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SENATE BILL 5890

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State of Washington

61st Legislature

2009 Regular Session

By Senators McDermott, McAuliffe, Oemig, and Hobbs

Read first time 02/05/09. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to flexibility in the education system; amending  
2 RCW 28A.155.065, 28A.155.070, 28A.155.070, 28A.185.030, 28A.215.010,  
3 28A.220.020, 28A.220.030, 28A.225.225, 28A.225.270, 28A.230.070,  
4 28A.230.080, 28A.230.130, 28A.230.130, 28A.230.158, 28A.230.160,  
5 28A.230.205, 28A.300.115, 28A.300.160, 28A.300.405, 28A.300.410,  
6 28A.300.455, 28A.320.125, and 28A.320.128; repealing RCW 28A.230.040,  
7 28A.230.050, 28A.230.150, 28A.300.185, 28A.300.280, and 28A.320.185;  
8 providing an effective date; providing expiration dates; and declaring  
9 an emergency.

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

11 **Sec. 1.** RCW 28A.155.065 and 2007 c 115 s 7 are each amended to  
12 read as follows:

13 (1) By September 1, (~~2009~~) 2011, each school district shall  
14 provide or contract for early intervention services to all eligible  
15 children with disabilities from birth to three years of age.  
16 Eligibility shall be determined according to Part C of the federal  
17 individuals with disabilities education improvement act or other  
18 applicable federal and state laws, and as specified in the Washington  
19 Administrative Code adopted by the state lead agency. School districts

1 shall provide or contract for early intervention services in  
2 partnership with local birth-to-three lead agencies and birth-to-three  
3 providers. Services provided under this section shall not supplant  
4 services or funding currently provided in the state for early  
5 intervention services to eligible children with disabilities from birth  
6 to three years of age. The state-designated birth-to-three lead agency  
7 shall be payor of last resort for birth-to-three early intervention  
8 services provided under this section.

9 (2) The services in this section are not part of the state's  
10 program of basic education pursuant to Article IX of the state  
11 Constitution.

12 **Sec. 2.** RCW 28A.155.070 and 2007 c 115 s 8 are each amended to  
13 read as follows:

14 (1) Special educational programs provided by the state and the  
15 school districts thereof for students with disabilities may be extended  
16 to include students of preschool age. School districts which extend  
17 such special programs to children of preschool age shall be entitled to  
18 the regular apportionments from state and county school funds, as  
19 provided by law, and in addition to allocations from state excess cost  
20 funds made available for such special services for those children with  
21 disabilities who are given such special services.

22 (2) This section is suspended until September 1, 2009.

23 **Sec. 3.** RCW 28A.155.070 and 2007 c 115 s 9 are each amended to  
24 read as follows:

25 (1) Special educational programs provided by the state and the  
26 school districts thereof for students with disabilities shall be  
27 extended to include students of preschool age. School districts shall  
28 be entitled to the regular apportionments from state and county school  
29 funds, as provided by law, and in addition to allocations from state  
30 excess cost funds made available for such special services for those  
31 students with disabilities who are given such special services.

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

33 **Sec. 4.** RCW 28A.185.030 and 1984 c 278 s 13 are each amended to  
34 read as follows:

35 Local school districts may establish and operate, either separately

1 or jointly, programs for highly capable students. Such authority shall  
2 include the right to employ and pay special instructors and to operate  
3 such programs jointly with a public institution of higher education.  
4 Local school districts which establish and operate programs for highly  
5 capable students shall adopt identification procedures and provide  
6 educational opportunities as follows, to the extent funds are  
7 available:

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

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

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

27 The board of directors of any school district shall have the power  
28 to establish and maintain preschools and to provide before-and-after-  
29 school and vacation care in connection with the common schools of said  
30 district located at such points as the board shall deem most suitable  
31 for the convenience of the public, for the care and instruction of  
32 infants and children residing in said district. The board shall  
33 establish such courses, activities, and rules(~~(, and regulations)~~)  
34 governing preschools and before-and-after-school care as it may deem  
35 best: PROVIDED, That these courses and activities (~~shall~~) are  
36 encouraged to meet the minimum standard for such preschools as  
37 established by the United States department of health, education and

1 welfare, or its successor agency, and the superintendent of public  
2 instruction. Except as otherwise provided by state or federal law, the  
3 board of directors may fix a reasonable charge for the care and  
4 instruction of children attending such schools. The board may, if  
5 necessary, supplement such funds as are received for the superintendent  
6 of public instruction or any agency of the federal government, by an  
7 appropriation from the general school fund of the district.

8 **Sec. 6.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to  
9 read as follows:

10 The following words and phrases whenever used in chapter 28A.220  
11 RCW shall have the following meaning:

12 (1) "Superintendent" or "state superintendent" shall mean the  
13 superintendent of public instruction.

14 (2) "Traffic safety education course" (~~shall mean an accredited~~  
15 ~~course of instruction in traffic safety education which shall consist~~  
16 ~~of two phases, classroom instruction, and laboratory experience.~~  
17 ~~"Laboratory experience" shall include on street, driving range, or~~  
18 ~~simulator experience or some combination thereof. Each phase shall~~  
19 ~~meet basic course requirements which shall be established by the~~  
20 ~~superintendent of public instruction and each part of said course shall~~  
21 ~~be taught by a qualified teacher of traffic safety education. Any~~  
22 ~~portions of the course may be taught after regular school hours or on~~  
23 ~~Saturdays as well as on regular school days or as a summer school~~  
24 ~~course, at the option of the local school districts.)) includes any  
25 course of instruction in traffic safety education approved by the local  
26 school district.~~

27 (3) "Qualified teacher of traffic safety education" shall mean an  
28 instructor certificated under the provisions of chapter 28A.410 RCW and  
29 certificated by the superintendent of public instruction to teach  
30 either the classroom phase or the laboratory phase of the traffic  
31 safety education course, or both, under (~~regulations~~) rules  
32 promulgated by the superintendent: PROVIDED, That the laboratory  
33 experience phase of the traffic safety education course may be taught  
34 by instructors certificated under rules promulgated by the  
35 superintendent of public instruction, exclusive of any requirement that  
36 the instructor be certificated under the provisions of chapter 28A.410  
37 RCW. Professional instructors certificated under the provisions of

1 chapter 46.82 RCW, and participating in this program, shall be subject  
2 to reasonable qualification requirements jointly adopted by the  
3 superintendent of public instruction and the director of licensing.

4 (4) "Realistic level of effort" means the classroom and laboratory  
5 student learning experiences considered acceptable to the  
6 superintendent of public instruction that must be satisfactorily  
7 accomplished by the student in order to successfully complete the  
8 traffic safety education course.

9 **Sec. 7.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to  
10 read as follows:

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

27 (2) The board of directors of any school district maintaining a  
28 secondary school which includes any of the grades 10 to 12, inclusive,  
29 may establish and maintain a traffic safety education course. If a  
30 school district elects to offer a traffic safety education course and  
31 has within its boundaries a private accredited secondary school which  
32 includes any of the grades 10 to 12, inclusive, to the extent funds are  
33 available, at least one class in traffic safety education shall be  
34 given at times other than regular school hours if there is sufficient  
35 demand therefor.

36 (3) The board of directors of a school district, or combination of  
37 school districts, may contract with any drivers' school licensed under

1 the provisions of chapter 46.82 RCW to teach the laboratory phase of  
2 the traffic safety education course. Instructors provided by any such  
3 contracting drivers' school must be properly qualified teachers of  
4 traffic safety education under the joint qualification requirements  
5 adopted by the superintendent of public instruction and the director of  
6 licensing.

7 (4) The superintendent shall establish a required minimum number of  
8 hours of continuing traffic safety education for traffic safety  
9 education instructors. The superintendent may phase in the requirement  
10 over not more than five years.

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

16 **Sec. 8.** RCW 28A.225.225 and 2008 c 192 s 1 are each amended to  
17 read as follows:

18 (1)(a) Except for students who reside out-of-state, a district  
19 shall accept applications from nonresident students who are the  
20 children of full-time certificated and classified school employees, and  
21 those children shall be permitted to enroll:

22 ~~((a))~~ (i) At the school to which the employee is assigned;

23 ~~((b))~~ (ii) At a school forming the district's K through 12  
24 continuum which includes the school to which the employee is assigned;  
25 or

26 ~~((c))~~ (iii) At a school in the district that provides early  
27 intervention services pursuant to RCW 28A.155.065 or preschool services  
28 pursuant to RCW 28A.155.070, if the student is eligible for such  
29 services.

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

31 (2) A district may reject applications under this section if:

32 (a) The student's disciplinary records indicate a history of  
33 convictions for offenses or crimes, violent or disruptive behavior, or  
34 gang membership;

35 (b) The student has been expelled or suspended from a public school  
36 for more than ten consecutive days. Any policy allowing for

1 readmission of expelled or suspended students under this subsection  
2 (2)(b) must apply uniformly to both resident and nonresident  
3 applicants; or

4 (c) Enrollment of a child under this section would displace a child  
5 who is a resident of the district, except that if a child is admitted  
6 under subsection (1) of this section, that child shall be permitted to  
7 remain enrolled at that school, or in that district's kindergarten  
8 through twelfth grade continuum, until he or she has completed his or  
9 her schooling.

10 (3) Except as provided in subsection (1) of this section, all  
11 districts accepting applications from nonresident students or from  
12 students receiving home-based instruction for admission to the  
13 district's schools shall consider equally all applications received.  
14 Each school district shall adopt a policy establishing rational, fair,  
15 and equitable standards for acceptance and rejection of applications by  
16 June 30, 1990. The policy may include rejection of a nonresident  
17 student if:

18 (a) Acceptance of a nonresident student would result in the  
19 district experiencing a financial hardship;

20 (b) The student's disciplinary records indicate a history of  
21 convictions for offenses or crimes, violent or disruptive behavior, or  
22 gang membership; or

23 (c) The student has been expelled or suspended from a public school  
24 for more than ten consecutive days. Any policy allowing for  
25 readmission of expelled or suspended students under this subsection  
26 (3)(c) must apply uniformly to both resident and nonresident  
27 applicants.

28 For purposes of subsections (2)(a) and (3)(b) of this section,  
29 "gang" means a group which: (i) Consists of three or more persons;  
30 (ii) has identifiable leadership; and (iii) on an ongoing basis,  
31 regularly conspires and acts in concert mainly for criminal purposes.

32 (4) The district shall provide to applicants written notification  
33 of the approval or denial of the application in a timely manner. If  
34 the application is rejected, the notification shall include the reason  
35 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

36 **Sec. 9.** RCW 28A.225.270 and 2008 c 192 s 2 are each amended to  
37 read as follows:

1 (1) Each school district in the state shall adopt and implement a  
2 policy allowing intradistrict enrollment options no later than June 30,  
3 1990. Each district shall establish its own policy establishing  
4 standards on how the intradistrict enrollment options will be  
5 implemented.

6 (2)(a) A district shall permit the children of full-time  
7 certificated and classified school employees to enroll at:

8 ((+a)) (i) The school to which the employee is assigned;

9 ((+b)) (ii) A school forming the district's K through 12 continuum  
10 which includes the school to which the employee is assigned; or

11 ((+c)) (iii) A school in the district that provides early  
12 intervention services pursuant to RCW 28A.155.065 or preschool services  
13 pursuant to RCW 28A.155.070, if the student is eligible for such  
14 services.

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

16 (3) For the purposes of this section, "full-time employees" means  
17 employees who are employed for the full number of hours and days for  
18 their job description.

19 **Sec. 10.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to  
20 read as follows:

21 (1)(a) The life-threatening dangers of acquired immunodeficiency  
22 syndrome (AIDS) and its prevention shall be taught in the public  
23 schools of this state. AIDS prevention education shall be limited to  
24 the discussion of the life-threatening dangers of the disease, its  
25 spread, and prevention. Students shall receive such education at least  
26 once each school year beginning no later than the fifth grade.

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

28 (2) Each district board of directors shall adopt an AIDS prevention  
29 education program which is developed in consultation with teachers,  
30 administrators, parents, and other community members including, but not  
31 limited to, persons from medical, public health, and mental health  
32 organizations and agencies so long as the curricula and materials  
33 developed for use in the AIDS education program either (a) are the  
34 model curricula and resources under subsection (3) of this section, or  
35 (b) are developed by the school district and approved for medical  
36 accuracy by the office on AIDS established in RCW 70.24.250. If a  
37 district elects to use curricula developed by the school district, the



1 district shall submit to the office on AIDS a copy of its curricula and  
2 an affidavit of medical accuracy stating that the material in the  
3 district-developed curricula has been compared to the model curricula  
4 for medical accuracy and that in the opinion of the district the  
5 district-developed materials are medically accurate. Upon submission  
6 of the affidavit and curricula, the district may use these materials  
7 until the approval procedure to be conducted by the office of AIDS has  
8 been completed.

9 (3) Model curricula and other resources available from the  
10 superintendent of public instruction may be reviewed by the school  
11 district board of directors, in addition to materials designed locally,  
12 in developing the district's AIDS education program. The model  
13 curricula shall be reviewed for medical accuracy by the office on AIDS  
14 established in RCW 70.24.250 within the department of social and health  
15 services.

16 (4) Beginning with the 2011-12 school year each school district  
17 shall, at least one month before teaching AIDS prevention education in  
18 any classroom, conduct at least one presentation during weekend and  
19 evening hours for the parents and guardians of students concerning the  
20 curricula and materials that will be used for such education. The  
21 parents and guardians shall be notified by the school district of the  
22 presentation and that the curricula and materials are available for  
23 inspection. No student may be required to participate in AIDS  
24 prevention education if the student's parent or guardian, having  
25 attended one of the district presentations, objects in writing to the  
26 participation.

27 (5) The office of the superintendent of public instruction with the  
28 assistance of the office on AIDS shall update AIDS education curriculum  
29 material as newly discovered medical facts make it necessary.

30 (6) The curriculum for AIDS prevention education shall be designed  
31 to teach students which behaviors place a person dangerously at risk of  
32 infection with the human immunodeficiency virus (HIV) and methods to  
33 avoid such risk including, at least:

34 (a) The dangers of drug abuse, especially that involving the use of  
35 hypodermic needles; and

36 (b) The dangers of sexual intercourse, with or without condoms.

37 (7) The program of AIDS prevention education shall stress the life-  
38 threatening dangers of contracting AIDS and shall stress that

1 abstinence from sexual activity is the only certain means for the  
2 prevention of the spread or contraction of the AIDS virus through  
3 sexual contact. It shall also teach that condoms and other artificial  
4 means of birth control are not a certain means of preventing the spread  
5 of the AIDS virus and reliance on condoms puts a person at risk for  
6 exposure to the disease.

7 **Sec. 11.** RCW 28A.230.080 and 1990 c 33 s 238 are each amended to  
8 read as follows:

9 (1) Every school district board of directors shall develop a  
10 written policy regarding the district's role and responsibility  
11 relating to the prevention of child abuse and neglect.

12 (2) Every school district shall, within the resources available to  
13 it: (a) Participate in the primary prevention program established  
14 under RCW 28A.300.160; (b) develop and implement its own child abuse  
15 and neglect education and prevention program; or (c) continue with an  
16 existing local child abuse and neglect education and prevention  
17 program.

18 (3) This section is suspended until July 1, 2011.

19 **Sec. 12.** RCW 28A.230.130 and 2007 c 396 s 13 are each amended to  
20 read as follows:

21 (1) All public high schools of the state shall provide a program,  
22 directly or in cooperation with a community college or another school  
23 district, for students whose educational plans include application for  
24 entrance to a baccalaureate-granting institution after being granted a  
25 high school diploma. The program shall help these students to meet at  
26 least the minimum entrance requirements under RCW 28B.10.050.

27 (2) All public high schools of the state shall provide a program,  
28 directly or in cooperation with a community or technical college, a  
29 skills center, an apprenticeship committee, or another school district,  
30 for students who plan to pursue career or work opportunities other than  
31 entrance to a baccalaureate-granting institution after being granted a  
32 high school diploma. These programs may:

33 (a) Help students demonstrate the application of essential academic  
34 learning requirements to the world of work, occupation-specific skills,  
35 knowledge of more than one career in a chosen pathway, and  
36 employability and leadership skills; and

1 (b) Help students demonstrate the knowledge and skill needed to  
2 prepare for industry certification, and/or have the opportunity to  
3 articulate to postsecondary education and training programs.

4 (3) Within funds specifically appropriated therefor, a middle  
5 school that receives approval from the office of the superintendent of  
6 public instruction to provide a career and technical program directly  
7 to students shall receive funding at the same rate as a high school  
8 operating a similar program. Additionally, a middle school that  
9 provides a hands-on experience in math and science with an integrated  
10 curriculum of academic content and career and technical education, and  
11 includes a career and technical education exploratory component shall  
12 also qualify for the career and technical education funding.

13 (4) The state board of education, upon request from local school  
14 districts, may grant waivers from the requirements to provide the  
15 program described in subsections (1) and (2) of this section for  
16 reasons relating to school district size and the availability of staff  
17 authorized to teach subjects which must be provided. In considering  
18 waiver requests related to programs in subsection (2) of this section,  
19 the state board of education shall consider the extent to which the  
20 school district has offered such programs before the 2003-04 school  
21 year.

22 (5) This section is suspended until September 1, 2009.

23 **Sec. 13.** RCW 28A.230.130 and 2007 c 396 s 14 are each amended to  
24 read as follows:

25 (1) All public high schools of the state shall provide a program,  
26 directly or in cooperation with a community college or another school  
27 district, for students whose educational plans include application for  
28 entrance to a baccalaureate-granting institution after being granted a  
29 high school diploma. The program shall help these students to meet at  
30 least the minimum entrance requirements under RCW 28B.10.050.

31 (2) All public high schools of the state shall provide a program,  
32 directly or in cooperation with a community or technical college, a  
33 skills center, an apprenticeship committee, or another school district,  
34 for students who plan to pursue career or work opportunities other than  
35 entrance to a baccalaureate-granting institution after being granted a  
36 high school diploma. These programs may:

1 (a) Help students demonstrate the application of essential academic  
2 learning requirements to the world of work, occupation-specific skills,  
3 knowledge of more than one career in a chosen pathway, and  
4 employability and leadership skills; and

5 (b) Help students demonstrate the knowledge and skill needed to  
6 prepare for industry certification, and/or have the opportunity to  
7 articulate to postsecondary education and training programs.

8 (3) Within funds specifically appropriated therefor, a middle  
9 school that receives approval from the office of the superintendent of  
10 public instruction to provide a career and technical program directly  
11 to students shall receive funding at the same rate as a high school  
12 operating a similar program. Additionally, a middle school that  
13 provides a hands-on experience in math and science with an integrated  
14 curriculum of academic content and career and technical education, and  
15 includes a career and technical education exploratory component shall  
16 also qualify for the career and technical education funding.

17 (4) This section is suspended until July 1, 2011.

18 **Sec. 14.** RCW 28A.230.158 and 2008 c 167 s 3 are each amended to  
19 read as follows:

20 Annually, during the month of October, each public school shall  
21 conduct or promote educational activities that provide instruction,  
22 awareness, and understanding of disability history and people with  
23 disabilities, to the extent funds are available. The activities may  
24 include, but not be limited to, school assemblies or guest speaker  
25 presentations.

26 **Sec. 15.** RCW 28A.230.160 and 1990 c 33 s 241 are each amended to  
27 read as follows:

28 During the school week preceding the eleventh day of November of  
29 each year, there shall be, to the extent funds are available, presented  
30 in each common school as defined in RCW 28A.150.020 educational  
31 activities suitable to the observance of Veterans' Day.

32 The responsibility for the preparation and presentation of the  
33 activities approximating at least sixty minutes total throughout the  
34 week shall be with the principal or head teacher of each school  
35 building and such program shall embrace topics tending to instill a

1 loyalty and devotion to the institutions and laws of this state and  
2 nation.

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

6 **Sec. 16.** RCW 28A.230.205 and 2007 c 459 s 3 are each amended to  
7 read as follows:

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

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

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

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

22 **Sec. 17.** RCW 28A.300.115 and 1992 c 24 s 1 are each amended to  
23 read as follows:

24 (1) Every public high school is encouraged to include in its  
25 curriculum instruction on the events of the period in modern world  
26 history known as the Holocaust, during which six million Jews and  
27 millions of non-Jews were exterminated. The instruction may also  
28 include other examples from both ancient and modern history where  
29 subcultures or large human populations have been eradicated by the acts  
30 of humankind. The studying of this material is a reaffirmation of the  
31 commitment of free peoples never again to permit such occurrences.

32 (2) The superintendent of public instruction may prepare and make  
33 available to all school districts instructional materials for use as  
34 guidelines for instruction under this section.

35 (3) This section is suspended until July 1, 2011.

1       **Sec. 18.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to  
2 read as follows:

3       (1) The office of the superintendent of public instruction shall be  
4 the lead agency and shall assist the department of social and health  
5 services, the department of community, trade, and economic development,  
6 and school districts in establishing a coordinated primary prevention  
7 program for child abuse and neglect.

8       (2) In developing the program, consideration shall be given to the  
9 following:

10       (a) Parent, teacher, and children's workshops whose information and  
11 training is:

12       (i) Provided in a clear, age-appropriate, nonthreatening manner,  
13 delineating the problem and the range of possible solutions;

14       (ii) Culturally and linguistically appropriate to the population  
15 served;

16       (iii) Appropriate to the geographic area served; and

17       (iv) Designed to help counteract common stereotypes about child  
18 abuse victims and offenders;

19       (b) Training for school age children's parents and school staff,  
20 which includes:

21       (i) Physical and behavioral indicators of abuse;

22       (ii) Crisis counseling techniques;

23       (iii) Community resources;

24       (iv) Rights and responsibilities regarding reporting;

25       (v) School district procedures to facilitate reporting and apprise  
26 supervisors and administrators of reports; and

27       (vi) Caring for a child's needs after a report is made;

28       (c) Training for licensed day care providers and parents that  
29 includes:

30       (i) Positive child guidance techniques;

31       (ii) Physical and behavioral indicators of abuse;

32       (iii) Recognizing and providing safe, quality day care;

33       (iv) Community resources;

34       (v) Rights and responsibilities regarding reporting; and

35       (vi) Caring for the abused or neglected child;

36       (d) Training for children that includes:

37       (i) The right of every child to live free of abuse;

38       (ii) How to disclose incidents of abuse and neglect;

1 (iii) The availability of support resources and how to obtain help;  
2 (iv) Child safety training and age-appropriate self-defense  
3 techniques; and

4 (v) A period for crisis counseling and reporting immediately  
5 following the completion of each children's workshop in a school  
6 setting which maximizes the child's privacy and sense of safety.

7 (3) The primary prevention program established under this section  
8 shall be a voluntary program and shall not be part of the basic program  
9 of education. The training for school staff as developed under the  
10 authority of this section by the office of the superintendent of public  
11 instruction is voluntary unless funding is specifically provided for  
12 the training.

13 (4) Parents shall be given notice of the primary prevention program  
14 and may refuse to have their children participate in the program.

15 **Sec. 19.** RCW 28A.300.405 and 2000 c 210 s 4 are each amended to  
16 read as follows:

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

24 ~~((+1))~~ (a) Educate the public regarding the history and the  
25 lessons of the World War II exclusion, removal, and detention of  
26 persons of Japanese ancestry through the development, coordination, and  
27 distribution of new educational materials and the development of  
28 curriculum materials to complement and augment resources currently  
29 available on this subject matter; and

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

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

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

36 (1) The superintendent of public instruction shall allocate grants

1 under the program established in RCW 28A.300.390 through 28A.300.415  
2 from private donations or within amounts appropriated for this specific  
3 purpose. The grants shall be awarded on a competitive basis.

4 (2) The superintendent of public instruction may contract with  
5 independent review panelists and establish an advisory panel to  
6 evaluate and make recommendations to the superintendent of public  
7 instruction based on grant applications.

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

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

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

15 (c) Projects that relate the Japanese-American exclusion and  
16 detention experience with civil rights included in the Declaration of  
17 Independence and the Constitution so that this event may be illuminated  
18 and understood in order to prevent similar violations of civil rights  
19 in the future;

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

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

25 (f) Projects that include the variety of experiences regarding the  
26 exclusion and detention of Japanese-Americans and its impact before,  
27 during, and after World War II including those Japanese-Americans who  
28 served in the military and those who were interned in department of  
29 justice camps.

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

32 (a) Involve former detainees, those excluded from the military  
33 area, and their descendants in the development and implementation of  
34 projects;

35 (b) Develop a strategy and plan for raising the level of awareness  
36 and understanding among the American public regarding the exclusion and  
37 detention of Japanese-Americans during World War II so that the causes



1 and circumstances of this and similar events may be illuminated and  
2 understood;

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

5 (d) Develop local and regional consortia of organizations and  
6 individuals engaged in similar educational, research, and development  
7 efforts;

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

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

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

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

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

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

27 (5) The superintendent of public instruction may adopt other  
28 criteria as it deems appropriate for its review of grant proposals. In  
29 reviewing projects for funding, scoring shall be based on an evaluation  
30 of all application materials including narratives, attachments, support  
31 letters, supplementary materials, and other materials that may be  
32 requested of applicants.

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

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

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

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

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

10 (8) The office may accept gifts, grants, or endowments from public  
11 or private sources for the program and may spend any gifts, grants, or  
12 endowments or income from public or private sources according to their  
13 terms.

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

16 **Sec. 21.** RCW 28A.300.455 and 2007 c 459 s 1 are each amended to  
17 read as follows:

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

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

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

27 (i) Important financial literacy skills and knowledge;

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

31 (iii) Instructional materials and programs, including schoolwide  
32 programs, that include the important financial literacy skills and  
33 knowledge;

34 (iv) Assessments and other outcome measures that schools and  
35 communities may use to determine whether students are financially  
36 literate; and

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

4 (b) Developing a structure and set of operating principles for the  
5 financial literacy public-private partnership to assist interested  
6 school districts in improving the financial literacy of their students  
7 by providing such things as financial literacy instructional materials  
8 and professional development; and

9 (c) Providing a report to the governor, the house and senate  
10 financial institutions and education committees of the legislature, the  
11 superintendent of public instruction, the state board of education, and  
12 education stakeholder groups, on the results of work of the financial  
13 literacy public-private partnership. An interim report shall be  
14 submitted to the same parties by June 30, 2007, with a final report by  
15 June 30, ((2009)) 2013.

16 **Sec. 22.** RCW 28A.320.125 and 2007 c 406 s 1 are each amended to  
17 read as follows:

18 (1) The legislature considers it to be a matter of public safety  
19 for public schools and staff to have current safe school plans and  
20 procedures in place, fully consistent with federal law. The  
21 legislature further finds and intends, by requiring safe school plans  
22 to be in place, that school districts will become eligible for federal  
23 assistance. The legislature further finds that schools are in a  
24 position to serve the community in the event of an emergency resulting  
25 from natural disasters or man-made disasters.

26 (2) Schools and school districts shall consider the guidance  
27 provided by the superintendent of public instruction, including the  
28 comprehensive school safety checklist and the model comprehensive safe  
29 school plans that include prevention, intervention, all hazard/crisis  
30 response, and postcrisis recovery, when developing their own individual  
31 comprehensive safe school plans. Each school district shall adopt, no  
32 later than September 1, 2008, and implement a safe school plan  
33 consistent with the school mapping information system pursuant to RCW  
34 36.28A.060. The plan shall:

35 (a) Include required school safety policies and procedures;

36 (b) Address emergency mitigation, preparedness, response, and  
37 recovery;

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

3 (d) Use the training guidance provided by the Washington emergency  
4 management division of the state military department in collaboration  
5 with the Washington state office of the superintendent of public  
6 instruction school safety center and the school safety center advisory  
7 committee;

8 (e) Require the building principal to be certified on the incident  
9 command system;

10 (f) Take into account the manner in which the school facilities may  
11 be used as a community asset in the event of a community-wide  
12 emergency; and

13 (g) Set guidelines for requesting city or county law enforcement  
14 agencies, local fire departments, emergency service providers, and  
15 county emergency management agencies to meet with school districts and  
16 participate in safety-related drills annually.

17 (3) School districts shall annually:

18 (a) Review and update safe school plans in collaboration with local  
19 emergency response agencies;

20 (b) Conduct an inventory of all hazardous materials;

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

23 (i) Identifying all staff members who are trained on the national  
24 incident management system, trained on the incident command system, or  
25 are certified on the incident command system; and

26 (ii) Identifying school transportation procedures for evacuation,  
27 to include bus staging areas, evacuation routes, communication systems,  
28 parent-student reunification sites, and secondary transportation  
29 agreements consistent with the school mapping information system; and

30 (d) Provide information to all staff on the use of emergency  
31 supplies and notification and alert procedures.

32 (4) School districts are required to annually record and report on  
33 the information and activities required in subsection (3) of this  
34 section to the Washington association of sheriffs and police chiefs.

35 (5) School districts are encouraged to work with local emergency  
36 management agencies and other emergency responders to conduct one  
37 tabletop exercise, one functional exercise, and two full-scale  
38 exercises within a four-year period.

1 (6) Schools shall conduct no less than one safety-related drill  
2 each month that school is in session. Schools shall complete no less  
3 than one drill using the school mapping information system, one drill  
4 for lockdowns, one drill for shelter-in-place, and six drills for fire  
5 evacuation in accordance with the state fire code. Schools should  
6 consider drills for earthquakes, tsunamis, or other high-risk local  
7 events. Schools shall document the date and time of such drills. This  
8 subsection is intended to satisfy all federal requirements for  
9 comprehensive school emergency drills and evacuations.

10 (7) Educational service districts are encouraged to apply for  
11 federal emergency response and crisis management grants with the  
12 assistance of the superintendent of public instruction and the  
13 Washington emergency management division of the state military  
14 department.

15 (8) The superintendent of public instruction may adopt rules to  
16 implement provisions of this section. These rules may include, but are  
17 not limited to, provisions for evacuations, lockdowns, or other  
18 components of a comprehensive safe school plan.

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

20 **Sec. 23.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to  
21 read as follows:

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

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

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

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

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

9       ~~((+3))~~ (2) School districts, school district boards of directors,  
10 school officials, and school employees providing notice in good faith  
11 as required and consistent with the board's policies adopted under this  
12 section are immune from any liability arising out of such notification.

13       ~~((+4))~~ (3) A person who intentionally and in bad faith or  
14 maliciously, knowingly makes a false notification of a threat under  
15 this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

16       NEW SECTION.   **Sec. 24.** The following acts or parts of acts, as now  
17 existing or hereafter amended, are each repealed:

18       (1) RCW 28A.230.040 (Physical education in grades one through  
19 eight) and 2006 c 263 s 415, 1984 c 52 s 1, & 1969 ex.s. c 223 s  
20 28A.05.030;

21       (2) RCW 28A.230.050 (Physical education in high schools) and 2006  
22 c 263 s 416, 1985 c 384 s 3, 1984 c 52 s 2, & 1969 ex.s. c 223 s  
23 28A.05.040;

24       (3) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in  
25 programming) and 1969 ex.s. c 223 s 28A.02.090;

26       (4) RCW 28A.300.185 (Family preservation education program) and  
27 2005 c 491 s 3;

28       (5) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c  
29 7 s 611; and

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

31       NEW SECTION.   **Sec. 25.** Sections 2 and 12 of this act expire  
32 September 1, 2009.

33       NEW SECTION.   **Sec. 26.** Sections 3, 8 through 11, 13, 16, 17, 19,  
34 20, and 22 of this act expire July 1, 2011.

1        NEW SECTION.   **Sec. 27.**   Sections 3 and 13 of this act take effect  
2        September 1, 2009.

3        NEW SECTION.   **Sec. 28.**   Sections 1, 2, 4 through 12, and 14 through  
4        24 of this act are necessary for the immediate preservation of the  
5        public peace, health, or safety, or support of the state government and  
6        its existing public institutions, and take effect immediately.

--- END ---