
HOUSE BILL 3127

State of Washington

59th Legislature

2006 Regular Session

By Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell

Read first time 01/20/2006. Referred to Committee on Education.

1 AN ACT Relating to education; amending RCW 28A.300.130,
2 28A.300.135, and 42.56.240; adding a new chapter to Title 43 RCW;
3 creating a new section; recodifying RCW 28A.300.130, 28A.300.135,
4 28A.300.290, and 28A.300.300; and providing an effective date.

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

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

17 The legislature finds that the center for the improvement of
18 student learning, created by the legislature in 1993 under the auspices
19 of the superintendent of public instruction, has not been allocated

1 funding since the 2001-2003 biennium, and in effect no longer exists.
2 It is the intent of the legislature to reassign the authority and
3 duties of the center for the improvement of student learning from the
4 superintendent of public instruction to the governor, and to create
5 within the center an educational ombudsman to serve as a resource
6 center for parents and students and as an advocate for students in the
7 public education system.

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

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

27 (2) The center(~~, in conjunction with other staff in the office of~~
28 ~~the superintendent of public instruction,~~) shall:

29 (a) (~~Serve as a clearinghouse for the completed work and~~
30 ~~activities of the academic achievement and accountability commission)~~
31 Administer the education ombudsman program established by section 4 of
32 this act;

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

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

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

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

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

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

33 (h) Work with appropriate organizations to inform teachers,
34 district and school administrators, and school directors about the
35 waivers available and the broadened school board powers under RCW
36 28A.320.015;

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

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

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

5 (3) The (~~superintendent of public instruction~~) governor, after
6 consultation with the (~~academic achievement and accountability~~
7 ~~commission~~) education advisory committee created in section 10 of this
8 act, shall select and employ a director for the center.

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

22 **Sec. 3.** RCW 28A.300.135 and 1993 c 336 s 502 are each amended to
23 read as follows:

24 (1) The center for the improvement of student learning account is
25 hereby established in the custody of the state treasurer. The
26 (~~superintendent of public instruction~~) governor shall deposit in the
27 account all moneys received from gifts, grants, or endowments for the
28 center for the improvement of student learning. Moneys in the account
29 may be spent only for activities of the center. Disbursements from the
30 account shall be on authorization of the (~~superintendent of public~~
31 ~~instruction~~) governor or the (~~superintendent's~~) governor's designee.
32 The account is subject to the allotment procedure provided under
33 chapter 43.88 RCW, but no appropriation is required for disbursements.

34 (2) The (~~superintendent of public instruction~~) governor may
35 receive such gifts, grants, and endowments from public or private
36 sources as may be made from time to time, in trust or otherwise, for

1 the use and benefit of the purposes of the center for the improvement
2 of student learning and expend the same or any income therefrom
3 according to the terms of the gifts, grants, or endowments.

4 NEW SECTION. **Sec. 4.** There is created within the center for the
5 improvement of student learning the office of the education ombudsman
6 for the purpose of providing information to school districts, school
7 administrators, teachers, parents, students, and others regarding their
8 rights and responsibilities with respect to the state's public
9 elementary and secondary education system, monitoring and ensuring
10 compliance with administrative acts, statutes, and policies relating to
11 public elementary and secondary education, and advocating on behalf of
12 elementary and secondary students. The education ombudsman shall be
13 appointed by the governor and shall report to the governor and the
14 director of the center for the improvement of student learning.

15 NEW SECTION. **Sec. 5.** (1) The education ombudsman shall have the
16 following powers and duties:

17 (a) To provide information to students, parents, school districts,
18 school administrators, teachers, and interested members of the public
19 regarding this state's public elementary and secondary education
20 system;

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

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

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

30 (e) To carry out such other activities as the governor or the
31 director of the center for the improvement of student learning deems
32 appropriate.

33 (2) The education ombudsman may contract with state or local
34 departments, agencies, or nonprofit organizations to provide education
35 ombudsman services throughout the state. The education ombudsman may
36 delegate and certify regional education ombudsmen. The education

1 ombudsman may not contract with a school, school district, or current
2 employee of a school, school district, or the office of the
3 superintendent of public instruction for the provision of ombudsman
4 services.

5 NEW SECTION. **Sec. 6.** (1) The education ombudsman and any regional
6 education ombudsmen shall have training or experience or both in the
7 following areas:

- 8 (a) Public education law and policy in this state; and
- 9 (b) Dispute resolution or problem resolution techniques, including
10 investigation, mediation, and negotiation.

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

14 (3) The governor may appoint the director of the center for the
15 improvement of student learning to also serve as the education
16 ombudsman.

17 NEW SECTION. **Sec. 7.** (1) Neither the education ombudsman nor any
18 regional educational ombudsmen are liable for good faith performance of
19 responsibilities under this chapter.

20 (2) No discriminatory, disciplinary, or retaliatory action may be
21 taken against any student or employee of any school district, the
22 office of the superintendent of public education, or the state board of
23 education, for any communication made, or information given or
24 disclosed, to aid the education ombudsman in carrying out his or her
25 duties and responsibilities, unless the same was done without good
26 faith or maliciously. This subsection is not intended to infringe upon
27 the rights of a school district to supervise, discipline, or terminate
28 an employee for other reasons or to discipline a student for other
29 reasons.

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

1 NEW SECTION. **Sec. 8.** The education ombudsman shall treat all
2 matters under investigation, including the identities of students,
3 complainants, and individuals from whom information is acquired, as
4 confidential, except as necessary to enable the education ombudsman to
5 perform the duties of the office and to support any recommendations
6 resulting from the investigation. Upon receipt of information that by
7 law is confidential or privileged, the ombudsman shall maintain the
8 confidentiality of such information and shall not further disclose or
9 disseminate the information except as provided by applicable state or
10 federal law. Investigative records of the education ombudsman are
11 confidential and are exempt from public disclosure under chapter 42.56
12 RCW.

13 NEW SECTION. **Sec. 9.** When the education ombudsman or a designee
14 of the ombudsman has reasonable cause to believe that any public
15 official, employee, or other person has acted in a manner warranting
16 criminal or disciplinary proceedings, he or she shall report the
17 matter, or cause a report to be made, to the appropriate authorities.
18 For purposes of this section, reasonable cause means the ombudsman or
19 the ombudsman's staff member or designee has direct knowledge of the
20 action warranting criminal or disciplinary proceedings or has
21 determined through an investigation that the allegations or information
22 provided by another person relating to such actions are credible.

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

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

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

1 (4) At least one member shall be a commissioner or director, or a
2 designee selected by a commissioner or director, from each of the
3 following:

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

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

6 (c) The Washington state commission on Asian Pacific American
7 affairs; and

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

9 (5) The members of the education advisory committee shall be
10 representative of the geographic regions of the state, including
11 eastern and central Washington, as well as representative of the ethnic
12 diversity of the state.

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

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

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

21 (9) As used in this section, "parent or guardian" means (a)
22 natural, adoptive, or foster parents, (b) guardians, (c) individuals
23 acting in the place of a parent, with whom the child lives, and who are
24 legally responsible for the child's welfare, and (d) surrogates acting
25 at the request of a person named in subsection (4)(a) through (c) of
26 this section.

27 NEW SECTION. **Sec. 11.** The education advisory committee shall
28 advise and make recommendations to the governor regarding, but not
29 limited to, the effectiveness of the center for the improvement of
30 student learning and the education ombudsman, methods to increase
31 community involvement in public education, and strategies to improve
32 the educational opportunities for all students in the state.

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

35 The following investigative, law enforcement, and crime victim

1 information is exempt from public inspection and copying under this
2 chapter:

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

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

18 (3) 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 (4) License applications under RCW 9.41.070; copies of license
25 applications or information on the applications may be released to law
26 enforcement or corrections agencies; (~~and~~)

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

33 (6) Investigative records of the education ombudsman, as provided
34 in section 8 of this act.

35 NEW SECTION. Sec. 13. (1) All powers, duties, and functions of
36 the office of the superintendent of public instruction pertaining to

1 the center for the improvement of student learning are transferred to
2 the office of the governor.

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the office of the
5 superintendent of public instruction pertaining to the powers,
6 functions, and duties transferred shall be delivered to the custody of
7 the office of the governor. All cabinets, furniture, office equipment,
8 motor vehicles, and other tangible property employed by the office of
9 the superintendent of public instruction in carrying out the powers,
10 functions, and duties transferred shall be made available to the office
11 of the governor. All funds, credits, or other assets held in
12 connection with the powers, functions, and duties transferred shall be
13 assigned to the office of the governor.

14 (b) Any appropriations made to the office of the superintendent of
15 public instruction for carrying out the powers, functions, and duties
16 transferred shall, on the effective date of this section, be
17 transferred and credited to the office of the governor.

18 (c) Whenever any question arises as to the transfer of any
19 personnel, funds, books, documents, records, papers, files, equipment,
20 or other tangible property used or held in the exercise of the powers
21 and the performance of the duties and functions transferred, the
22 director of financial management shall make a determination as to the
23 proper allocation and certify the same to the state agencies concerned.

24 (3) All rules and all pending business before the office of the
25 superintendent of public instruction pertaining to the powers,
26 functions, and duties transferred shall be continued and acted upon by
27 the office of the governor. All existing contracts and obligations
28 shall remain in full force and shall be performed by the office of the
29 governor.

30 (4) The transfer of the powers, duties, and functions of the office
31 of the superintendent of public instruction shall not affect the
32 validity of any act performed before the effective date of this
33 section.

34 (5) If apportionments of budgeted funds are required because of the
35 transfers directed by this section, the director of financial
36 management shall certify the apportionments to the agencies affected,
37 the state auditor, and the state treasurer. Each of these shall make

1 the appropriate transfer and adjustments in funds and appropriation
2 accounts and equipment records in accordance with the certification.

3 NEW SECTION. **Sec. 14.** RCW 28A.300.130, 28A.300.135, 28A.300.290,
4 and 28A.300.300 are each recodified as new sections in the chapter
5 created in section 15 of this act.

6 NEW SECTION. **Sec. 15.** Sections 1 and 4 through 11 of this act
7 constitute a new chapter in Title 43 RCW.

8 NEW SECTION. **Sec. 16.** Section 12 of this act takes effect July 1,
9 2006.

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