
HOUSE BILL 2885

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By Representatives Crouse, Shea, Haler, Condotta, Bailey, McCune, Haigh, Kretz, Short, Kristiansen, Hinkle, Ericksen, Ross, Roach, Taylor, Priest, and Smith

Read first time 01/15/10. Referred to Committee on Education.

1 AN ACT Relating to providing flexibility for school districts;
2 amending RCW 28A.185.030, 28A.210.360, 28A.210.370, 28A.210.380,
3 28A.215.010, 28A.230.095, 28A.320.125, 28A.320.128, 36.89.080,
4 28A.220.010, 28A.220.020, 28A.220.030, 28A.220.040, 46.20.055,
5 46.20.070, 46.20.100, and 46.82.300; and repealing RCW 28A.210.255,
6 28A.210.365, 28A.220.050, 28A.220.060, 28A.220.070, 28A.220.080,
7 28A.220.085, 28A.230.040, and 28A.230.150.

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

9 **Sec. 1.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to
10 read as follows:

11 Local school districts may establish and operate, either separately
12 or jointly, programs for highly capable students. Such authority shall
13 include the right to employ and pay special instructors and to operate
14 such programs jointly with a public institution of higher education.
15 Local school districts which establish and operate programs for highly
16 capable students shall adopt identification procedures and provide
17 educational opportunities as follows, to the extent that funds are
18 available:

1 (1) In accordance with rules adopted by the superintendent of
2 public instruction, school districts shall implement procedures for
3 nomination, assessment and selection of their most highly capable
4 students. Nominations shall be based upon data from teachers, other
5 staff, parents, students, and members of the community. Assessment
6 shall be based upon a review of each student's capability as shown by
7 multiple criteria intended to reveal, from a wide variety of sources
8 and data, each student's unique needs and capabilities. Selection
9 shall be made by a broadly based committee of professionals, after
10 consideration of the results of the multiple criteria assessment.

11 (2) When a student, who is a child of a military family in
12 transition, has been assessed or enrolled as highly capable by a
13 sending school, the receiving school shall initially honor placement of
14 the student into a like program.

15 (a) The receiving school shall determine whether the district's
16 program is a like program when compared to the sending school's
17 program; and

18 (b) The receiving school may conduct subsequent assessments to
19 determine appropriate placement and continued enrollment in the
20 program.

21 (3) Students selected pursuant to procedures outlined in this
22 section shall be provided, to the extent feasible, an educational
23 opportunity which takes into account each student's unique needs and
24 capabilities and the limits of the resources and program options
25 available to the district, including those options which can be
26 developed or provided by using funds allocated by the superintendent of
27 public instruction for that purpose.

28 (4) The definitions in Article II of RCW 28A.705.010 apply to
29 subsection (2) of this section.

30 **Sec. 2.** RCW 28A.210.360 and 2004 c 138 s 2 are each amended to
31 read as follows:

32 ~~((1) Consistent with the essential academic learning requirements
33 for health and fitness, including nutrition, the Washington state
34 school directors association, with the assistance of the office of the
35 superintendent of public instruction, the department of health, and the
36 Washington alliance for health, physical education, recreation and
37 dance, shall convene an advisory committee to develop a model policy~~

1 regarding access to nutritious foods, opportunities for developmentally
2 appropriate exercise, and accurate information related to these topics.
3 The policy shall address the nutritional content of foods and
4 beverages, including fluoridated bottled water, sold or provided
5 throughout the school day or sold in competition with the federal
6 school breakfast and lunch program and the availability and quality of
7 health, nutrition, and physical education and fitness curriculum. The
8 model policy should include the development of a physical education and
9 fitness curriculum for students. For middle school students, physical
10 education and fitness curriculum means a daily period of physical
11 activity, a minimum of twenty minutes of which is aerobic activity in
12 the student's target heart rate zone, which includes instruction and
13 practice in basic movement and fine motor skills, progressive physical
14 fitness, athletic conditioning, and nutrition and wellness instruction
15 through age appropriate activities.

16 (2) The school directors association shall submit the model policy
17 and recommendations on the related issues, along with a recommendation
18 for local adoption, to the governor and the legislature and shall post
19 the model policy on its web site by January 1, 2005.

20 (3)) Each district's board of directors shall ((establish its
21 own)) maintain a policy ((by August 1, 2005)) regarding access to
22 nutritious foods and opportunities for developmentally appropriate
23 exercise.

24 **Sec. 3.** RCW 28A.210.370 and 2005 c 462 s 2 are each amended to
25 read as follows:

26 (1) The superintendent of public instruction and the secretary of
27 the department of health shall develop a uniform policy for all school
28 districts providing for the in-service training for school staff on
29 symptoms, treatment, and monitoring of students with asthma and on the
30 additional observations that may be needed in different situations that
31 may arise during the school day and during school-sponsored events.
32 The in-service training shall be offered online to the extent possible
33 and no more than once every three years. The policy shall include the
34 standards and skills that must be in place for in-service training of
35 school staff.

36 (2) All school districts shall adopt policies regarding asthma
37 rescue procedures for each school within the district.

1 (3) All school districts must require that each public elementary
2 school and secondary school grant to any student in the school
3 authorization for the self-administration of medication to treat that
4 student's asthma or anaphylaxis, if:

5 (a) A health care practitioner prescribed the medication for use by
6 the student during school hours and instructed the student in the
7 correct and responsible use of the medication;

8 (b) The student has demonstrated to the health care practitioner,
9 or the practitioner's designee, and a professional registered nurse at
10 the school, the skill level necessary to use the medication and any
11 device that is necessary to administer the medication as prescribed;

12 (c) The health care practitioner formulates a written treatment
13 plan for managing asthma or anaphylaxis episodes of the student and for
14 medication use by the student during school hours; and

15 (d) The student's parent or guardian has completed and submitted to
16 the school any written documentation required by the school, including
17 the treatment plan formulated under (c) of this subsection and other
18 documents related to liability.

19 (4) An authorization granted under subsection (3) of this section
20 must allow the student involved to possess and use his or her
21 medication:

22 (a) While in school;

23 (b) While at a school-sponsored activity, such as a sporting event;
24 and

25 (c) In transit to or from school or school-sponsored activities.

26 (5) An authorization granted under subsection (3) of this section:

27 (a) Must be effective only for the same school and school year for
28 which it is granted; and

29 (b) Must be renewed by the parent or guardian each subsequent
30 school year in accordance with this subsection.

31 (6) School districts must require that backup medication, if
32 provided by a student's parent or guardian, be kept at a student's
33 school in a location to which the student has immediate access in the
34 event of an asthma or anaphylaxis emergency.

35 (7) School districts must require that information described in
36 subsection (3)(c) and (d) of this section be kept on file at the
37 student's school in a location easily accessible in the event of an
38 asthma or anaphylaxis emergency.

1 (8) Nothing in this section creates a cause of action or in any
2 other way increases or diminishes the liability of any person under any
3 other law.

4 **Sec. 4.** RCW 28A.210.380 and 2008 c 173 s 1 are each amended to
5 read as follows:

6 (1) The office of the superintendent of public instruction, in
7 consultation with the department of health, shall develop anaphylactic
8 policy guidelines for schools to prevent anaphylaxis and deal with
9 medical emergencies resulting from it. The policy guidelines shall be
10 developed with input from pediatricians, school nurses, other health
11 care providers, parents of children with life-threatening allergies,
12 school administrators, teachers, and food service directors.

13 The policy guidelines shall include, but need not be limited to:

14 (a) A procedure for each school to follow to develop a treatment
15 plan including the responsibilities ~~((for{of}))~~ of school nurses and
16 other appropriate school personnel responsible for responding to a
17 student who may be experiencing anaphylaxis;

18 (b) The content of a training course for appropriate school
19 personnel for preventing and responding to a student who may be
20 experiencing anaphylaxis. The training shall be offered online to the
21 extent possible and no more than once every three years;

22 (c) A procedure for the development of an individualized emergency
23 health care plan for children with food or other allergies that could
24 result in anaphylaxis;

25 (d) A communication plan for the school to follow to gather and
26 disseminate information on students with food or other allergies who
27 may experience anaphylaxis;

28 (e) Strategies for reduction of the risk of exposure to
29 anaphylactic causative agents including food and other allergens.

30 (2) For the purpose of this section "anaphylaxis" means a severe
31 allergic and life-threatening reaction that is a collection of
32 symptoms, which may include breathing difficulties and a drop in blood
33 pressure or shock.

34 ~~(3)((a) By October 15, 2008, the superintendent of public~~
35 ~~instruction shall report to the select interim legislative task force~~
36 ~~on comprehensive school health reform created in section 6, chapter 5,~~
37 ~~Laws of 2007, on the following:~~

1 ~~(i) The implementation within school districts of the 2008~~
2 ~~guidelines for care of students with life threatening food allergies~~
3 ~~developed by the superintendent pursuant to section 501, chapter 522,~~
4 ~~Laws of 2007, including a review of policies developed by the school~~
5 ~~districts, the training provided to school personnel, and plans for~~
6 ~~follow up monitoring of policy implementation; and~~

7 ~~(ii) Recommendations on requirements for effectively implementing~~
8 ~~the school anaphylactic policy guidelines developed under this section.~~

9 ~~(b) By March 31, 2009, the superintendent of public instruction~~
10 ~~shall report policy guidelines to the appropriate committees of the~~
11 ~~legislature and to school districts for the districts to use to develop~~
12 ~~and adopt their policies.~~

13 (4)) By September 1, 2009, each school district shall use the
14 guidelines developed under subsection (1) of this section to develop
15 and adopt a school district policy for each school in the district to
16 follow to assist schools to prevent anaphylaxis.

17 **Sec. 5.** RCW 28A.215.010 and 2006 c 263 s 410 are each amended to
18 read as follows:

19 The board of directors of any school district shall have the power
20 to establish and maintain preschools and to provide before-and-after-
21 school and vacation care in connection with the common schools of said
22 district located at such points as the board shall deem most suitable
23 for the convenience of the public, for the care and instruction of
24 infants and children residing in said district. The board shall
25 establish such courses, activities, and rules(~~(, and regulations)~~)
26 governing preschools and before-and-after-school care as it may deem
27 best: PROVIDED, That these courses and activities shall meet the
28 minimum standard for such preschools as established by the United
29 States department of health, education and welfare, or its successor
30 agency(~~(, and the superintendent of public instruction)~~). Except as
31 otherwise provided by state or federal law, the board of directors may
32 fix a reasonable charge for the care and instruction of children
33 attending such schools. The board may, if necessary, supplement such
34 funds as are received for the superintendent of public instruction or
35 any agency of the federal government, by an appropriation from the
36 general school fund of the district.

1 **Sec. 6.** RCW 28A.230.095 and 2009 c 556 s 8 are each amended to
2 read as follows:

3 (1) By the end of the 2008-09 school year, school districts shall
4 have in place in elementary schools, middle schools, and high schools
5 assessments or other strategies chosen by the district to assure that
6 students have an opportunity to learn the essential academic learning
7 requirements in social studies, the arts, and health and fitness.
8 Social studies includes history, geography, civics, economics, and
9 social studies skills. Beginning with the 2008-09 school year, school
10 districts shall annually submit an implementation verification report
11 to the office of the superintendent of public instruction. The office
12 of the superintendent of public instruction may not require school
13 districts to use a classroom-based assessment in social studies, the
14 arts, and health and fitness to meet the requirements of this section
15 and shall clearly communicate to districts their option to use other
16 strategies chosen by the district.

17 (2) Beginning with the ~~((2008-09))~~ 2013-14 school year, school
18 districts shall require students in the fourth or fifth grade, seventh
19 or eighth grade, and the eleventh or twelfth grade to each complete at
20 least one classroom-based assessment in civics. ~~((Beginning with the
21 2010-11 school year, school districts shall require students in the
22 fourth or fifth grade to complete at least one classroom-based
23 assessment in civics.))~~ The civics assessment may be selected from a
24 list of classroom-based assessments approved by the office of the
25 superintendent of public instruction. Beginning with the ~~((2008-09))~~
26 2013-14 school year, school districts shall annually submit
27 implementation verification reports to the office of the superintendent
28 of public instruction documenting the use of the classroom-based
29 assessments in civics.

30 (3) Verification reports shall require school districts to report
31 only the information necessary to comply with this section.

32 **Sec. 7.** RCW 28A.320.125 and 2009 c 578 s 10 are each amended to
33 read as follows:

34 (1) The legislature considers it to be a matter of public safety
35 for public schools and staff to have current safe school plans and
36 procedures in place, fully consistent with federal law. The
37 legislature further finds and intends, by requiring safe school plans

1 to be in place, that school districts will become eligible for federal
2 assistance. The legislature further finds that schools are in a
3 position to serve the community in the event of an emergency resulting
4 from natural disasters or man-made disasters.

5 (2) Within existing resources, the superintendent of public
6 instruction shall provide guidance to school districts in developing
7 safe school plans for each school. Schools and school districts
8 ~~((shall))~~ may consider the guidance provided by the superintendent of
9 public instruction ~~(, including the comprehensive school safety~~
10 ~~checklist and the model comprehensive safe school plans that include~~
11 ~~prevention, intervention, all hazard/crisis response, and postcrisis~~
12 ~~recovery,))~~ when developing their own individual ~~((comprehensive))~~ safe
13 school plans. Each school district shall adopt, no later than
14 September 1, 2008, and ~~((implement a safe school plan consistent with~~
15 ~~the school mapping information system pursuant to RCW 36.28A.060. The~~
16 ~~plan shall:~~

17 ~~(a) Include required school safety policies and procedures;~~

18 ~~(b) Address emergency mitigation, preparedness, response, and~~
19 ~~recovery;~~

20 ~~(c) Include provisions for assisting and communicating with~~
21 ~~students and staff, including those with special needs or disabilities;~~

22 ~~(d) Use the training guidance provided by the Washington emergency~~
23 ~~management division of the state military department in collaboration~~
24 ~~with the Washington state office of the superintendent of public~~
25 ~~instruction school safety center and the school safety center advisory~~
26 ~~committee;~~

27 ~~(e) Require the building principal to be certified on the incident~~
28 ~~command system;~~

29 ~~(f) Take into account the manner in which the school facilities may~~
30 ~~be used as a community asset in the event of a community-wide~~
31 ~~emergency; and~~

32 ~~(g) Set guidelines for requesting city or county law enforcement~~
33 ~~agencies, local fire departments, emergency service providers, and~~
34 ~~county emergency management agencies to meet with school districts and~~
35 ~~participate in safety-related drills.~~

36 ~~(3) To the extent funds are available, school districts shall~~
37 ~~annually:~~

1 ~~(a) Review and update safe school plans in collaboration with local~~
2 ~~emergency response agencies;~~

3 ~~(b) Conduct an inventory of all hazardous materials;~~

4 ~~(c) Update information on the school mapping information system to~~
5 ~~reflect current staffing and updated plans, including:~~

6 ~~(i) Identifying all staff members who are trained on the national~~
7 ~~incident management system, trained on the incident command system, or~~
8 ~~are certified on the incident command system; and~~

9 ~~(ii) Identifying school transportation procedures for evacuation,~~
10 ~~to include bus staging areas, evacuation routes, communication systems,~~
11 ~~parent student reunification sites, and secondary transportation~~
12 ~~agreements consistent with the school mapping information system; and~~

13 ~~(d) Provide information to all staff on the use of emergency~~
14 ~~supplies and notification and alert procedures.~~

15 ~~(4) To the extent funds are available, school districts shall~~
16 ~~annually record and report on the information and activities required~~
17 ~~in subsection (3) of this section to the Washington association of~~
18 ~~sheriffs and police chiefs.~~

19 ~~(5) School districts are encouraged to work with local emergency~~
20 ~~management agencies and other emergency responders to conduct one~~
21 ~~tabletop exercise, one functional exercise, and two full-scale~~
22 ~~exercises within a four-year period.~~

23 ~~(6) Schools shall conduct no less than one safety-related drill~~
24 ~~each month that school is in session. Schools shall complete no less~~
25 ~~than one drill using the school mapping information system, one drill~~
26 ~~for lockdowns, one drill for shelter in place, and six drills for fire~~
27 ~~evacuation in accordance with the state fire code. Schools should~~
28 ~~consider drills for earthquakes, tsunamis, or other high risk local~~
29 ~~events. Schools shall document the date and time of such drills. This~~
30 ~~subsection is intended to satisfy all federal requirements for~~
31 ~~comprehensive school emergency drills and evacuations.~~

32 ~~(7) Educational service districts are encouraged to apply for~~
33 ~~federal emergency response and crisis management grants with the~~
34 ~~assistance of the superintendent of public instruction and the~~
35 ~~Washington emergency management division of the state military~~
36 ~~department.~~

37 ~~(8) The superintendent of public instruction may adopt rules to~~
38 ~~implement provisions of this section. These rules may include, but are~~

1 ~~not limited to, provisions for evacuations, lockdowns, or other~~
2 ~~components of a comprehensive safe school plan)) maintain a safe school~~
3 ~~plan that meets federal requirements for school emergency planning.~~

4 **Sec. 8.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to
5 read as follows:

6 (1) ~~((By September 1, 2003,))~~ Each school district board of
7 directors shall ~~((adopt))~~ have a policy that addresses ~~((the following~~
8 ~~issues:~~

9 ~~(a))~~ procedures for providing notice of threats of violence or
10 harm to the student or school employee who is the subject of the
11 threat. The policy shall define "threats of violence or harm."~~((+~~

12 ~~(b) Procedures for disclosing information that is provided to the~~
13 ~~school administrators about a student's conduct, including but not~~
14 ~~limited to the student's prior disciplinary records, official juvenile~~
15 ~~court records, and history of violence, to classroom teachers, school~~
16 ~~staff, and school security who, in the judgment of the principal,~~
17 ~~should be notified; and~~

18 ~~(c) Procedures for determining whether or not any threats or~~
19 ~~conduct established in the policy may be grounds for suspension or~~
20 ~~expulsion of the student.~~

21 ~~(2) The superintendent of public instruction, in consultation with~~
22 ~~educators and representatives of law enforcement, classified staff, and~~
23 ~~organizations with expertise in violence prevention and intervention,~~
24 ~~shall adopt a model policy that includes the issues listed in~~
25 ~~subsection (1) of this section by January 1, 2003. The model policy~~
26 ~~shall be posted on the superintendent of public instruction's web site.~~
27 ~~The school districts, in drafting their own policies, shall review the~~
28 ~~model policy.~~

29 ~~(3))~~ (2) School districts, school district boards of directors,
30 school officials, and school employees providing notice in good faith
31 as required and consistent with the board's policies adopted under this
32 section are immune from any liability arising out of such notification.

33 ~~((4))~~ (3) A person who intentionally and in bad faith or
34 maliciously, knowingly makes a false notification of a threat under
35 this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

1 **Sec. 9.** RCW 36.89.080 and 2003 c 394 s 3 are each amended to read
2 as follows:

3 (1) Subject to subsections (2) and (3) of this section, any county
4 legislative authority may provide by resolution for revenues by fixing
5 rates and charges for the furnishing of service to those served or
6 receiving benefits or to be served or to receive benefits from any
7 storm water control facility or contributing to an increase of surface
8 water runoff. In fixing rates and charges, the county legislative
9 authority may in its discretion consider:

10 (a) Services furnished or to be furnished;

11 (b) Benefits received or to be received;

12 (c) The character and use of land or its water runoff
13 characteristics;

14 (d) The nonprofit public benefit status, as defined in RCW
15 24.03.490, of the land user;

16 (e) Income level of persons served or provided benefits under this
17 chapter, including senior citizens and (~~disabled persons~~) individuals
18 with disabilities; or

19 (f) Any other matters which present a reasonable difference as a
20 ground for distinction.

21 (2) The rate a county may charge under this section for storm water
22 control facilities shall be reduced by a minimum of ten percent for any
23 new or remodeled commercial building that utilizes a permissive
24 rainwater harvesting system. Rainwater harvesting systems shall be
25 properly sized to utilize the available roof surface of the building.
26 The jurisdiction shall consider rate reductions in excess of ten
27 percent dependent upon the amount of rainwater harvested.

28 (3) Rates and charges authorized under this section may not be
29 imposed on lands taxed as forest land under chapter 84.33 RCW or as
30 timber land under chapter 84.34 RCW. Rates and charges authorized
31 under this section also may not be imposed on school districts.

32 (4) The service charges and rates collected shall be deposited in
33 a special fund or funds in the county treasury to be used only for the
34 purpose of paying all or any part of the cost and expense of
35 maintaining and operating storm water control facilities, all or any
36 part of the cost and expense of planning, designing, establishing,
37 acquiring, developing, constructing and improving any of such

1 facilities, or to pay or secure the payment of all or any portion of
2 any issue of general obligation or revenue bonds issued for such
3 purpose.

4 **Sec. 10.** RCW 28A.220.010 and 1977 c 76 s 1 are each amended to
5 read as follows:

6 It is the purpose of this chapter (~~((76, Laws of 1977))~~) to provide
7 the students of the state with an improved quality traffic safety
8 education program and to develop in the youth of this state a knowledge
9 of the motor vehicle laws, an acceptance of personal responsibility on
10 the public highways, an understanding of the causes and consequences of
11 traffic accidents, and to provide training in the skills necessary for
12 the safe operation of motor vehicles(~~(+)~~). It is further the purpose
13 of this chapter to provide financial assistance to the various school
14 districts while permitting them to achieve economies through options in
15 the choice of course content and methods of instructions (~~((by adopting~~
16 ~~in whole or with modifications, a program prepared by the office of the~~
17 ~~superintendent of public instruction,))~~) and keeping to a minimum the
18 amount of estimating, bookkeeping and reporting required of said school
19 districts for financial reimbursement for such traffic safety education
20 programs.

21 **Sec. 11.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to
22 read as follows:

23 (~~The following words and phrases whenever used in chapter 28A.220~~
24 ~~RCW shall have the following meaning+)~~) The definitions in this section
25 apply throughout this chapter unless the context clearly requires
26 otherwise.

27 (1) "Superintendent" or "state superintendent" (~~((shall))~~) means the
28 superintendent of public instruction.

29 (2) "Traffic safety education course" (~~((shall))~~) means (~~((an~~
30 ~~accredited))~~) a course of instruction in traffic safety education
31 approved by the local school district board of directors which shall
32 consist of two phases, classroom instruction, and laboratory
33 experience. "Laboratory experience" shall include on-street, driving
34 range, or simulator experience or some combination thereof. Each phase
35 (~~((shall meet basic course requirements which shall be established by~~
36 ~~the superintendent of public instruction and each part of said course))~~)

1 shall be taught by a qualified teacher of traffic safety education.
2 Any portions of the course may be taught after regular school hours or
3 on Saturdays as well as on regular school days or as a summer school
4 course, at the option of the local school districts.

5 (3) "Qualified teacher of traffic safety education" (~~shall~~) means
6 an instructor certificated under the provisions of chapter 28A.410 RCW
7 (~~and certificated by the superintendent of public instruction to teach~~
8 ~~either the classroom phase or the laboratory phase of the traffic~~
9 ~~safety education course, or both, under regulations promulgated by the~~
10 ~~superintendent: PROVIDED, That the laboratory experience phase of the~~
11 ~~traffic safety education course may be taught by instructors~~
12 ~~certificated under rules promulgated by the superintendent of public~~
13 ~~instruction, exclusive of any requirement that the instructor be~~
14 ~~certificated under the provisions of chapter 28A.410 RCW.~~
15 ~~Professional~~) who has satisfactorily completed a course of instruction
16 in the training of drivers approved by the department of licensing or
17 an instructor(~~s~~) certificated under the provisions of chapter 46.82
18 RCW(~~, and participating in this program, shall be subject to~~
19 ~~reasonable qualification requirements jointly adopted by the~~
20 ~~superintendent of public instruction and the director of licensing.~~

21 (4) "Realistic level of effort" means ~~the classroom and laboratory~~
22 ~~student learning experiences considered acceptable to the~~
23 ~~superintendent of public instruction that must be satisfactorily~~
24 ~~accomplished by the student in order to successfully complete the~~
25 ~~traffic safety education course~~)).

26 **Sec. 12.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to
27 read as follows:

28 (1) (~~The superintendent of public instruction is authorized to~~
29 ~~establish a section of traffic safety education, and through such~~
30 ~~section shall: Define a "realistic level of effort" required to~~
31 ~~provide an effective traffic safety education course, establish a level~~
32 ~~of driving competency required of each student to successfully complete~~
33 ~~the course, and ensure that an effective statewide program is~~
34 ~~implemented and sustained, administer, supervise, and develop the~~
35 ~~traffic safety education program and shall assist local school~~
36 ~~districts in the conduct of their traffic safety education programs.~~
37 ~~The superintendent shall adopt necessary rules and regulations~~

1 ~~governing the operation and scope of the traffic safety education~~
2 ~~program; and each school district shall submit a report to the~~
3 ~~superintendent on the condition of its traffic safety education~~
4 ~~program: PROVIDED, That the superintendent shall monitor the quality~~
5 ~~of the program and carry out the purposes of this chapter.~~

6 (2)) The board of directors of any school district maintaining a
7 secondary school which includes any of the grades 10 to 12, inclusive,
8 may establish and maintain a traffic safety education course. If a
9 school district elects to offer a traffic safety education course and
10 has within its boundaries a private accredited secondary school which
11 includes any of the grades 10 to 12, inclusive, at least one class in
12 traffic safety education shall be given at times other than regular
13 school hours if there is sufficient demand therefor.

14 ((3)) (2) The board of directors of a school district, or
15 combination of school districts, may contract with any drivers' school
16 licensed under the provisions of chapter 46.82 RCW to teach the
17 ((laboratory phase of the)) traffic safety education course.
18 Instructors provided by any such contracting drivers' school must be
19 properly qualified teachers of traffic safety education under the
20 ((joint qualification)) requirements adopted by the ((superintendent of
21 public instruction and the)) director of licensing.

22 ((4) The superintendent shall establish a required minimum number
23 of hours of continuing traffic safety education for traffic safety
24 education instructors. The superintendent may phase in the requirement
25 over not more than five years.))

26 **Sec. 13.** RCW 28A.220.040 and 2000 c 115 s 10 are each amended to
27 read as follows:

28 (1) Each school district shall be reimbursed from funds
29 appropriated for traffic safety education.

30 ((a)) (2) The state superintendent shall determine the per-pupil
31 reimbursement amount for the traffic safety education course to be
32 funded by the state. Each school district offering an approved
33 standard traffic safety education course shall be reimbursed or granted
34 an amount up to the level established by the superintendent of public
35 instruction as may be appropriated.

36 ((b) The state superintendent may provide per pupil reimbursements

1 ~~to school districts only where all the traffic educators have satisfied~~
2 ~~the continuing education requirement of RCW 28A.220.030(4).~~

3 (2)) (3) The board of directors of any school district or
4 combination of school districts may establish a traffic safety
5 education fee, which fee when imposed shall be required to be paid by
6 any duly enrolled student in any such school district prior to or while
7 enrolled in a traffic safety education course. Traffic safety
8 education fees collected by a school district shall be deposited with
9 the county treasurer to the credit of such school district, to be used
10 to pay costs of the traffic safety education course.

11 **Sec. 14.** RCW 46.20.055 and 2006 c 219 s 14 are each amended to
12 read as follows:

13 (1) **Driver's instruction permit.** The department may issue a
14 driver's instruction permit with or without a photograph to an
15 applicant who has successfully passed all parts of the examination
16 other than the driving test, provided the information required by RCW
17 46.20.091, paid a fee of twenty dollars, and meets the following
18 requirements:

19 (a) Is at least fifteen and one-half years of age; or

20 (b) Is at least fifteen years of age and:

21 (i) Has submitted a proper application; and

22 (ii) Is enrolled in a traffic safety education program (~~offered,~~)
23 ~~approved(, and accredited)~~ by (~~the superintendent of public~~
24 ~~instruction~~) a local school district board of directors or offered by
25 a driver training school licensed and inspected by the department of
26 licensing under chapter 46.82 RCW, that includes practice driving.

27 (2) **Waiver of written examination for instruction permit.** The
28 department may waive the written examination, if, at the time of
29 application, an applicant is enrolled in:

30 (a) A traffic safety education course as defined by RCW
31 28A.220.020(2); or

32 (b) A course of instruction offered by a licensed driver training
33 school as defined by RCW 46.82.280(~~(4)~~) (7).

34 The department may require proof of registration in such a course
35 as it deems necessary.

36 (3) **Effect of instruction permit.** A person holding a driver's

1 instruction permit may drive a motor vehicle, other than a motorcycle,
2 upon the public highways if:

3 (a) The person has immediate possession of the permit; and

4 (b) An approved instructor, or a licensed driver with at least five
5 years of driving experience, occupies the seat beside the driver.

6 (4) **Term of instruction permit.** A driver's instruction permit is
7 valid for one year from the date of issue.

8 (a) The department may issue one additional one-year permit.

9 (b) The department may issue a third driver's permit if it finds
10 after an investigation that the permittee is diligently seeking to
11 improve driving proficiency.

12 (c) A person applying to renew an instruction permit must submit
13 the application to the department in person.

14 **Sec. 15.** RCW 46.20.070 and 2005 c 314 s 304 are each amended to
15 read as follows:

16 (1) **Agricultural driving permit authorized.** The director may issue
17 a juvenile agricultural driving permit to a person under the age of
18 eighteen years if:

19 (a) The application is signed by the applicant and the applicant's
20 father, mother, or legal guardian;

21 (b) The applicant has passed the driving examination required by
22 RCW 46.20.120;

23 (c) The department has investigated the applicant's need for the
24 permit and determined that the need justifies issuance;

25 (d) The department has determined the applicant is capable of
26 operating a motor vehicle without endangering himself or herself or
27 other persons and property; and

28 (e) The applicant has paid a fee of twenty dollars.

29 The permit must contain a photograph of the person.

30 (2) **Effect of agricultural driving permit.** (a) The permit
31 authorizes the holder to:

32 (i) Drive a motor vehicle on the public highways of this state in
33 connection with farm work. The holder may drive only within a
34 restricted farming locality described on the permit; and

35 (ii) Participate in the classroom portion of a traffic safety
36 education course (~~authorized~~) approved under RCW (~~28A.220.030~~)
37 28A.220.020 or the classroom portion of a traffic safety education

1 course offered by a driver training school licensed and inspected by
2 the department of licensing under chapter 46.82 RCW offered in the
3 community where the holder resides.

4 (b) The director may transfer the permit from one farming locality
5 to another. A transfer is not a renewal of the permit.

6 (3) **Term and renewal of agricultural driving permit.** An
7 agricultural driving permit expires one year from the date of issue.

8 (a) A person under the age of eighteen who holds a permit may renew
9 the permit by paying a fee of fifteen dollars.

10 (b) A person applying to renew an agricultural driving permit must
11 submit the application to the department in person.

12 (c) An agricultural driving permit is invalidated when a permittee
13 attains age eighteen. In order to drive a motor vehicle on a highway
14 he or she must obtain a motor vehicle driver's license under this
15 chapter.

16 (4) **Suspension, revocation, or cancellation.** The director has sole
17 discretion to suspend, revoke, or cancel a juvenile agricultural
18 driving permit if:

19 (a) The permittee has been found to have committed an offense that
20 requires mandatory suspension or revocation of a driver's license; or

21 (b) The director is satisfied that the permittee has violated the
22 permit's restrictions.

23 **Sec. 16.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
24 as follows:

25 (1) **Application.** The application of a person under the age of
26 eighteen years for a driver's license or a motorcycle endorsement must
27 be signed by a parent or guardian with custody of the minor. If the
28 person under the age of eighteen has no father, mother, or guardian,
29 then the application must be signed by the minor's employer.

30 (2) **Traffic safety education requirement.** For a person under the
31 age of eighteen years to obtain a driver's license he or she must meet
32 the traffic safety education requirements of this subsection.

33 (a) To meet the traffic safety education requirement for a driver's
34 license the applicant must satisfactorily complete a traffic safety
35 education course as defined in RCW 28A.220.020 for a course offered by
36 a school district, or as defined by the department of licensing for a
37 course offered by a driver training school licensed under chapter 46.82

1 RCW. The course offered by a school district or an approved private
2 school must meet the standards established by the office of the state
3 superintendent of public instruction. The course offered by a driver
4 training school must meet the standards established by the department
5 of licensing with the advice of the driver instructors' advisory
6 committee, pursuant to RCW 46.82.300. The traffic safety education
7 course may be provided by:

8 (i) A recognized secondary school; or

9 (ii) A driver training school licensed under chapter 46.82 RCW that
10 is annually approved by the department of licensing.

11 (b) To meet the traffic safety education requirement for a
12 motorcycle endorsement, the applicant must successfully complete a
13 motorcycle safety education course that meets the standards established
14 by the department of licensing.

15 (c) The department may waive the traffic safety education
16 requirement for a driver's license if the applicant demonstrates to the
17 department's satisfaction that:

18 (i) He or she was unable to take or complete a traffic safety
19 education course;

20 (ii) A need exists for the applicant to operate a motor vehicle;
21 and

22 (iii) He or she has the ability to operate a motor vehicle in such
23 a manner as not to jeopardize the safety of persons or property.

24 The department may adopt rules to implement this subsection (2)(c) (~~in~~
25 ~~concert with the supervisor of the traffic safety education section of~~
26 ~~the office of the superintendent of public instruction)).~~

27 (d) The department may waive the traffic safety education
28 requirement if the applicant was licensed to drive a motor vehicle or
29 motorcycle outside this state and provides proof that he or she has had
30 education equivalent to that required under this subsection.

31 **Sec. 17.** RCW 46.82.300 and 2009 c 101 s 2 are each amended to read
32 as follows:

33 (1) The director shall be assisted in the duties and
34 responsibilities of this chapter by the driver instructors' advisory
35 committee, consisting of seven members, two of which, when possible,
36 must reside east of the crest of the Cascade mountains. Members of the
37 advisory committee shall be appointed by the director for two-year

1 terms and shall consist of two representatives of the driver training
2 schools, two representatives of the driving instructors (who shall not
3 be from the same school as the school member), a representative of the
4 superintendent of public instruction, a representative of the
5 department of licensing, and a representative from the Washington state
6 traffic safety commission.

7 (2) The advisory committee shall meet at least semiannually and
8 shall have additional meetings as may be called by the director. The
9 director or the director's representative shall attend all meetings of
10 the advisory committee and shall serve as chairman.

11 (3) Duties of the advisory committee shall be to:

12 (a) Advise and confer on department proposed policy and rule with
13 the director or the director's representative on matters pertaining to
14 the establishment of rules necessary to carry out this chapter;

15 (b) Review and update when necessary a curriculum consisting of a
16 list of items of knowledge and the processes of driving a motor vehicle
17 specifying the minimum requirements adjudged necessary in teaching a
18 proper and adequate course of driver education;

19 (c) Review and update instructor certification standards to be
20 consistent with RCW 46.82.330 (~~and take into consideration those~~
21 ~~standards required to be met by traffic safety education teachers under~~
22 ~~RCW 28A.220.020(3)~~); and

23 (d) Prepare the examination for a driver instructor's certificate
24 and review examination results at least once each calendar year for the
25 purpose of updating and revising examination standards.

26 NEW SECTION. **Sec. 18.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 28A.210.255 (Provision of health services in public and
29 private schools--Employee job description) and 2003 c 172 s 2;

30 (2) RCW 28A.210.365 (Food choice, physical activity, childhood
31 fitness--Minimum standards--District waiver or exemption policy) and
32 2007 c 5 s 5;

33 (3) RCW 28A.220.050 (Information on proper use of left-hand lane)
34 and 1986 c 93 s 4;

35 (4) RCW 28A.220.060 (Information on effects of alcohol and drug
36 use) and 1991 c 217 s 2;

37 (5) RCW 28A.220.070 (Rules) and 2000 c 115 s 11;

1 (6) RCW 28A.220.080 (Information on motorcycle awareness) and 2007
2 c 97 s 4 & 2004 c 126 s 1;

3 (7) RCW 28A.220.085 (Information on driving safely among bicyclists
4 and pedestrians) and 2008 c 125 s 4;

5 (8) RCW 28A.230.040 (Physical education in grades one through
6 eight) and 2006 c 263 s 415, 1984 c 52 s 1, & 1969 ex.s. c 223 s
7 28A.05.030; and

8 (9) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in
9 programming) and 1969 ex.s. c 223 s 28A.02.090.

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