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**SUBSTITUTE HOUSE BILL 3127**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Uptegrove, 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; and providing an  
3 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 within the center an  
3 educational ombudsman to serve as a resource center for parents and  
4 students and as an advocate for students in the public education  
5 system.

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

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

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

27 (a) (~~Serve as a clearinghouse for the completed work and~~  
28 ~~activities of the academic achievement and accountability commission))  
29 Administer the education ombudsman program established by section 3 of  
30 this act;~~

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

36 (c) Provide best practices research and advice that can be used to  
37 help schools develop and implement: Programs and practices to improve

1 instruction (~~of the essential academic learning requirements under~~  
2 ~~section 701 of this act~~)); systems to analyze student assessment data,  
3 with an emphasis on systems that will combine the use of state and  
4 local data to monitor the academic progress of each and every student  
5 in the school district; comprehensive, school-wide improvement plans;  
6 school-based shared decision-making models; programs to promote  
7 lifelong learning and community involvement in education; school-to-  
8 work transition programs; programs to meet the needs of highly capable  
9 students; programs and practices to meet the diverse needs of students  
10 based on gender, racial, ethnic, economic, and special needs status;  
11 research, information, and technology systems; and other programs and  
12 practices that will assist educators in helping students learn the  
13 essential academic learning requirements;

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

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

27 (f) Develop and maintain an internet web site to increase the  
28 availability of information, research, and other materials;

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

31 (h) Work with appropriate organizations to inform teachers,  
32 district and school administrators, and school directors about the  
33 waivers available and the broadened school board powers under RCW  
34 28A.320.015;

35 (i) Provide training and consultation services(~~, including~~  
36 ~~conducting regional summer institutes~~);

37 (j) Address methods for improving the success rates of certain  
38 ethnic and racial student groups; and

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

3 (3) The superintendent of public instruction, after consultation  
4 with the ~~((academic achievement and accountability commission))~~  
5 education advisory committee created in section 9 of this act, shall  
6 select and employ a director for the center.

7 (4) The superintendent may enter into contracts with individuals or  
8 organizations including but not limited to: ~~((School districts;~~  
9 ~~educational service districts;))~~ Educational organizations; ~~((teachers;~~  
10 ~~higher education faculty; institutions of higher education;))~~ state  
11 agencies; business or community-based organizations; and other  
12 individuals and organizations to accomplish the duties and  
13 responsibilities of the center. However, the superintendent may not  
14 contract with any school, school district, or current employee of any  
15 school or school district to provide ombudsman services. In carrying  
16 out the duties and responsibilities of the center, the superintendent,  
17 whenever possible, shall use practitioners to assist agency staff as  
18 well as assist educators and others in schools and districts.

19 NEW SECTION. Sec. 3. There is created within the center for the  
20 improvement of student learning the office of the education ombudsman  
21 for the purpose of providing information to school districts, school  
22 administrators, teachers, parents, students, and others regarding their  
23 rights and responsibilities with respect to the state's public  
24 elementary and secondary education system, monitoring and ensuring  
25 compliance with administrative acts, statutes, and policies relating to  
26 public elementary and secondary education, and advocating on behalf of  
27 elementary and secondary students. The education ombudsman shall be  
28 appointed by the superintendent of public instruction and shall report  
29 to the superintendent of public instruction and the director of the  
30 center for the improvement of student learning.

31 NEW SECTION. Sec. 4. (1) The education ombudsman shall have the  
32 following powers and duties:

33 (a) To provide information to students, parents, school districts,  
34 school administrators, teachers, and interested members of the public  
35 regarding this state's public elementary and secondary education  
36 system;

1 (b) To investigate, upon the education ombudsman's initiative or  
2 upon receipt of a complaint, an administrative act alleged to be  
3 contrary to law, rule, or policy; however, the education ombudsman may  
4 decline to investigate any complaint;

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

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

10 (e) To carry out such other activities as the superintendent of  
11 public instruction or the director of the center for the improvement of  
12 student learning deems appropriate.

13 (2) To perform all duties in this section, the education ombudsman  
14 shall partner and contract with one or more state nonprofit  
15 organizations that serve as representatives of parents.

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

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

20 (b) Dispute resolution or problem resolution techniques, including  
21 investigation, mediation, and negotiation.

22 (2) The education ombudsman may not be employed by any school  
23 district, the office of the superintendent of public education or the  
24 state board of education while serving as an education ombudsman.

25 (3) The superintendent of public instruction may appoint the  
26 director of the center for the improvement of student learning to also  
27 serve as the education ombudsman.

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

31 (2) No discriminatory, disciplinary, or retaliatory action may be  
32 taken against any student or employee of any school district, the  
33 office of the superintendent of public education, or the state board of  
34 education, for any communication made, or information given or  
35 disclosed, to aid the education ombudsman in carrying out his or her  
36 duties and responsibilities, unless the same was done without good

1 faith or maliciously. This subsection is not intended to infringe upon  
2 the rights of a school district to supervise, discipline, or terminate  
3 an employee for other reasons or to discipline a student for other  
4 reasons.

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

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

22 NEW SECTION. **Sec. 8.** When the education ombudsman or a designee  
23 of the ombudsman has reasonable cause to believe that any public  
24 official, employee, or other person has acted in a manner warranting  
25 criminal or disciplinary proceedings, he or she shall report the  
26 matter, or cause a report to be made, to the appropriate authorities.  
27 For purposes of this section, reasonable cause means the ombudsman or  
28 the ombudsman's staff member or designee has direct knowledge of the  
29 action warranting criminal or disciplinary proceedings or has  
30 determined through an investigation that the allegations or information  
31 provided by another person relating to such actions are credible.

32 NEW SECTION. **Sec. 9.** (1) The superintendent of public instruction  
33 shall establish an education advisory committee consisting of at least  
34 eleven and no more than fifteen members appointed by the superintendent

1 of public instruction. The superintendent of public education, or his  
2 or her designee, shall serve as a nonvoting ex officio member of the  
3 committee and shall act as secretary.

4 (2) At least five members of the committee shall be parents or  
5 guardians of children enrolled in the public elementary or secondary  
6 education system in this state. At least one of these members shall be  
7 a parent or guardian of a "special education student" as that term is  
8 defined by the superintendent of public instruction. In addition, at  
9 least one of these members shall be a member of the Washington Congress  
10 of Parents and Teachers.

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

13 (4) At least one member shall be a commissioner or director, or a  
14 designee selected by a commissioner or director, from each of the  
15 following:

16 (a) The Washington state commission on Hispanic affairs;

17 (b) The Washington state commission on African-American affairs;

18 (c) The Washington state commission on Asian Pacific American  
19 affairs; and

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

21 (5) The members of the education advisory committee shall be  
22 representative of the geographic regions of the state, including  
23 eastern and central Washington, as well as representative of the ethnic  
24 diversity of the state.

25 (6) Members of the committee shall serve at the pleasure of the  
26 superintendent of public instruction for three-year terms. Of the  
27 initial members appointed, two members shall serve one-year terms,  
28 three members shall serve two-year terms, and the remaining members  
29 shall serve three-year terms.

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

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

34 (9) As used in this section, "parent or guardian" means (a)  
35 natural, adoptive, or foster parents, (b) guardians, (c) individuals  
36 acting in the place of a parent, with whom the child lives, and who are  
37 legally responsible for the child's welfare, and (d) surrogates acting

1 at the request of a person named in subsection (4)(a) through (c) of  
2 this section.

3 NEW SECTION. **Sec. 10.** The education advisory committee shall  
4 advise and make recommendations to the superintendent of public  
5 instruction regarding, but not limited to, the effectiveness of the  
6 center for the improvement of student learning and the education  
7 ombudsman, methods to increase community involvement in public  
8 education, and strategies to improve the educational opportunities for  
9 all students in the state.

10 **Sec. 11.** RCW 42.56.240 and 2005 c 274 s 404 are each amended to  
11 read as follows:

12 The following investigative, law enforcement, and crime victim  
13 information is exempt from public inspection and copying under this  
14 chapter:

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

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

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

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

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

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

12 NEW SECTION. Sec. 12. Sections 1 and 3 through 10 of this act are  
13 each added to chapter 28A.300 RCW.

14 NEW SECTION. Sec. 13. Section 11 of this act takes effect July 1,  
15 2006.

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