
ENGROSSED SUBSTITUTE HOUSE BILL 3127

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell)

READ FIRST TIME 02/08/06.

1 AN ACT Relating to education; amending RCW 28A.300.130 and
2 42.56.240; adding new sections to chapter 28A.300 RCW; creating a new
3 section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that expanding
6 activity in educational research, educational restructuring, and
7 educational improvement initiatives has produced and continues to
8 produce much valuable information. The legislature finds that such
9 information should be shared with the citizens and educational
10 community of the state as widely as possible. The legislature further
11 finds that students and schools benefit from increased parental,
12 guardian, and community knowledge of and input regarding the delivery
13 of public education. The legislature further finds that increased
14 knowledge of and input regarding the public education system is
15 particularly needed in low-income and ethnic minority communities.

16 The legislature finds that the center for the improvement of
17 student learning, created by the legislature in 1993 under the auspices
18 of the superintendent of public instruction, has not been allocated
19 funding since the 2001-2003 biennium, and in effect no longer exists.

1 It is the intent of the legislature to reactivate the center for the
2 improvement of student learning, and to create an educational ombudsman
3 to serve as a resource for parents and students and as an advocate for
4 students in the public education system.

5 **Sec. 2.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to
6 read as follows:

7 (1) ~~((Expanding activity in educational research, educational~~
8 ~~restructuring, and educational improvement initiatives has produced and~~
9 ~~continues to produce much valuable information. The legislature finds~~
10 ~~that such information should be shared with the citizens and~~
11 ~~educational community of the state as widely as possible.)) To~~
12 facilitate access to information and materials on educational
13 improvement and research, the superintendent of public instruction, to
14 the extent funds are appropriated, shall establish the center for the
15 improvement of student learning. ~~((The primary purpose of the center~~
16 ~~is to provide assistance and advice to parents, school board members,~~
17 ~~educators, and the public regarding strategies for assisting students~~
18 ~~in learning the essential academic learning requirements pursuant to~~
19 ~~RCW 28A.630.885.)) The center shall work in conjunction with ~~((the~~
20 ~~academic achievement and accountability commission)) parents,~~
21 educational service districts, institutions of higher education, and
22 education, parent, community, and business organizations.~~

23 (2) The center, in conjunction with other staff in the office of
24 the superintendent of public instruction, shall:

25 (a) ~~((Serve as a clearinghouse for the completed work and~~
26 ~~activities of the academic achievement and accountability commission;~~

27 ~~(b))~~ Serve as a clearinghouse for information regarding successful
28 educational improvement and parental involvement programs in schools
29 and districts, and information about efforts within institutions of
30 higher education in the state to support educational improvement
31 initiatives in Washington schools and districts;

32 ~~((c))~~ (b) Provide best practices research ~~((and advice))~~ that can
33 be used to help schools develop and implement: Programs and practices
34 to improve instruction ~~((of the essential academic learning~~
35 ~~requirements under section 701 of this act)); systems to analyze~~
36 student assessment data, with an emphasis on systems that will combine
37 the use of state and local data to monitor the academic progress of

1 each and every student in the school district; comprehensive, school-
2 wide improvement plans; school-based shared decision-making models;
3 programs to promote lifelong learning and community involvement in
4 education; school-to-work transition programs; programs to meet the
5 needs of highly capable students; programs and practices to meet the
6 diverse needs of students based on gender, racial, ethnic, economic,
7 and special needs status; research, information, and technology
8 systems; and other programs and practices that will assist educators in
9 helping students learn the essential academic learning requirements;

10 ~~((d) Develop and distribute, in conjunction with the academic~~
11 ~~achievement and accountability commission, parental involvement~~
12 ~~materials, including instructional guides developed to inform parents~~
13 ~~of the essential academic learning requirements. The instructional~~
14 ~~guides also shall contain actions parents may take to assist their~~
15 ~~children in meeting the requirements, and should focus on reaching~~
16 ~~parents who have not previously been involved with their children's~~
17 ~~education;~~

18 ~~(e) Identify obstacles to greater parent and community involvement~~
19 ~~in school shared decision-making processes and recommend strategies for~~
20 ~~helping parents and community members to participate effectively in~~
21 ~~school shared decision-making processes, including understanding and~~
22 ~~respecting the roles of school building administrators and staff;~~

23 ~~(f))~~ (c) Develop and maintain an internet web site to increase the
24 availability of information, research, and other materials;

25 ~~((g) Take other actions to increase public awareness of the~~
26 ~~importance of parental and community involvement in education;~~

27 ~~(h))~~ (d) Work with appropriate organizations to inform teachers,
28 district and school administrators, and school directors about the
29 waivers available and the broadened school board powers under RCW
30 28A.320.015;

31 ~~((i))~~ (e) Provide training and consultation services, including
32 conducting regional summer institutes;

33 ~~((j) Address methods for improving the success rates of certain~~
34 ~~ethnic and racial student groups))~~ (f) Identify strategies for
35 improving the success rates of ethnic and racial student groups with
36 disproportionate academic achievement; and

37 ~~((k))~~ (g) Perform other functions consistent with the purpose of
38 the center as prescribed in subsection (1) of this section.

1 (3) The superintendent of public instruction(~~(, after consultation~~
2 ~~with the academic achievement and accountability commission,~~) shall
3 select and employ a director for the center.

4 (4) The superintendent may enter into contracts with individuals or
5 organizations including but not limited to: School districts;
6 educational service districts; educational organizations; teachers;
7 higher education faculty; institutions of higher education; state
8 agencies; business or community-based organizations; and other
9 individuals and organizations to accomplish the duties and
10 responsibilities of the center. In carrying out the duties and
11 responsibilities of the center, the superintendent, whenever possible,
12 shall use practitioners to assist agency staff as well as assist
13 educators and others in schools and districts.

14 (5) The office of the superintendent of public instruction shall
15 report to the legislature by September 1, 2007, and thereafter
16 biennially, regarding the effectiveness of the center for improvement
17 of student learning, how the services provided by the center for
18 improvement of student learning have been used and by whom, and
19 recommendations to improve the accessibility and application of
20 knowledge and information that leads to improved student learning and
21 greater family and community involvement in the public education
22 system.

23 NEW SECTION. Sec. 3. (1) The state board of education shall
24 establish an education ombudsman for all common school students in this
25 state. The purpose of the education ombudsman is to provide
26 information to parents, students, and others regarding their rights and
27 responsibilities with respect to the state's public elementary and
28 secondary education system, to monitor and ensure compliance with
29 administrative acts, statutes, and policies relating to public
30 elementary and secondary education, and to advocate on behalf of
31 elementary and secondary students.

32 (2)(a) The state board of education, in consultation with the
33 advisory committee established in section 10 of this act, shall conduct
34 a request for proposals process and select the entity that will operate
35 the education ombudsman's program. Entities eligible to apply for
36 selection include, but are not limited:

37 (i) Education service districts;

- 1 (ii) Private, nonprofit educational organizations;
2 (iii) Private, nonprofit community-based organizations; and
3 (iv) Federally recognized Indian tribes.

4 (b) Entities not eligible to serve as the education ombudsman are
5 school districts, schools, or the superintendent of public instruction,
6 or any employee of a school district, school, or the superintendent of
7 public instruction.

8 (3) The state board of education shall enter into a contract with
9 the entity selected pursuant to this section to establish and operate
10 the education ombudsman's program. The term of any contract between
11 the state board of education and the entity selected shall not be
12 greater than two years and may be renewed for terms of no longer than
13 two years. Upon receiving notification of selection, the entity
14 selected shall promptly retain a qualified director for the education
15 ombudsman's program.

16 (4) The education ombudsman shall contract with educational service
17 districts, nonprofit education or community organizations, or federally
18 recognized tribes to provide education ombudsman services throughout
19 the state. The education ombudsman shall delegate and certify regional
20 education ombudsmen. The education ombudsman shall ensure that the
21 regional ombudsmen selected are appropriate to the community in which
22 they serve. The education ombudsman may not contract with the
23 superintendent of public instruction, or any school, school district,
24 or current employee of a school, school district, or the office of the
25 superintendent of public instruction for the provision of regional
26 ombudsman services.

27 NEW SECTION. **Sec. 4.** The education ombudsman shall have the
28 following powers and duties:

29 (1) To develop parental involvement materials, including
30 instructional guides developed to inform parents of the essential
31 academic learning requirements required by the superintendent of public
32 instruction. The instructional guides also shall contain actions
33 parents may take to assist their children in meeting the requirements,
34 and should focus on reaching parents who have not previously been
35 involved with their children's education;

36 (2) To provide information to students, parents, and interested

1 members of the public regarding this state's public elementary and
2 secondary education system;

3 (3) To identify obstacles to greater parent and community
4 involvement in school shared decision-making processes and recommend
5 strategies for helping parents and community members to participate
6 effectively in school shared decision-making processes, including
7 understanding and respecting the roles of school building
8 administrators and staff;

9 (4) To identify and recommend strategies for improving the success
10 rates of ethnic and racial student groups with disproportionate
11 academic achievement;

12 (5) To investigate, upon the education ombudsman's initiative or
13 upon receipt of a complaint, an administrative act alleged to be
14 contrary to law, rule, or policy; however, the education ombudsman may
15 decline to investigate any complaint;

16 (6) To refer complainants and others to appropriate resources,
17 agencies, or departments;

18 (7) To assist in the resolution of complaints made by parents and
19 students with regard to the state's public elementary and secondary
20 education system; and

21 (8) To perform such other functions consistent with the purpose of
22 the education ombudsman.

23 NEW SECTION. **Sec. 5.** (1) The education ombudsman and any regional
24 education ombudsmen shall have training or experience or both in the
25 following areas:

26 (a) Public education law and policy in this state;

27 (b) Dispute resolution or problem resolution techniques, including
28 investigation, mediation, and negotiation; and

29 (c) Community outreach.

30 (2) The education ombudsman may not be an employee of any school
31 district, the office of the superintendent of public education or the
32 state board of education while serving as an education ombudsman.

33 NEW SECTION. **Sec. 6.** (1) Neither the education ombudsman nor any
34 regional educational ombudsmen are liable for good faith performance of
35 responsibilities under this chapter.

1 (2) No discriminatory, disciplinary, or retaliatory action may be
2 taken against any student or employee of any school district, the
3 office of the superintendent of public education, or the state board of
4 education, for any communication made, or information given or
5 disclosed, to aid the education ombudsman in carrying out his or her
6 duties and responsibilities, unless the same was done without good
7 faith or maliciously. This subsection is not intended to infringe upon
8 the rights of a school district to supervise, discipline, or terminate
9 an employee for other reasons or to discipline a student for other
10 reasons.

11 (3) All communications by the education ombudsman or the
12 ombudsman's staff or designee, if reasonably related to the education
13 ombudsman's duties and responsibilities and done in good faith, are
14 privileged and that privilege shall serve as a defense to any action in
15 libel or slander.

16 NEW SECTION. **Sec. 7.** The education ombudsman shall treat all
17 matters under investigation, including the identities of students,
18 complainants, and individuals from whom information is acquired, as
19 confidential, except as necessary to enable the education ombudsman to
20 perform the duties of the office and to support any recommendations
21 resulting from the investigation. Upon receipt of information that by
22 law is confidential or privileged, the ombudsman shall maintain the
23 confidentiality of such information and shall not further disclose or
24 disseminate the information except as provided by applicable state or
25 federal law. Investigative records of the education ombudsman are
26 confidential and are exempt from public disclosure under chapter 42.56
27 RCW.

28 NEW SECTION. **Sec. 8.** When the education ombudsman or a designee
29 of the ombudsman has reasonable cause to believe that any public
30 official, employee, or other person has acted in a manner warranting
31 criminal or disciplinary proceedings, he or she shall report the
32 matter, or cause a report to be made, to the appropriate authorities.
33 For purposes of this section, reasonable cause means the ombudsman or
34 the ombudsman's staff member or designee has direct knowledge of the
35 action warranting criminal or disciplinary proceedings or has
36 determined through an investigation that the allegations or information

1 provided by another person relating to such actions are credible. A
2 school district's use of information gained from the education
3 ombudsman regarding district staff misconduct shall be subject to the
4 district's policies regarding confidentiality and discipline.

5 NEW SECTION. **Sec. 9.** (1) The education ombudsman account is
6 hereby established in the custody of the state treasurer. The director
7 of the state board of education shall deposit in the account all moneys
8 received from gifts, grants, or endowments for the education ombudsman.
9 Moneys in the account may be spent only for activities of the education
10 ombudsman. Disbursements from the account shall be on authorization of
11 the director of the state board of education or the director's
12 designee. The account is subject to the allotment procedure provided
13 under chapter 43.88 RCW, but no appropriation is required for
14 disbursements.

15 (2) The director of the state board of education may receive such
16 gifts, grants, and endowments from public or private sources as may be
17 made from time to time, in trust or otherwise, for the use and benefit
18 of the purposes of the education ombudsman and expend the same or any
19 income therefrom according to the terms of the gifts, grants, or
20 endowments.

21 NEW SECTION. **Sec. 10.** (1) The governor shall establish an
22 education advisory committee consisting of at least eleven and no more
23 than fifteen members. The superintendent of public education, or his
24 or her designee, shall serve as a nonvoting ex officio member of the
25 committee.

26 (2) At least five members of the committee shall be parents or
27 guardians of children enrolled in the public elementary or secondary
28 education system in this state. At least one of these members shall be
29 a parent or guardian of a "special education student" as that term is
30 defined by the superintendent of public instruction. In addition, at
31 least one of these members shall be a member of the Washington Congress
32 of Parents and Teachers.

33 (3) At least one member shall be a certificated employee or
34 administrator in a public elementary or secondary school in this state.

35 (4) At least one member shall be a commissioner or director, or a

1 designee selected by a commissioner or director, from each of the
2 following:

- 3 (a) The Washington state commission on Hispanic affairs;
- 4 (b) The Washington state commission on African-American affairs;
- 5 (c) The Washington state commission on Asian Pacific American
6 affairs; and

7 (d) The governor's office of Indian affairs.

8 (5) The members of the education advisory committee shall be
9 representative of the geographic regions of the state, as well as
10 representative of the ethnic diversity of the state.

11 (6) Members of the committee shall serve at the pleasure of the
12 governor for three-year terms. Of the initial members appointed, two
13 members shall serve one-year terms, three members shall serve two-year
14 terms, and the remaining members shall serve three-year terms.

15 (7) The committee may establish subcommittees as it desires, and
16 may invite nonmembers to serve on these subcommittees.

17 (8) Nonlegislative members of the committee shall be reimbursed for
18 travel expenses under RCW 43.03.050 and 43.03.060.

19 (9) As used in this section, "parent or guardian" means (a)
20 natural, adoptive, or foster parents, (b) guardians, (c) individuals
21 acting in the place of a parent, with whom the child lives, and who are
22 legally responsible for the child's welfare, and (d) surrogates acting
23 at the request of a person named in (a) through (c) of this subsection
24 (9).

25 NEW SECTION. **Sec. 11.** The education advisory committee shall
26 advise and make recommendations to the legislature, the governor, and
27 the state board of education biennially. The education advisory
28 committee shall provide a preliminary report to the legislature, the
29 governor, and the state board of education by September 1, 2007.
30 Thereafter, the education advisory committee shall provide biennial
31 reports to the legislature and the state board of education regarding:

32 (1) How the education ombudsman's services have been used and by
33 whom;

34 (2) Methods for the education ombudsman to increase and enhance
35 family and community involvement in public education;

36 (3) Recommendations to eliminate barriers and obstacles to
37 meaningful family and community involvement in public education; and

1 (4) Strategies to improve the educational opportunities for all
2 students in the state.

3 **Sec. 12.** RCW 42.56.240 and 2005 c 274 s 404 are each amended to
4 read as follows:

5 The following investigative, law enforcement, and crime victim
6 information is exempt from public inspection and copying under this
7 chapter:

8 (1) Specific intelligence information and specific investigative
9 records compiled by investigative, law enforcement, and penology
10 agencies, and state agencies vested with the responsibility to
11 discipline members of any profession, the nondisclosure of which is
12 essential to effective law enforcement or for the protection of any
13 person's right to privacy;

14 (2) Information revealing the identity of persons who are witnesses
15 to or victims of crime or who file complaints with investigative, law
16 enforcement, or penology agencies, other than the commission, if
17 disclosure would endanger any person's life, physical safety, or
18 property. If at the time a complaint is filed the complainant, victim,
19 or witness indicates a desire for disclosure or nondisclosure, such
20 desire shall govern. However, all complaints filed with the commission
21 about any elected official or candidate for public office must be made
22 in writing and signed by the complainant under oath;

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

29 (4) License applications under RCW 9.41.070; copies of license
30 applications or information on the applications may be released to law
31 enforcement or corrections agencies; (~~and~~)

32 (5) Information revealing the identity of child victims of sexual
33 assault who are under age eighteen. Identifying information means the
34 child victim's name, address, location, photograph, and in cases in
35 which the child victim is a relative or stepchild of the alleged
36 perpetrator, identification of the relationship between the child and
37 the alleged perpetrator; and

1 (6) Investigative records of the education ombudsman, as provided
2 in section 7 of this act.

3 NEW SECTION. **Sec. 13.** Sections 3 through 11, inclusive, of this
4 act are each added to chapter 28A.300 RCW.

5 NEW SECTION. **Sec. 14.** Section 12 of this act takes effect July 1,
6 2006.

--- END ---