
SUBSTITUTE SENATE BILL 6604

State of Washington

61st Legislature

2010 Regular Session

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

READ FIRST TIME 02/09/10.

1 AN ACT Relating to flexibility in the education system; amending
2 RCW 28A.150.520, 28A.210.080, 28A.215.010, 28A.220.030, 28A.300.118,
3 28A.300.150, 28A.300.160, 28A.300.270, 28A.300.405, 28A.300.410,
4 28A.300.450, 28A.300.520, 28A.320.080, 28A.320.160, 28A.345.020,
5 28A.345.050, 28A.640.020, 28A.655.061, and 39.35D.040; repealing RCW
6 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.150,
7 28A.300.280, and 28A.320.185; providing an expiration date; and
8 declaring an emergency.

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

10 **Sec. 1.** RCW 28A.150.520 and 2005 c 12 s 9 are each amended to read
11 as follows:

12 To the extent funds are available, public school districts must
13 comply with high-performance public ((building{s+})) buildings
14 requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060,
15 and 28A.150.530.

16 **Sec. 2.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
17 read as follows:

18 (1) The attendance of every child at every public and private

1 school in the state and licensed day care center shall be conditioned
2 upon the presentation before or on each child's first day of attendance
3 at a particular school or center, of proof of either (a) full
4 immunization, (b) the initiation of and compliance with a schedule of
5 immunization, as required by rules of the state board of health, or (c)
6 a certificate of exemption as provided for in RCW 28A.210.090. The
7 attendance at the school or the day care center during any subsequent
8 school year of a child who has initiated a schedule of immunization
9 shall be conditioned upon the presentation of proof of compliance with
10 the schedule on the child's first day of attendance during the
11 subsequent school year. Once proof of full immunization or proof of
12 completion of an approved schedule has been presented, no further proof
13 shall be required as a condition to attendance at the particular school
14 or center.

15 (2)(a) Beginning with sixth grade entry, every public and private
16 school in the state shall provide parents and guardians with access to
17 information about meningococcal disease and its vaccine at the
18 beginning of every school year. Providing online access to the
19 information satisfies the requirements of this section unless a parent
20 or guardian specifically requests information to be provided in written
21 form. The information about meningococcal disease shall include:

22 (i) Its causes and symptoms, how meningococcal disease is spread,
23 and the places where parents and guardians may obtain additional
24 information and vaccinations for their children; and

25 (ii) Current recommendations from the United States centers for
26 disease control and prevention regarding the receipt of vaccines for
27 meningococcal disease and where the vaccination can be received.

28 (b) This subsection shall not be construed to require the
29 department of health or the school to provide meningococcal vaccination
30 to students.

31 (c) The department of health shall prepare the informational
32 materials and shall consult with the office of superintendent of public
33 instruction.

34 (d) This subsection does not create a private right of action.

35 (3)(a) Beginning with sixth grade entry, every public school in the
36 state shall provide parents and guardians with access to information
37 about human papillomavirus disease and its vaccine at the beginning of
38 every school year. Providing online access to the information

1 satisfies the requirements of this section unless a parent or guardian
2 specifically requests information to be provided in written form. The
3 information about human papillomavirus disease shall include:

4 (i) Its causes and symptoms, how human papillomavirus disease is
5 spread, and the places where parents and guardians may obtain
6 additional information and vaccinations for their children; and

7 (ii) Current recommendations from the United States centers for
8 disease control and prevention regarding the receipt of vaccines for
9 human papillomavirus disease and where the vaccination can be received.

10 (b) This subsection shall not be construed to require the
11 department of health or the school to provide human papillomavirus
12 vaccination to students.

13 (c) The department of health shall prepare the informational
14 materials and shall consult with the office of the superintendent of
15 public instruction.

16 (d) This subsection does not create a private right of action.

17 (4) Private schools are required by state law to notify parents
18 that information on the human papillomavirus disease prepared by the
19 department of health is available.

20 **Sec. 3.** RCW 28A.215.010 and 2006 c 263 s 410 are each amended to
21 read as follows:

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

1 necessary, supplement such funds as are received for the superintendent
2 of public instruction or any agency of the federal government, by an
3 appropriation from the general school fund of the district.

4 **Sec. 4.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to
5 read as follows:

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

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

31 (3) The board of directors of a school district, or combination of
32 school districts, may contract with any drivers' school licensed under
33 the provisions of chapter 46.82 RCW to teach the laboratory phase of
34 the traffic safety education course. Instructors provided by any such
35 contracting drivers' school must be properly qualified teachers of
36 traffic safety education under the joint qualification requirements

1 adopted by the superintendent of public instruction and the director of
2 licensing.

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

7 (5) By January 1, 2011, the superintendent shall survey districts
8 regarding the impact of the rules and minimum hours of training
9 established under the authority of this section. The superintendent
10 shall revise the rules and minimum hours based on that survey in order
11 to reduce the burden on school districts.

12 **Sec. 5.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to
13 read as follows:

14 (1) Beginning with the ((2000-01)) 2011-12 school year, the
15 superintendent of public instruction shall notify senior high schools
16 and any other public school that includes ninth grade of the names and
17 contact information of public and private entities offering programs
18 leading to college credit, including information about online advanced
19 placement classes, if the superintendent has knowledge of such entities
20 and if the cost of reporting these entities is minimal.

21 (2) Beginning with the ((2000-01)) 2011-12 school year, each senior
22 high school and any other public school that includes ninth grade shall
23 publish annually and deliver to each parent with children enrolled in
24 ninth through twelfth grades, information concerning the entrance
25 requirements and the availability of programs in the local area that
26 lead to college credit, including classes such as advanced placement,
27 running start, tech-prep, skill centers, college in the high school,
28 and international baccalaureate programs. The information may be
29 included with other information the school regularly mails to parents.
30 In addition, each senior high school and any other public school that
31 includes ninth grade shall enclose information of the names and contact
32 information of other public or private entities offering such programs,
33 including online advanced placement programs, to its ninth through
34 twelfth grade students if the school has knowledge of such entities.

35 **Sec. 6.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to
36 read as follows:

1 The superintendent of public instruction shall collect and
2 disseminate to school districts information on child abuse and neglect
3 prevention curriculum and shall adopt rules dealing with the prevention
4 of child abuse for purposes of curriculum use in the common schools.
5 The superintendent of public instruction and the departments of social
6 and health services and ((community, trade, and economic development))
7 commerce shall share relevant information. Providing online access to
8 the information satisfies the requirements of this section unless a
9 parent or guardian specifically requests information to be provided in
10 written form.

11 **Sec. 7.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to
12 read as follows:

13 (1) The office of the superintendent of public instruction shall be
14 the lead agency and shall assist the department of social and health
15 services, the department of ((community, trade, and economic
16 development)) commerce, and school districts in establishing a
17 coordinated primary prevention program for child abuse and neglect.

18 (2) In developing the program, consideration shall be given to the
19 following:

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

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

24 (ii) Culturally and linguistically appropriate to the population
25 served;

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

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

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

31 (i) Physical and behavioral indicators of abuse;

32 (ii) Crisis counseling techniques;

33 (iii) Community resources;

34 (iv) Rights and responsibilities regarding reporting;

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

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

1 (c) Training for licensed day care providers and parents that
2 includes:

- 3 (i) Positive child guidance techniques;
- 4 (ii) Physical and behavioral indicators of abuse;
- 5 (iii) Recognizing and providing safe, quality day care;
- 6 (iv) Community resources;
- 7 (v) Rights and responsibilities regarding reporting; and
- 8 (vi) Caring for the abused or neglected child;
- 9 (d) Training for children that includes:

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

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

12 (iii) The availability of support resources and how to obtain help;

13 (iv) Child safety training and age-appropriate self-defense
14 techniques; and

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

18 (3) The office of the superintendent of public instruction shall
19 not require annual training under subsection (2) of this section. The
20 office of the superintendent of public instruction may consider
21 offering training every four years, except for new employees who shall
22 receive training within the first year of their hire date. School
23 districts are encouraged to work with private or nonprofit entities
24 that have the ability to provide the appropriate training for staff in
25 accordance with this section.

26 (4) The primary prevention program established under this section
27 shall be a voluntary program and shall not be part of the basic program
28 of education.

29 ((+4)) (5) Parents shall be given notice of the primary prevention
30 program and may refuse to have their children participate in the
31 program.

32 **Sec. 8.** RCW 28A.300.270 and 1994 sp.s. c 7 s 602 are each amended
33 to read as follows:

34 (1) The superintendent of public instruction shall, to the extent
35 funding is available, contract with school districts, educational
36 service districts, and approved in-service providers to conduct
37 training sessions for school certificated and classified employees in

1 conflict resolution and other violence prevention topics. The training
2 shall be developmentally and culturally appropriate for the school
3 populations being served and be research based. The training shall not
4 be based solely on providing materials, but also shall include
5 techniques on imparting these skills to students. The training
6 sessions shall be developed in coordination with school districts, the
7 superintendent of public instruction, parents, law enforcement
8 agencies, human services providers, and other interested parties. The
9 training shall be offered to school districts and school staff
10 requesting the training, and shall be made available at locations
11 throughout the state.

12 (2) The office of the superintendent of public instruction shall
13 not require annual training sessions. The training may be offered
14 every four years.

15 **Sec. 9.** 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, 2013.

34 **Sec. 10.** 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, 2013.

16 **Sec. 11.** RCW 28A.300.450 and 2009 c 443 s 1 are each amended to
17 read as follows:

18 (1) A financial education public-private partnership is
19 established, composed of the following members:

20 (a) Four members of the legislature, with one member from each
21 caucus of the house of representatives appointed by the speaker of the
22 house of representatives, and one member from each caucus of the senate
23 appointed by the president of the senate;

24 (b) Four representatives from the private for-profit and nonprofit
25 financial services sector, including at least one representative from
26 the jumpstart coalition, to be appointed by the governor;

27 (c) Four teachers to be appointed by the superintendent of public
28 instruction, with one each representing the elementary, middle,
29 secondary, and postsecondary education sectors;

30 (d) A representative from the department of financial institutions
31 to be appointed by the director;

32 (e) Two representatives from the office of the superintendent of
33 public instruction, with one involved in curriculum development and one
34 involved in teacher professional development, to be appointed by the
35 superintendent.

36 (2) The chair of the partnership shall be selected by the members
37 of the partnership from among the legislative members.

1 (3) To the extent funds are appropriated or are available for this
2 purpose, the partnership may hire a staff person who shall reside in
3 the office of the superintendent of public instruction for
4 administrative purposes. Additional technical and logistical support
5 may be provided by the office of the superintendent of public
6 instruction, the department of financial institutions, the
7 organizations composing the partnership, and other participants in the
8 financial education public-private partnership.

9 (4) The members of the partnership shall be appointed by August 1,
10 2009.

11 (5) Legislative members of the partnership shall receive per diem
12 and travel under RCW 44.04.120.

13 (6) Travel and other expenses of members of the partnership shall
14 be provided by the agency, association, or organization that member
15 represents.

16 (7) This section shall be implemented to the extent funds are
17 available.

18 (8) Except to the extent private funds are available, this section
19 is suspended until July 1, 2013.

20 **Sec. 12.** RCW 28A.300.520 and 2009 c 578 s 9 are each amended to
21 read as follows:

22 (1) The superintendent of public instruction shall review current
23 policies and assess the adequacy and availability of programs targeted
24 at children who have a parent who is incarcerated in a department of
25 corrections facility. The superintendent of public instruction shall
26 adopt policies that support the children of incarcerated parents and
27 meet their needs with the goal of facilitating normal child
28 development, including maintaining adequate academic progress, while
29 reducing intergenerational incarceration.

30 (2) To the extent funds are available, the superintendent shall
31 conduct the following activities to assist in implementing the
32 requirements of subsection (1) of this section:

33 (a) Gather information and data on the students who are the
34 children of inmates incarcerated in department of corrections
35 facilities; and

36 (b) Participate in the children of incarcerated parents advisory

1 committee and report information obtained under this section to the
2 advisory committee.

3 (3) This section is suspended until July 1, 2013.

4 **Sec. 13.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to
5 read as follows:

6 Every board of directors, unless otherwise specifically provided by
7 law, shall:

8 (1) Provide for the expenditure of a reasonable amount for suitable
9 commencement exercises;

10 (2) (~~In addition to providing~~) To the extent funds are available,
11 provide free instruction in lip reading for children disabled by
12 defective hearing(~~(7)~~) and make arrangements for free instruction in
13 lip reading to adults disabled by defective hearing whenever in its
14 judgment such instruction appears to be in the best interests of the
15 school district and adults concerned;

16 (3) Join with boards of directors of other school districts or an
17 educational service district pursuant to RCW 28A.310.180(3), or both
18 such school districts and educational service district in buying
19 supplies, equipment and services by establishing and maintaining a
20 joint purchasing agency, or otherwise, when deemed for the best
21 interests of the district, any joint agency formed hereunder being
22 herewith authorized and empowered to issue interest bearing warrants in
23 payment of any obligation owed: PROVIDED, HOWEVER, That those agencies
24 issuing interest bearing warrants shall assign accounts receivable in
25 an amount equal to the amount of the outstanding interest bearing
26 warrants to the county treasurer issuing such interest bearing
27 warrants: PROVIDED FURTHER, That the joint purchasing agency shall
28 consider the request of any one or more private schools requesting the
29 agency to jointly buy supplies, equipment, and services including but
30 not limited to school bus maintenance services, and, after considering
31 such request, may cooperate with and jointly make purchases with
32 private schools of supplies, equipment, and services, including but not
33 limited to school bus maintenance services, so long as such private
34 schools pay in advance their proportionate share of the costs or
35 provide a surety bond to cover their proportionate share of the costs
36 involved in such purchases;

1 (4) Consider the request of any one or more private schools
2 requesting the board to jointly buy supplies, equipment and services
3 including but not limited to school bus maintenance services, and,
4 after considering such request, may provide such joint purchasing
5 services: PROVIDED, That such private schools pay in advance their
6 proportionate share of the costs or provide a surety bond to cover
7 their proportionate share of the costs involved in such purchases; and
8 (5) Prepare budgets as provided for in chapter 28A.505 RCW.

9 **Sec. 14.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to
10 read as follows:

11 School districts must, at the first opportunity but in all cases
12 within forty-eight hours of receiving a report alleging sexual
13 misconduct by a school employee, notify the parents of a student
14 alleged to be the victim, target, or recipient of the misconduct.
15 (~~School districts shall provide parents with~~) The notification shall
16 include information regarding (~~their~~) parents' rights under the
17 public records act, chapter 42.56 RCW, to request the public records
18 regarding school employee discipline. This information shall be
19 provided to all parents on an annual basis. Providing online access to
20 the information satisfies the requirements of this section unless a
21 parent or guardian specifically requests information to be provided in
22 written form.

23 **Sec. 15.** RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are
24 each amended to read as follows:

25 The membership of the school directors' association (~~shall~~) may
26 comprise the members of the boards of directors of the school districts
27 of the state.

28 **Sec. 16.** RCW 28A.345.050 and 1983 c 187 s 2 are each amended to
29 read as follows:

30 The school directors' association may establish a graduated
31 schedule of dues for members of the association based upon the number
32 of certificated personnel in each district. Dues shall be established
33 for the directors of each district as a group. The total of all dues
34 assessed shall not exceed twenty-seven cents for each one thousand
35 dollars of the statewide total of all school districts' general fund

1 receipts. The board of directors of a school district shall make
2 provision for payment out of the general fund of the district of the
3 dues of association members resident in the district, which payment
4 shall be made in the manner provided by law for the payment of other
5 claims against the general fund of the district. The dues for each
6 member school district shall be due and payable on the first day of
7 January of each year.

8 **Sec. 17.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
9 read as follows:

10 (1) The superintendent of public instruction shall develop
11 (~~regulations~~) rules and guidelines to eliminate sex discrimination as
12 it applies to public school employment, counseling and guidance
13 services to students, recreational and athletic activities for
14 students, access to course offerings, and in textbooks and
15 instructional materials used by students.

16 (a) Specifically with respect to public school employment, all
17 schools shall be required to:

18 (i) Maintain credential requirements for all personnel without
19 regard to sex;

20 (ii) Make no differentiation in pay scale on the basis of sex;

21 (iii) Assign school duties without regard to sex except where such
22 assignment would involve duty in areas or situations, such as but not
23 limited to a shower room, where persons might be disrobed;

24 (iv) Provide the same opportunities for advancement to males and
25 females; and

26 (v) Make no difference in conditions of employment including, but
27 not limited to, hiring practices, leaves of absence, hours of
28 employment, and assignment of, or pay for, instructional and
29 noninstructional duties, on the basis of sex.

30 (b) Specifically with respect to counseling and guidance services
31 for students, they shall be made available to all students equally.
32 All certificated personnel shall be required to stress access to all
33 career and vocational opportunities to students without regard to sex.

34 (c) Specifically with respect to recreational and athletic
35 activities, they shall be offered to all students without regard to
36 sex. Schools may provide separate teams for each sex. Schools which
37 provide the following shall do so with no disparities based on sex:

1 Equipment and supplies; medical care; services and insurance;
2 transportation and per diem allowances; opportunities to receive
3 coaching and instruction; laundry services; assignment of game
4 officials; opportunities for competition, publicity and awards;
5 scheduling of games and practice times including use of courts, gyms,
6 and pools: PROVIDED, That such scheduling of games and practice times
7 shall be determined by local administrative authorities after
8 consideration of the public and student interest in attending and
9 participating in various recreational and athletic activities. Each
10 school which provides showers, toilets, or training room facilities for
11 athletic purposes shall provide comparable facilities for both sexes.
12 Such facilities may be provided either as separate facilities or shall
13 be scheduled and used separately by each sex.

14 The superintendent of public instruction shall also be required to
15 develop a student survey to distribute every three years to each local
16 school district in the state to determine student interest for
17 male/female participation in specific sports.

18 (d) Specifically with respect to course offerings, all classes
19 shall be required to be available to all students without regard to
20 sex: PROVIDED, That separation is permitted within any class during
21 sessions on sex education or gym classes.

22 (e) Specifically with respect to textbooks and instructional
23 materials, which shall also include, but not be limited to, reference
24 books and audio-visual materials, they shall be required to adhere to
25 the guidelines developed by the superintendent of public instruction to
26 implement the intent of this chapter: PROVIDED, That this subsection
27 shall not be construed to prohibit the introduction of material deemed
28 appropriate by the instructor for educational purposes.

29 (2)(a) By December 31, 1994, the superintendent of public
30 instruction shall develop criteria for use by school districts in
31 developing sexual harassment policies as required under (b) of this
32 subsection. The criteria shall address the subjects of grievance
33 procedures, remedies to victims of sexual harassment, disciplinary
34 actions against violators of the policy, and other subjects at the
35 discretion of the superintendent of public instruction. Disciplinary
36 actions must conform with collective bargaining agreements and state
37 and federal laws. The superintendent of public instruction also shall
38 supply sample policies to school districts upon request.

1 (b) By June 30, 1995, every school district shall adopt and
2 implement a written policy concerning sexual harassment. The policy
3 shall apply to all school district employees, volunteers, parents, and
4 students, including, but not limited to, conduct between students.

5 (c) School district policies on sexual harassment shall be reviewed
6 by the superintendent of public instruction considering the criteria
7 established under (a) of this subsection as part of the monitoring
8 process established in RCW 28A.640.030.

9 (d) The school district's sexual harassment policy shall be
10 conspicuously posted throughout each school building, and provided to
11 each employee. Employees may be provided the policy online. A copy of
12 the policy shall appear in any publication of the school or school
13 district setting forth the rules, ~~((regulations,))~~ procedures, and
14 standards of conduct for the school or school district.

15 (e) Each school shall develop a process for discussing the
16 district's sexual harassment policy. The process shall ensure the
17 discussion addresses the definition of sexual harassment and issues
18 covered in the sexual harassment policy.

19 (f) The office of the superintendent of public instruction shall
20 not require annual training to address the policies of this section.
21 Beginning in 2013, training may be offered every four years, except for
22 new employees who shall receive training within the first year of their
23 hire date.

24 (g) "Sexual harassment" as used in this section means unwelcome
25 sexual advances, requests for sexual favors, sexually motivated
26 physical contact, or other verbal or physical conduct or communication
27 of a sexual nature if:

28 (i) Submission to that conduct or communication is made a term or
29 condition, either explicitly or implicitly, of obtaining an education
30 or employment;

31 (ii) Submission to or rejection of that conduct or communication by
32 an individual is used as a factor in decisions affecting that
33 individual's education or employment; or

34 (iii) That conduct or communication has the purpose or effect of
35 substantially interfering with an individual's educational or work
36 performance, or of creating an intimidating, hostile, or offensive
37 educational or work environment.

1 **Sec. 18.** RCW 28A.655.061 and 2009 c 524 s 5 are each amended to
2 read as follows:

3 (1) The high school assessment system shall include but need not be
4 limited to the Washington assessment of student learning, opportunities
5 for a student to retake the content areas of the assessment in which
6 the student was not successful, and if approved by the legislature
7 pursuant to subsection (10) of this section, one or more objective
8 alternative assessments for a student to demonstrate achievement of
9 state academic standards. The objective alternative assessments for
10 each content area shall be comparable in rigor to the skills and
11 knowledge that the student must demonstrate on the Washington
12 assessment of student learning for each content area.

13 (2) Subject to the conditions in this section, a certificate of
14 academic achievement shall be obtained by most students at about the
15 age of sixteen, and is evidence that the students have successfully met
16 the state standard in the content areas included in the certificate.
17 With the exception of students satisfying the provisions of RCW
18 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
19 for graduation from a public high school but is not the only
20 requirement for graduation.

21 (3) Beginning with the graduating class of 2008, with the exception
22 of students satisfying the provisions of RCW 28A.155.045, a student who
23 meets the state standards on the reading, writing, and mathematics
24 content areas of the high school Washington assessment of student
25 learning shall earn a certificate of academic achievement. If a
26 student does not successfully meet the state standards in one or more
27 content areas required for the certificate of academic achievement,
28 then the student may retake the assessment in the content area up to
29 four times at no cost to the student. If the student successfully
30 meets the state standards on a retake of the assessment then the
31 student shall earn a certificate of academic achievement. Once
32 objective alternative assessments are authorized pursuant to subsection
33 (10) of this section, a student may use the objective alternative
34 assessments to demonstrate that the student successfully meets the
35 state standards for that content area if the student has taken the
36 Washington assessment of student learning at least once. If the
37 student successfully meets the state standards on the objective

1 alternative assessments then the student shall earn a certificate of
2 academic achievement.

3 (4) Beginning no later than with the graduating class of 2013, a
4 student must meet the state standards in science in addition to the
5 other content areas required under subsection (3) of this section on
6 the Washington assessment of student learning or the objective
7 alternative assessments in order to earn a certificate of academic
8 achievement. The state board of education may adopt a rule that
9 implements the requirements of this subsection (4) beginning with a
10 graduating class before the graduating class of 2013, if the state
11 board of education adopts the rule by September 1st of the freshman
12 school year of the graduating class to which the requirements of this
13 subsection (4) apply. The state board of education's authority under
14 this subsection (4) does not alter the requirement that any change in
15 performance standards for the tenth grade assessment must comply with
16 RCW 28A.305.130.

17 (5) The state board of education may not require the acquisition of
18 the certificate of academic achievement for students in home-based
19 instruction under chapter 28A.200 RCW, for students enrolled in private
20 schools under chapter 28A.195 RCW, or for students satisfying the
21 provisions of RCW 28A.155.045.

22 (6) A student may retain and use the highest result from each
23 successfully completed content area of the high school assessment.

24 (7) School districts must make available to students the following
25 options:

26 (a) To retake the Washington assessment of student learning up to
27 four times in the content areas in which the student did not meet the
28 state standards if the student is enrolled in a public school; or

29 (b) To retake the Washington assessment of student learning up to
30 four times in the content areas in which the student did not meet the
31 state standards if the student is enrolled in a high school completion
32 program at a community or technical college. The superintendent of
33 public instruction and the state board for community and technical
34 colleges shall jointly identify means by which students in these
35 programs can be assessed.

36 (8) Students who achieve the standard in a content area of the high
37 school assessment but who wish to improve their results shall pay for

1 retaking the assessment, using a uniform cost determined by the
2 superintendent of public instruction.

3 (9) Opportunities to retake the assessment at least twice a year
4 shall be available to each school district.

5 (10)(a) The office of the superintendent of public instruction
6 shall develop options for implementing objective alternative
7 assessments, which may include an appeals process for students' scores,
8 for students to demonstrate achievement of the state academic
9 standards. The objective alternative assessments shall be comparable
10 in rigor to the skills and knowledge that the student must demonstrate
11 on the Washington assessment of student learning and be objective in
12 its determination of student achievement of the state standards.
13 Before any objective alternative assessments in addition to those
14 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
15 student to demonstrate that the student has met the state standards in
16 a content area required to obtain a certificate, the legislature shall
17 formally approve the use of any objective alternative assessments
18 through the omnibus appropriations act or by statute or concurrent
19 resolution.

20 (b)(i) A student's score on the mathematics, reading or English, or
21 writing portion of the SAT or the ACT may be used as an objective
22 alternative assessment under this section for demonstrating that a
23 student has met or exceeded the state standards for the certificate of
24 academic achievement. The state board of education shall identify the
25 scores students must achieve on the relevant portion of the SAT or ACT
26 to meet or exceed the state standard in the relevant content area on
27 the Washington assessment of student learning. The state board of
28 education shall identify the first scores by December 1, 2007. After
29 the first scores are established, the state board may increase but not
30 decrease the scores required for students to meet or exceed the state
31 standards.

32 (ii) Until August 31, 2008, a student's score on the mathematics
33 portion of the PSAT may be used as an objective alternative assessment
34 under this section for demonstrating that a student has met or exceeded
35 the state standard for the certificate of academic achievement. The
36 state board of education shall identify the score students must achieve
37 on the mathematics portion of the PSAT to meet or exceed the state

1 standard in that content area on the Washington assessment of student
2 learning.

3 (iii) A student who scores at least a three on the grading scale of
4 one to five for selected AP examinations may use the score as an
5 objective alternative assessment under this section for demonstrating
6 that a student has met or exceeded state standards for the certificate
7 of academic achievement. A score of three on the AP examinations in
8 calculus or statistics may be used as an alternative assessment for the
9 mathematics portion of the Washington assessment of student learning.
10 A score of three on the AP examinations in English language and
11 composition may be used as an alternative assessment for the writing
12 portion of the Washington assessment of student learning. A score of
13 three on the AP examinations in English literature and composition,
14 macroeconomics, microeconomics, psychology, United States history,
15 world history, United States government and politics, or comparative
16 government and politics may be used as an alternative assessment for
17 the reading portion of the Washington assessment of student learning.

18 (11) By December 15, 2004, the house of representatives and senate
19 education committees shall obtain information and conclusions from
20 recognized, independent, national assessment experts regarding the
21 validity and reliability of the high school Washington assessment of
22 student learning for making individual student high school graduation
23 determinations.

24 ~~((12) To help assure continued progress in academic achievement as
25 a foundation for high school graduation and to assure that students are
26 on track for high school graduation, each school district shall prepare
27 plans for and notify students and their parents or legal guardians as
28 provided in this subsection (12).~~

29 ~~(a) Student learning plans are required for eighth through twelfth
30 grade students who were not successful on any or all of the content
31 areas of the Washington assessment for student learning during the
32 previous school year or who may not be on track to graduate due to
33 credit deficiencies or absences. The parent or legal guardian shall be
34 notified about the information in the student learning plan, preferably
35 through a parent conference and at least annually. To the extent
36 feasible, schools serving English language learner students and their
37 parents shall translate the plan into the primary language of the~~

1 family. The plan shall include the following information as
2 applicable:

- 3 (i) The student's results on the Washington assessment of student
4 learning;
- 5 (ii) If the student is in the transitional bilingual program, the
6 score on his or her Washington language proficiency test II;
- 7 (iii) Any credit deficiencies;
- 8 (iv) The student's attendance rates over the previous two years;
- 9 (v) The student's progress toward meeting state and local
10 graduation requirements;
- 11 (vi) The courses, competencies, and other steps needed to be taken
12 by the student to meet state academic standards and stay on track for
13 graduation;
- 14 (vii) Remediation strategies and alternative education options
15 available to students, including informing students of the option to
16 continue to receive instructional services after grade twelve or until
17 the age of twenty-one;
- 18 (viii) The alternative assessment options available to students
19 under this section and RCW 28A.655.065;
- 20 (ix) School district programs, high school courses, and career and
21 technical education options available for students to meet graduation
22 requirements; and
- 23 (x) Available programs offered through skill centers or community
24 and technical colleges, including the college high school diploma
25 options under RCW 28B.50.535.

26 (b) All fifth grade students who were not successful in one or more
27 of the content areas of the fourth grade Washington assessment of
28 student learning shall have a student learning plan.

- 29 (i) The parent or guardian of the student shall be notified,
30 preferably through a parent conference, of the student's results on the
31 Washington assessment of student learning, actions the school intends
32 to take to improve the student's skills in any content area in which
33 the student was unsuccessful, and provide strategies to help them
34 improve their student's skills.
- 35 (ii) Progress made on the student plan shall be reported to the
36 student's parents or guardian at least annually and adjustments to the
37 plan made as necessary.))

1 **Sec. 19.** RCW 39.35D.040 and 2006 c 263 s 331 are each amended to
2 read as follows:

3 (1) All major facility projects of public school districts
4 receiving any funding in a state capital budget must be designed and
5 constructed to at least the LEED silver standard or the Washington
6 sustainable school design protocol. To the extent appropriate LEED
7 silver or Washington sustainable school design protocol standards exist
8 for the type of building or facility, this subsection applies to major
9 facility projects that have not received project approval from the
10 superintendent of public instruction prior to: (a) July 1, 2006, for
11 volunteering school districts; (b) July 1, 2007, for class one school
12 districts; and (c) July 1, 2008, for class two school districts.

13 (2) Public school districts under this section shall: (a) Monitor
14 and document appropriate operating benefits and savings resulting from
15 major facility projects designed and constructed as required under this
16 section for a minimum of five years following local board acceptance of
17 a project receiving state funding; and (b) report annually to the
18 superintendent of public instruction. The form and content of each
19 report must be mutually developed by the office of the superintendent
20 of public instruction in consultation with school districts.

21 (3) The superintendent of public instruction shall consolidate the
22 reports required in subsection (2) of this section into one report and
23 report to the governor and legislature by September 1st of each even-
24 numbered year beginning in 2006 and ending in 2016. In its report, the
25 superintendent of public instruction shall also report on the
26 implementation of this chapter, including reasons why the LEED standard
27 or Washington sustainable school design protocol was not used as
28 required by RCW 39.35D.020(5)(b). The superintendent of public
29 instruction shall make recommendations regarding the ongoing
30 implementation of this chapter, including a discussion of incentives
31 and disincentives related to implementing this chapter.

32 (4) The superintendent of public instruction shall develop and
33 issue guidelines for administering this chapter for public school
34 districts. The purpose of the guidelines is to define a procedure and
35 method for employing and verifying compliance with the LEED silver
36 standard or the Washington sustainable school design protocol.

37 (5) The superintendent of public instruction shall utilize the
38 school facilities advisory board as a high-performance buildings

1 advisory committee comprised of affected public schools, the
2 superintendent of public instruction, the department, and others at the
3 superintendent of public instruction's discretion to provide advice on
4 implementing this chapter. Among other duties, the advisory committee
5 shall make recommendations regarding an education and training process
6 and an ongoing evaluation or feedback process to help the
7 superintendent of public instruction implement this chapter.

8 (6) School districts are required to comply with this section only
9 to the extent federal or state funds are available.

10 NEW SECTION. **Sec. 20.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 28A.210.130 (Immunization program--Superintendent of public
13 instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s
14 4;

15 (2) RCW 28A.220.050 (Information on proper use of left-hand lane)
16 and 1986 c 93 s 4;

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

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

21 (5) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in
22 programming) and 1969 ex.s. c 223 s 28A.02.090;

23 (6) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c
24 7 s 611; and

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

26 NEW SECTION. **Sec. 21.** Sections 9 through 12 of this act expire
27 July 1, 2013.

28 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 immediately.

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