

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5543

57th Legislature
2002 Regular Session

Passed by the Senate March 11, 2002
YEAS 46 NAYS 0

President of the Senate

Passed by the House March 6, 2002
YEAS 89 NAYS 3

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5543** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 5543

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Education (originally sponsored by Senators Kastama, McAuliffe, Eide, Regala, Rasmussen, Thibaudeau, Costa, Kohl-Welles and Winsley; by request of Governor Locke and Superintendent of Public Instruction)

READ FIRST TIME 02/21/01.

1 AN ACT Relating to school safety; amending RCW 28A.305.130;
2 reenacting and amending RCW 42.17.310; adding a new section to chapter
3 28A.320 RCW; creating a new section; providing an effective date; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

3 (1) By June 1, 2002, within existing resources, the superintendent
4 of public instruction, in consultation with representatives from the
5 emergency management division of the state military department,
6 educators, classified staff, principals, superintendents,
7 administrators, the American society for industrial security, the state
8 criminal justice training commission, the Washington association of
9 sheriffs and police chiefs, and others as determined by the
10 superintendent, shall provide guidance to school districts in
11 developing comprehensive safe school plans for each school. This
12 guidance shall include, but shall not be limited to, a comprehensive
13 school safety checklist to use as a tool when developing their own
14 individual comprehensive safe school plans, and successful models of
15 comprehensive safe school plans that include prevention, intervention,
16 all-hazards/crisis response, and postcrisis recovery.

17 (2) Schools and school districts shall consider the guidance,
18 including the comprehensive school safety checklist and the model
19 comprehensive safe school plans, when developing their own individual
20 comprehensive safe school plans.

21 (3) The superintendent of public instruction, in consultation with
22 school district superintendents, shall establish timelines for school
23 districts to develop individual comprehensive safe school plans. The
24 superintendent of public instruction shall require school districts to
25 periodically report progress on their comprehensive safe school plans.

26 (4) The superintendent of public instruction may adopt rules to
27 implement provisions of this section. These rules may include, but are
28 not limited to, provisions for periodic drills and testing,
29 evacuations, lockdowns, or other components of a comprehensive safe
30 school plan.

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

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

35 (1) Approve or disapprove the program of courses leading to
36 teacher, school administrator, and school specialized personnel
37 certification offered by all institutions of higher education within

1 the state which may be accredited and whose graduates may become
2 entitled to receive such certification.

3 (2) Conduct every five years a review of the program approval
4 standards, including the minimum standards for teachers,
5 administrators, and educational staff associates, to reflect research
6 findings and assure continued improvement of preparation programs for
7 teachers, administrators, and educational staff associates.

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

14 (4)(a) The state board of education shall adopt rules to allow a
15 teacher certification candidate to fulfill, in part, teacher
16 preparation program requirements through work experience as a
17 classified teacher's aide in a public school or private school meeting
18 the requirements of RCW 28A.195.010. The rules shall include, but are
19 not limited to, limitations based upon the recency of the teacher
20 preparation candidate's teacher aide work experience, and limitations
21 based on the amount of work experience that may apply toward teacher
22 preparation program requirements under this chapter.

23 (b) The state board of education shall require that at the time of
24 the individual's enrollment in a teacher preparation program, the
25 supervising teacher and the building principal shall jointly provide to
26 the teacher preparation program of the higher education institution at
27 which the teacher candidate is enrolled, a written assessment of the
28 performance of the teacher candidate. The assessment shall contain
29 such information as determined by the state board of education and
30 shall include: Evidence that at least fifty percent of the candidate's
31 work as a classified teacher's aide was involved in instructional
32 activities with children under the supervision of a certificated
33 teacher and that the candidate worked a minimum of six hundred thirty
34 hours for one school year; the type of work performed by the candidate;
35 and a recommendation of whether the candidate's work experience as a
36 classified teacher's aide should be substituted for teacher preparation
37 program requirements. In compliance with such rules as may be
38 established by the state board of education under this section, the
39 teacher preparation programs of the higher education institution where

1 the candidate is enrolled shall make the final determination as to what
2 teacher preparation program requirements may be fulfilled by teacher
3 aide work experience.

4 (5) Supervise the issuance of such certificates as provided for in
5 subsection (1) (~~above~~) of this section and specify the types and
6 kinds of certificates necessary for the several departments of the
7 common schools by rule or regulation in accordance with RCW
8 28A.410.010.

9 (6) Accredite, subject to such accreditation standards and
10 procedures as may be established by the state board of education, all
11 schools that apply for accreditation, and approve, subject to the
12 provisions of RCW 28A.195.010, private schools carrying out a program
13 for any or all of the grades kindergarten through twelve: PROVIDED,
14 That no private school may be approved that operates a kindergarten
15 program only: PROVIDED FURTHER, That no public or private schools
16 shall be placed upon the list of accredited schools so long as secret
17 societies are knowingly allowed to exist among its students by school
18 officials: PROVIDED FURTHER, That the state board may elect to require
19 all or certain classifications of the public schools to conduct and
20 participate in such preaccreditation examination and evaluation
21 processes as may now or hereafter be established by the board.

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

27 (8) Prepare such outline of study for the common schools as the
28 board shall deem necessary, and prescribe such rules for the general
29 government of the common schools, as shall seek to secure regularity of
30 attendance, prevent truancy, secure efficiency, and promote the true
31 interest of the common schools.

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

36 (10) Carry out board powers and duties relating to the organization
37 and reorganization of school districts under RCW 28A.315.010 through
38 28A.315.680 and 28A.315.900.

1 ~~((By rule or regulation promulgated upon the advice of the~~
2 ~~chief of the Washington state patrol, through the director of fire~~
3 ~~protection, provide for instruction of pupils in the public and private~~
4 ~~schools carrying out a K through 12 program, or any part thereof, so~~
5 ~~that in case of sudden emergency they shall be able to leave their~~
6 ~~particular school building in the shortest possible time or take such~~
7 ~~other steps as the particular emergency demands, and without confusion~~
8 ~~or panic; such rules and regulations shall be published and distributed~~
9 ~~to certificated personnel throughout the state whose duties shall~~
10 ~~include a familiarization therewith as well as the means of~~
11 ~~implementation thereof at their particular school.~~

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

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

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

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

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

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

25 (c) Information required of any taxpayer in connection with the
26 assessment or collection of any tax if the disclosure of the
27 information to other persons would (i) be prohibited to such persons by
28 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
29 taxpayer's right to privacy or result in unfair competitive
30 disadvantage to the taxpayer.

31 (d) Specific intelligence information and specific investigative
32 records compiled by investigative, law enforcement, and penology
33 agencies, and state agencies vested with the responsibility to
34 discipline members of any profession, the nondisclosure of which is
35 essential to effective law enforcement or for the protection of any
36 person's right to privacy.

37 (e) Information revealing the identity of persons who are witnesses
38 to or victims of crime or who file complaints with investigative, law

1 enforcement, or penology agencies, other than the public disclosure
2 commission, if disclosure would endanger any person's life, physical
3 safety, or property. If at the time a complaint is filed the
4 complainant, victim or witness indicates a desire for disclosure or
5 nondisclosure, such desire shall govern. However, all complaints filed
6 with the public disclosure commission about any elected official or
7 candidate for public office must be made in writing and signed by the
8 complainant under oath.

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

11 (g) Except as provided by chapter 8.26 RCW, the contents of real
12 estate appraisals, made for or by any agency relative to the
13 acquisition or sale of property, until the project or prospective sale
14 is abandoned or until such time as all of the property has been
15 acquired or the property to which the sale appraisal relates is sold,
16 but in no event shall disclosure be denied for more than three years
17 after the appraisal.

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

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

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

30 (k) Records, maps, or other information identifying the location of
31 archaeological sites in order to avoid the looting or depredation of
32 such sites.

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

36 (m) Financial information supplied by or on behalf of a person,
37 firm, or corporation for the purpose of qualifying to submit a bid or
38 proposal for (i) a ferry system construction or repair contract as

1 required by RCW 47.60.680 through 47.60.750 or (ii) highway
2 construction or improvement as required by RCW 47.28.070.

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

7 (o) Financial and commercial information and records supplied by
8 private persons pertaining to export services provided pursuant to
9 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
10 export projects pursuant to RCW 43.23.035.

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

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

16 (r) Financial and commercial information and records supplied by
17 businesses or individuals during application for loans or program
18 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
19 or during application for economic development loans or program
20 services provided by any local agency.

21 (s) Membership lists or lists of members or owners of interests of
22 units in timeshare projects, subdivisions, camping resorts,
23 condominiums, land developments, or common-interest communities
24 affiliated with such projects, regulated by the department of
25 licensing, in the files or possession of the department.

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

29 (u) The residential addresses or residential telephone numbers of
30 employees or volunteers of a public agency which are held by any public
31 agency in personnel records, public employment related records, or
32 volunteer rosters, or are included in any mailing list of employees or
33 volunteers of any public agency.

34 (v) The residential addresses and residential telephone numbers of
35 the customers of a public utility contained in the records or lists
36 held by the public utility of which they are customers, except that
37 this information may be released to the division of child support or
38 the agency or firm providing child support enforcement for another

1 state under Title IV-D of the federal social security act, for the
2 establishment, enforcement, or modification of a support order.

3 (w)(i) The federal social security number of individuals governed
4 under chapter 18.130 RCW maintained in the files of the department of
5 health, except this exemption does not apply to requests made directly
6 to the department from federal, state, and local agencies of
7 government, and national and state licensing, credentialing,
8 investigatory, disciplinary, and examination organizations; (ii) the
9 current residential address and current residential telephone number of
10 a health care provider governed under chapter 18.130 RCW maintained in
11 the files of the department, if the provider requests that this
12 information be withheld from public inspection and copying, and
13 provides to the department an accurate alternate or business address
14 and business telephone number. On or after January 1, 1995, the
15 current residential address and residential telephone number of a
16 health care provider governed under RCW 18.130.040 maintained in the
17 files of the department shall automatically be withheld from public
18 inspection and copying unless the provider specifically requests the
19 information be released, and except as provided for under RCW
20 42.17.260(9).

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

23 (y) Information obtained by the board of pharmacy or the department
24 of health and its representatives as provided in RCW 69.41.044,
25 69.41.280, and 18.64.420.

26 (z) Financial information, business plans, examination reports, and
27 any information produced or obtained in evaluating or examining a
28 business and industrial development corporation organized or seeking
29 certification under chapter 31.24 RCW.

30 (aa) Financial and commercial information supplied to the state
31 investment board by any person when the information relates to the
32 investment of public trust or retirement funds and when disclosure
33 would result in loss to such funds or in private loss to the providers
34 of this information.

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

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

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

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

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

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

17 (hh) Information and documents created specifically for, and
18 collected and maintained by a quality improvement committee pursuant to
19 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
20 4.24.250, regardless of which agency is in possession of the
21 information and documents.

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

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

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

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

37 (mm) The personally identifying information of current or former
38 participants or applicants in a paratransit or other transit service

1 operated for the benefit of persons with disabilities or elderly
2 persons.

3 (nn) The personally identifying information of persons who acquire
4 and use transit passes and other fare payment media including, but not
5 limited to, stored value smart cards and magnetic strip cards, except
6 that an agency may disclose this information to a person, employer,
7 educational institution, or other entity that is responsible, in whole
8 or in part, for payment of the cost of acquiring or using a transit
9 pass or other fare payment media, or to the news media when reporting
10 on public transportation or public safety. This information may also
11 be disclosed at the agency's discretion to governmental agencies or
12 groups concerned with public transportation or public safety.

13 (oo) Proprietary financial and commercial information that the
14 submitting entity, with review by the department of health,
15 specifically identifies at the time it is submitted and that is
16 provided to or obtained by the department of health in connection with
17 an application for, or the supervision of, an antitrust exemption
18 sought by the submitting entity under RCW 43.72.310. If a request for
19 such information is received, the submitting entity must be notified of
20 the request. Within ten business days of receipt of the notice, the
21 submitting entity shall provide a written statement of the continuing
22 need for confidentiality, which shall be provided to the requester.
23 Upon receipt of such notice, the department of health shall continue to
24 treat information designated under this section as exempt from
25 disclosure. If the requester initiates an action to compel disclosure
26 under this chapter, the submitting entity must be joined as a party to
27 demonstrate the continuing need for confidentiality.

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

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

35 (rr) Any records of investigative reports prepared by any state,
36 county, municipal, or other law enforcement agency pertaining to sex
37 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
38 defined in RCW 71.09.020, which have been transferred to the Washington

1 association of sheriffs and police chiefs for permanent electronic
2 retention and retrieval pursuant to RCW 40.14.070(2)(b).

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

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

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

15 (vv) Individually identifiable information received by the work
16 force training and education coordinating board for research or
17 evaluation purposes.

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

23 (xx) Commercial fishing catch data from logbooks required to be
24 provided to the department of fish and wildlife under RCW 77.12.047,
25 when the data identifies specific catch location, timing, or
26 methodology and the release of which would result in unfair competitive
27 disadvantage to the commercial fisher providing the catch data.
28 However, this information may be released to government agencies
29 concerned with the management of fish and wildlife resources.

30 (yy) Sensitive wildlife data obtained by the department of fish and
31 wildlife. However, sensitive wildlife data may be released to
32 government agencies concerned with the management of fish and wildlife
33 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

9 (zz) The personally identifying information of persons who acquire
10 recreational licenses under RCW 77.32.010 or commercial licenses under
11 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
12 department, and type of license, endorsement, or tag. However, the
13 department of fish and wildlife may disclose personally identifying
14 information to:

15 (i) Government agencies concerned with the management of fish and
16 wildlife resources;

17 (ii) The department of social and health services, child support
18 division, and to the department of licensing in order to implement RCW
19 77.32.014 and 46.20.291; and

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

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

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

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

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

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

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

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

--- END ---