
ENGROSSED SUBSTITUTE SENATE BILL 5890

State of Washington

61st Legislature

2009 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators McDermott, McAuliffe, Oemig, and Hobbs)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to flexibility in the education system; amending
2 RCW 28A.185.030, 28A.215.010, 28A.220.030, 28A.230.160, 28A.230.205,
3 28A.300.405, 28A.300.410, 28A.300.455, and 28A.320.128; repealing RCW
4 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration
5 date; and declaring an emergency.

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

7 **Sec. 1.** RCW 28A.185.030 and 1984 c 278 s 13 are each amended to
8 read as follows:

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

17 (1) In accordance with rules (~~and regulations~~) adopted by the
18 superintendent of public instruction, school districts shall implement
19 procedures for nomination, assessment and selection of their most

1 highly capable students. Nominations shall be based upon data from
2 teachers, other staff, parents, students, and members of the community.
3 Assessment shall be based upon a review of each student's capability as
4 shown by multiple criteria intended to reveal, from a wide variety of
5 sources and data, each student's unique needs and capabilities.
6 Selection shall be made by a broadly based committee of professionals,
7 after consideration of the results of the multiple criteria assessment.

8 (2) Students selected pursuant to procedures outlined in this
9 section shall be provided, to the extent feasible, an educational
10 opportunity which takes into account each student's unique needs and
11 capabilities and the limits of the resources and program options
12 available to the district, including those options which can be
13 developed or provided by using funds allocated by the superintendent of
14 public instruction for that purpose.

15 **Sec. 2.** RCW 28A.215.010 and 2006 c 263 s 410 are each amended to
16 read as follows:

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

35 **Sec. 3.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to
36 read as follows:

1 (1) The superintendent of public instruction is authorized to
2 establish a section of traffic safety education, and through such
3 section shall: Define a "realistic level of effort" required to
4 provide an effective traffic safety education course, establish a level
5 of driving competency required of each student to successfully complete
6 the course, and ensure that an effective statewide program is
7 implemented and sustained, administer, supervise, and develop the
8 traffic safety education program and shall assist local school
9 districts in the conduct of their traffic safety education programs.
10 The superintendent shall adopt necessary rules (~~and regulations~~)
11 governing the operation and scope of the traffic safety education
12 program; and each school district shall submit a report in even-
13 numbered years to the superintendent on the condition of its traffic
14 safety education program: PROVIDED, That the superintendent shall
15 monitor the quality of the program and carry out the purposes of this
16 chapter.

17 (2) The board of directors of any school district maintaining a
18 secondary school which includes any of the grades 10 to 12, inclusive,
19 may establish and maintain a traffic safety education course. If a
20 school district elects to offer a traffic safety education course and
21 has within its boundaries a private accredited secondary school which
22 includes any of the grades 10 to 12, inclusive, to the extent funds are
23 available, at least one class in traffic safety education shall be
24 given at times other than regular school hours if there is sufficient
25 demand therefor.

26 (3) The board of directors of a school district, or combination of
27 school districts, may contract with any drivers' school licensed under
28 the provisions of chapter 46.82 RCW to teach the laboratory phase of
29 the traffic safety education course. Instructors provided by any such
30 contracting drivers' school must be properly qualified teachers of
31 traffic safety education under the joint qualification requirements
32 adopted by the superintendent of public instruction and the director of
33 licensing.

34 (4) The superintendent shall establish a required minimum number of
35 hours of continuing traffic safety education for traffic safety
36 education instructors. The superintendent may phase in the requirement
37 over not more than five years.

1 (5) By January 1, 2010, the superintendent shall survey districts
2 regarding the impact of the rules and minimum hours of training
3 established under the authority of this section. The superintendent
4 shall revise the rules and minimum hours based on that survey in order
5 to reduce the burden on school districts.

6 **Sec. 4.** RCW 28A.230.160 and 1990 c 33 s 241 are each amended to
7 read as follows:

8 During the school week preceding the eleventh day of November of
9 each year, there shall be presented in each common school as defined in
10 RCW 28A.150.020 educational activities suitable to the observance of
11 Veterans' Day.

12 The responsibility for the preparation and presentation of the
13 activities (~~(approximating — at — least — sixty — minutes — total)~~) for
14 observance throughout the week shall be with the principal or head
15 teacher of each school building and such program shall embrace topics
16 tending to instill a loyalty and devotion to the institutions and laws
17 of this state and nation.

18 The superintendent of public instruction and each educational
19 service district superintendent, by advice and suggestion, shall aid in
20 the preparation of these activities if such aid be solicited.

21 **Sec. 5.** RCW 28A.230.205 and 2007 c 459 s 3 are each amended to
22 read as follows:

23 (1) To the extent funds are appropriated or are available for this
24 purpose, the superintendent of public instruction and other members of
25 the partnership created in RCW 28A.300.455 shall make available to
26 school districts the list of identified financial literacy skills and
27 knowledge, instructional materials, assessments, and other relevant
28 information.

29 (2)(a) Each school district is encouraged to provide its students
30 with an opportunity to master the financial literacy skills and
31 knowledge developed under RCW 28A.300.460.

32 (b) This subsection is suspended until July 1, 2011.

33 (3) For the purposes of RCW 28A.300.455(~~(τ)~~) and 28A.300.460(~~(τ)~~)
34 and this section, it is not necessary to evaluate and apply the office
35 of the superintendent of public instruction essential academic learning
36 requirements or to develop grade level expectations.

1 **Sec. 6.** RCW 28A.300.405 and 2000 c 210 s 4 are each amended to
2 read as follows:

3 (1) Consistent with the legislative findings in RCW 28A.300.390,
4 the legislature shall establish the Washington civil liberties public
5 education program. The program provides grants for the purpose of
6 establishing a legacy of remembrance as part of a continuing process of
7 recovery from the World War II exclusion and detention of individuals
8 of Japanese ancestry. The program is created to do one or both of the
9 following:

10 ~~((+1))~~ (a) Educate the public regarding the history and the
11 lessons of the World War II exclusion, removal, and detention of
12 persons of Japanese ancestry through the development, coordination, and
13 distribution of new educational materials and the development of
14 curriculum materials to complement and augment resources currently
15 available on this subject matter; and

16 ~~((+2))~~ (b) Develop videos, plays, presentations, speaker bureaus,
17 and exhibitions for presentation to elementary schools, secondary
18 schools, community colleges, and to other interested parties.

19 (2) This section is suspended until July 1, 2011.

20 **Sec. 7.** RCW 28A.300.410 and 2000 c 210 s 5 are each amended to
21 read as follows:

22 (1) The superintendent of public instruction shall allocate grants
23 under the program established in RCW 28A.300.390 through 28A.300.415
24 from private donations or within amounts appropriated for this specific
25 purpose. The grants shall be awarded on a competitive basis.

26 (2) The superintendent of public instruction may contract with
27 independent review panelists and establish an advisory panel to
28 evaluate and make recommendations to the superintendent of public
29 instruction based on grant applications.

30 (3) The superintendent of public instruction shall select grant
31 recipients from applicants who meet all of the following criteria:

32 (a) The capability to administer and complete the proposed project
33 within specified deadlines and within the specified budget;

34 (b) The experience, knowledge, and qualifications necessary to
35 conduct quality educational activities regarding the exclusion and
36 detention of Japanese-Americans during World War II;

1 (c) Projects that relate the Japanese-American exclusion and
2 detention experience with civil rights included in the Declaration of
3 Independence and the Constitution so that this event may be illuminated
4 and understood in order to prevent similar violations of civil rights
5 in the future;

6 (d) Projects that are designed to maximize the long-term
7 educational impact of this chapter;

8 (e) Projects that build upon, contribute to, and expand upon the
9 existing body of educational and research materials on the exclusion
10 and detention of Japanese-Americans during World War II; and

11 (f) Projects that include the variety of experiences regarding the
12 exclusion and detention of Japanese-Americans and its impact before,
13 during, and after World War II including those Japanese-Americans who
14 served in the military and those who were interned in department of
15 justice camps.

16 (4) Applicants for grants under the program are encouraged to do
17 each of the following:

18 (a) Involve former detainees, those excluded from the military
19 area, and their descendants in the development and implementation of
20 projects;

21 (b) Develop a strategy and plan for raising the level of awareness
22 and understanding among the American public regarding the exclusion and
23 detention of Japanese-Americans during World War II so that the causes
24 and circumstances of this and similar events may be illuminated and
25 understood;

26 (c) Develop a strategy and plan for reaching the broad,
27 multicultural population through project activities;

28 (d) Develop local and regional consortia of organizations and
29 individuals engaged in similar educational, research, and development
30 efforts;

31 (e) Coordinate and collaborate with organizations and individuals
32 engaging in similar educational, research, and development endeavors to
33 maximize the effect of grants;

34 (f) Utilize creative and innovative methods and approaches in the
35 research, development, and implementation of their projects;

36 (g) Seek matching funds, in-kind contributions, or other sources of
37 support to supplement their proposal;

1 (h) Use a variety of media, including new technology, and the arts
2 to creatively and strategically appeal to a broad audience while
3 enhancing and enriching community-based educational efforts;

4 (i) Include in the grant application, scholarly inquiry related to
5 the variety of experiences and impact of the exclusion and detention of
6 persons of Japanese ancestry during World War II; and

7 (j) Add relevant materials to or catalogue relevant materials in
8 libraries and other repositories for the creation, publication, and
9 distribution of bibliographies, curriculum guides, oral histories, and
10 other resource directories and supporting the continued development of
11 scholarly work on this subject by making a broad range of archival,
12 library, and research materials more accessible to the American public.

13 (5) The superintendent of public instruction may adopt other
14 criteria as it deems appropriate for its review of grant proposals. In
15 reviewing projects for funding, scoring shall be based on an evaluation
16 of all application materials including narratives, attachments, support
17 letters, supplementary materials, and other materials that may be
18 requested of applicants.

19 (6)(a) In the review process, the superintendent of public
20 instruction shall assign the following order of priority to the
21 criteria set forth in subsection (3) of this section:

22 (i) Subsection (3)(a) through (d) of this section, inclusive, shall
23 be given highest priority; and

24 (ii) Subsection (3)(e) (~~(through and)~~) and (f) of this section,
25 inclusive, shall be given second priority.

26 (b) The superintendent of public instruction shall consider the
27 overall breadth and variety of the field of applicants to determine the
28 projects that would best fulfill its program and mission. Final grant
29 awards may be for the full amount of the grant requests or for a
30 portion of the grant request.

31 (7) The superintendent of public instruction shall determine the
32 types of applicants eligible to apply for grants under this program.

33 (8) The office may accept gifts, grants, or endowments from public
34 or private sources for the program and may spend any gifts, grants, or
35 endowments or income from public or private sources according to their
36 terms.

37 (9) Except to the extent private funds are available, this section
38 is suspended until July 1, 2011.

1 **Sec. 8.** RCW 28A.300.455 and 2007 c 459 s 1 are each amended to
2 read as follows:

3 (1) By September 30, 2004, the financial literacy public-private
4 partnership shall adopt a definition of financial literacy to be used
5 in educational efforts.

6 (2) (~~By June 30, 2009,~~) Beginning July 1, 2011, the financial
7 literacy public-private partnership shall identify strategies to
8 increase the financial literacy of public school students in our state.
9 To the extent funds are available, strategies to be considered by the
10 partnership shall include, but not be limited to:

11 (a) Identifying and making available to school districts:

12 (i) Important financial literacy skills and knowledge;

13 (ii) Ways in which teachers at different grade levels may integrate
14 financial literacy in mathematics, social studies, and other course
15 content areas;

16 (iii) Instructional materials and programs, including schoolwide
17 programs, that include the important financial literacy skills and
18 knowledge;

19 (iv) Assessments and other outcome measures that schools and
20 communities may use to determine whether students are financially
21 literate; and

22 (v) Other strategies for expanding and increasing the quality of
23 financial literacy instruction in public schools, including
24 professional development for teachers;

25 (b) Developing a structure and set of operating principles for the
26 financial literacy public-private partnership to assist interested
27 school districts in improving the financial literacy of their students
28 by providing such things as financial literacy instructional materials
29 and professional development; and

30 (c) Providing a report to the governor, the house and senate
31 financial institutions and education committees of the legislature, the
32 superintendent of public instruction, the state board of education, and
33 education stakeholder groups, on the results of work of the financial
34 literacy public-private partnership. An interim report shall be
35 submitted to the same parties by June 30, 2007, with a final report by
36 June 30, (~~2009~~) 2013.

1 **Sec. 9.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to
2 read as follows:

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

6 ~~(a))~~ procedures for providing notice of threats of violence or
7 harm to the student or school employee who is the subject of the
8 threat. The policy shall define "threats of violence or harm(~~"~~;

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

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

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

26 ~~((3))~~ (2) School districts, school district boards of directors,
27 school officials, and school employees providing notice in good faith
28 as required and consistent with the board's policies adopted under this
29 section are immune from any liability arising out of such notification.

30 ~~((4))~~ (3) A person who intentionally and in bad faith or
31 maliciously, knowingly makes a false notification of a threat under
32 this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

33 NEW SECTION. **Sec. 10.** The following acts or parts of acts, as now
34 existing or hereafter amended, are each repealed:

35 (1) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in
36 programming) and 1969 ex.s. c 223 s 28A.02.090;

1 (2) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c
2 7 s 611; and

3 (3) RCW 28A.320.185 (School gardens or farms) and 2008 c 215 s 7.

4 NEW_SECTION. **Sec. 11.** Sections 5 through 7 of this act expire
5 July 1, 2011.

6 NEW_SECTION. **Sec. 12.** Sections 1 through 10 of this act are
7 necessary for the immediate preservation of the public peace, health,
8 or safety, or support of the state government and its existing public
9 institutions, and take effect immediately.

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