and the release of which would result in unfair competitive
10 disadvantage to the commercial fisher providing the catch data.
11 However, this information may be released to government agencies
12 concerned with the management of fish and wildlife resources.

13 (yy) Sensitive wildlife data obtained by the department of fish and
14 wildlife. However, sensitive wildlife data may be released to
15 government agencies concerned with the management of fish and wildlife
16 resources. Sensitive wildlife data includes:

17 (i) The nesting sites or specific locations of endangered species
18 designated under RCW 77.12.020, or threatened or sensitive species
19 classified by rule of the department of fish and wildlife;

20 (ii) Radio frequencies used in, or locational data generated by,
21 telemetry studies; or

22 (iii) Other location data that could compromise the viability of a
23 specific fish or wildlife population, and where at least one of the
24 following criteria are met:

25 (A) The species has a known commercial or black market value;

26 (B) There is a history of malicious take of that species; or

27 (C) There is a known demand to visit, take, or disturb, and the
28 species behavior or ecology renders it especially vulnerable or the
29 species has an extremely limited distribution and concentration.

30 (zz) The personally identifying information of persons who acquire
31 recreational licenses under RCW 77.32.010 or commercial licenses under
32 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
33 department, and type of license, endorsement, or tag. However, the
34 department of fish and wildlife may disclose personally identifying
35 information to:

36 (i) Government agencies concerned with the management of fish and
37 wildlife resources;

1 (ii) The department of social and health services, child support
2 division, and to the department of licensing in order to implement RCW
3 77.32.014 and 46.20.291; and

4 (iii) Law enforcement agencies for the purpose of firearm
5 possession enforcement under RCW 9.41.040.

6 (aaa) Information compiled by school districts or schools in the
7 development of their comprehensive safe school plans pursuant to
8 section 2 of this act, to the extent that they identify specific
9 vulnerabilities of school districts and each individual school.

10 (2) Except for information described in subsection (1)(c)(i) of
11 this section and confidential income data exempted from public
12 inspection pursuant to RCW 84.40.020, the exemptions of this section
13 are inapplicable to the extent that information, the disclosure of
14 which would violate personal privacy or vital governmental interests,
15 can be deleted from the specific records sought. No exemption may be
16 construed to permit the nondisclosure of statistical information not
17 descriptive of any readily identifiable person or persons.

18 (3) Inspection or copying of any specific records exempt under the
19 provisions of this section may be permitted if the superior court in
20 the county in which the record is maintained finds, after a hearing
21 with notice thereof to every person in interest and the agency, that
22 the exemption of such records is clearly unnecessary to protect any
23 individual's right of privacy or any vital governmental function.

24 (4) Agency responses refusing, in whole or in part, inspection of
25 any public record shall include a statement of the specific exemption
26 authorizing the withholding of the record (or part) and a brief
27 explanation of how the exemption applies to the record withheld.

28 NEW SECTION. **Sec. 5.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 6.** (1) Sections 2 and 4 of this act are
33 necessary for the immediate preservation of the public peace, health,
34 or safety, or support of the state government and its existing public
35 institutions, and take effect immediately.

36 (2) Section 3 of this act takes effect September 1, 2002."

1 Correct the title.

--- END ---