
SENATE BILL 5191

State of Washington

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By Senators Hobbs, King, Hewitt, Haugen, Ranker, Litzow, Kilmer, Hill, McAuliffe, Harper, White, Tom, Rockefeller, Becker, and Parlette

Read first time 01/18/11. Referred to Committee on Early Learning & K-12 Education.

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

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

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

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

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

17 (1) The attendance of every child at every public and private
18 school in the state and licensed day care center shall be conditioned

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

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

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

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

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

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

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

34 (3)(a) Beginning with sixth grade entry, every public school in the
35 state shall provide parents and guardians with access to information
36 about human papillomavirus disease and its vaccine at the beginning of
37 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.220.030 and 2000 c 115 s 9 are each amended to
21 read as follows:

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

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

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

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

22 (5) By January 1, 2013, the superintendent shall survey districts
23 regarding the impact of the rules and minimum hours of training
24 established under the authority of this section. The superintendent
25 shall revise the rules and minimum hours based on that survey in order
26 to reduce the burden on school districts.

27 **Sec. 4.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to
28 read as follows:

29 (1) Beginning with the ((2000-01)) 2013-14 school year, the
30 superintendent of public instruction shall notify senior high schools
31 and any other public school that includes ninth grade of the names and
32 contact information of public and private entities offering programs
33 leading to college credit, including information about online advanced
34 placement classes, if the superintendent has knowledge of such entities
35 and if the cost of reporting these entities is minimal.

36 (2) Beginning with the ((2000-01)) 2013-14 school year, each senior
37 high school and any other public school that includes ninth grade shall

1 publish annually and deliver to each parent with children enrolled in
2 ninth through twelfth grades, information concerning the entrance
3 requirements and the availability of programs in the local area that
4 lead to college credit, including classes such as advanced placement,
5 running start, tech-prep, skill centers, college in the high school,
6 and international baccalaureate programs. The information may be
7 included with other information the school regularly mails to parents.
8 In addition, each senior high school and any other public school that
9 includes ninth grade shall enclose information of the names and contact
10 information of other public or private entities offering such programs,
11 including online advanced placement programs, to its ninth through
12 twelfth grade students if the school has knowledge of such entities.

13 **Sec. 5.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to
14 read as follows:

15 The superintendent of public instruction shall collect and
16 disseminate to school districts information on child abuse and neglect
17 prevention curriculum and shall adopt rules dealing with the prevention
18 of child abuse for purposes of curriculum use in the common schools.
19 The superintendent of public instruction and the departments of social
20 and health services and (~~community, trade, and economic development~~)
21 commerce shall share relevant information. Providing online access to
22 the information satisfies the requirements of this section unless a
23 parent or guardian specifically requests information to be provided in
24 written form.

25 **Sec. 6.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to
26 read as follows:

27 (1) The office of the superintendent of public instruction shall be
28 the lead agency and shall assist the department of social and health
29 services, the department of (~~community, trade, and economic~~
30 ~~development~~) commerce, and school districts in establishing a
31 coordinated primary prevention program for child abuse and neglect.

32 (2) In developing the program, consideration shall be given to the
33 following:

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

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

3 (ii) Culturally and linguistically appropriate to the population
4 served;

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

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

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

10 (i) Physical and behavioral indicators of abuse;

11 (ii) Crisis counseling techniques;

12 (iii) Community resources;

13 (iv) Rights and responsibilities regarding reporting;

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

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

17 (c) Training for licensed day care providers and parents that
18 includes:

19 (i) Positive child guidance techniques;

20 (ii) Physical and behavioral indicators of abuse;

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

22 (iv) Community resources;

23 (v) Rights and responsibilities regarding reporting; and

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

25 (d) Training for children that includes:

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

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

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

29 (iv) Child safety training and age-appropriate self-defense
30 techniques; and

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

34 (3) The office of the superintendent of public instruction shall
35 not require annual training under subsection (2) of this section. The
36 office of the superintendent of public instruction may consider
37 offering training every four years, except for new employees who shall
38 receive training within the first year of their hire date. School

1 districts are encouraged to work with private or nonprofit entities
2 that have the ability to provide the appropriate training for staff in
3 accordance with this section.

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

7 ((+4)) (5) Parents shall be given notice of the primary prevention
8 program and may refuse to have their children participate in the
9 program.

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

12 (1) The superintendent of public instruction shall, to the extent
13 funding is available, contract with school districts, educational
14 service districts, and approved in-service providers to conduct
15 training sessions for school certificated and classified employees in
16 conflict resolution and other violence prevention topics. The training
17 shall be developmentally and culturally appropriate for the school
18 populations being served and be research based. The training shall not
19 be based solely on providing materials, but also shall include
20 techniques on imparting these skills to students. The training
21 sessions shall be developed in coordination with school districts, the
22 superintendent of public instruction, parents, law enforcement
23 agencies, human services providers, and other interested parties. The
24 training shall be offered to school districts and school staff
25 requesting the training, and shall be made available at locations
26 throughout the state.

27 (2) The office of the superintendent of public instruction shall
28 not require annual training sessions. The training may be offered
29 every four years.

30 **Sec. 8.** RCW 28A.300.405 and 2000 c 210 s 4 are each amended to
31 read as follows:

32 (1) Consistent with the legislative findings in RCW 28A.300.390,
33 the legislature shall establish the Washington civil liberties public
34 education program. The program provides grants for the purpose of
35 establishing a legacy of remembrance as part of a continuing process of

1 recovery from the World War II exclusion and detention of individuals
2 of Japanese ancestry. The program is created to do one or both of the
3 following:

4 ~~((+1))~~ (a) Educate the public regarding the history and the
5 lessons of the World War II exclusion, removal, and detention of
6 persons of Japanese ancestry through the development, coordination, and
7 distribution of new educational materials and the development of
8 curriculum materials to complement and augment resources currently
9 available on this subject matter; and

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

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

14 **Sec. 9.** RCW 28A.300.410 and 2000 c 210 s 5 are each amended to
15 read as follows:

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

20 (2) The superintendent of public instruction may contract with
21 independent review panelists and establish an advisory panel to
22 evaluate and make recommendations to the superintendent of public
23 instruction based on grant applications.

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

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

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

31 (c) Projects that relate the Japanese-American exclusion and
32 detention experience with civil rights included in the Declaration of
33 Independence and the Constitution so that this event may be illuminated
34 and understood in order to prevent similar violations of civil rights
35 in the future;

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

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

4 (f) Projects that include the variety of experiences regarding the
5 exclusion and detention of Japanese-Americans and its impact before,
6 during, and after World War II including those Japanese-Americans who
7 served in the military and those who were interned in department of
8 justice camps.

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

11 (a) Involve former detainees, those excluded from the military
12 area, and their descendants in the development and implementation of
13 projects;

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

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

21 (d) Develop local and regional consortia of organizations and
22 individuals engaged in similar educational, research, and development
23 efforts;

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

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

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

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

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

37 (j) Add relevant materials to or catalogue relevant materials in
38 libraries and other repositories for the creation, publication, and

1 distribution of bibliographies, curriculum guides, oral histories, and
2 other resource directories and supporting the continued development of
3 scholarly work on this subject by making a broad range of archival,
4 library, and research materials more accessible to the American public.

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

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

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

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

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

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

25 (8) The office may accept gifts, grants, or endowments from public
26 or private sources for the program and may spend any gifts, grants, or
27 endowments or income from public or private sources according to their
28 terms.

29 (9) Except to the extent private funds are available, this section
30 is suspended until July 1, 2013.

31 **Sec. 10.** RCW 28A.300.450 and 2009 c 443 s 1 are each amended to
32 read as follows:

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

35 (a) Four members of the legislature, with one member from each
36 caucus of the house of representatives appointed by the speaker of the

1 house of representatives, and one member from each caucus of the senate
2 appointed by the president of the senate;

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

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

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

11 (e) Two representatives from the office of the superintendent of
12 public instruction, with one involved in curriculum development and one
13 involved in teacher professional development, to be appointed by the
14 superintendent.

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

17 (3) To the extent funds are appropriated or are available for this
18 purpose, the partnership may hire a staff person who shall reside in
19 the office of the superintendent of public instruction for
20 administrative purposes. Additional technical and logistical support
21 may be provided by the office of the superintendent of public
22 instruction, the department of financial institutions, the
23 organizations composing the partnership, and other participants in the
24 financial education public-private partnership.

25 (4) The members of the partnership shall be appointed by August 1,
26 2009.

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

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

32 (7) This section shall be implemented to the extent funds are
33 available.

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

36 **Sec. 11.** RCW 28A.300.520 and 2009 c 578 s 9 are each amended to
37 read as follows:

1 (1) The superintendent of public instruction shall review current
2 policies and assess the adequacy and availability of programs targeted
3 at children who have a parent who is incarcerated in a department of
4 corrections facility. The superintendent of public instruction shall
5 adopt policies that support the children of incarcerated parents and
6 meet their needs with the goal of facilitating normal child
7 development, including maintaining adequate academic progress, while
8 reducing intergenerational incarceration.

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

12 (a) Gather information and data on the students who are the
13 children of inmates incarcerated in department of corrections
14 facilities; and

15 (b) Participate in the children of incarcerated parents advisory
16 committee and report information obtained under this section to the
17 advisory committee.

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

19 **Sec. 12.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to
20 read as follows:

21 Every board of directors, unless otherwise specifically provided by
22 law, shall:

23 (1) Provide for the expenditure of a reasonable amount for suitable
24 commencement exercises;

25 (2) (~~In addition to providing~~) To the extent funds are available,
26 provide free instruction in lip reading for children disabled by
27 defective hearing(~~(7)~~) and make arrangements for free instruction in
28 lip reading to adults disabled by defective hearing whenever in its
29 judgment such instruction appears to be in the best interests of the
30 school district and adults concerned;

31 (3) Join with boards of directors of other school districts or an
32 educational service district pursuant to RCW 28A.310.180(3), or both
33 such school districts and educational service district in buying
34 supplies, equipment and services by establishing and maintaining a
35 joint purchasing agency, or otherwise, when deemed for the best
36 interests of the district, any joint agency formed hereunder being
37 herewith authorized and empowered to issue interest bearing warrants in

1 payment of any obligation owed: PROVIDED, HOWEVER, That those agencies
2 issuing interest bearing warrants shall assign accounts receivable in
3 an amount equal to the amount of the outstanding interest bearing
4 warrants to the county treasurer issuing such interest bearing
5 warrants: PROVIDED FURTHER, That the joint purchasing agency shall
6 consider the request of any one or more private schools requesting the
7 agency to jointly buy supplies, equipment, and services including but
8 not limited to school bus maintenance services, and, after considering
9 such request, may cooperate with and jointly make purchases with
10 private schools of supplies, equipment, and services, including but not
11 limited to school bus maintenance services, so long as such private
12 schools pay in advance their proportionate share of the costs or
13 provide a surety bond to cover their proportionate share of the costs
14 involved in such purchases;

15 (4) Consider the request of any one or more private schools
16 requesting the board to jointly buy supplies, equipment and services
17 including but not limited to school bus maintenance services, and,
18 after considering such request, may provide such joint purchasing
19 services: PROVIDED, That such private schools pay in advance their
20 proportionate share of the costs or provide a surety bond to cover
21 their proportionate share of the costs involved in such purchases; and

22 (5) Prepare budgets as provided for in chapter 28A.505 RCW.

23 **Sec. 13.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to
24 read as follows:

25 School districts must, at the first opportunity but in all cases
26 within forty-eight hours of receiving a report alleging sexual
27 misconduct by a school employee, notify the parents of a student
28 alleged to be the victim, target, or recipient of the misconduct.
29 (~~School districts shall provide parents with~~) The notification shall
30 include information regarding (~~their~~) parents' rights under the
31 public records act, chapter 42.56 RCW, to request the public records
32 regarding school employee discipline. This information shall be
33 provided to all parents on an annual basis. Providing online access to
34 the information satisfies the requirements of this section unless a
35 parent or guardian specifically requests information to be provided in
36 written form.

1 **Sec. 14.** RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are
2 each amended to read as follows:

3 The membership of the school directors' association (~~shall~~) may
4 comprise the members of the boards of directors of the school districts
5 of the state.

6 **Sec. 15.** RCW 28A.345.050 and 1983 c 187 s 2 are each amended to
7 read as follows:

8 The school directors' association may establish a graduated
9 schedule of dues for members of the association based upon the number
10 of certificated personnel in each district. Dues shall be established
11 for the directors of each district as a group. The total of all dues
12 assessed shall not exceed twenty-seven cents for each one thousand
13 dollars of the statewide total of all school districts' general fund
14 receipts. The board of directors of a school district shall make
15 provision for payment out of the general fund of the district of the
16 dues of association members resident in the district, which payment
17 shall be made in the manner provided by law for the payment of other
18 claims against the general fund of the district. The dues for each
19 member school district shall be due and payable on the first day of
20 January of each year.

21 **Sec. 16.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
22 read as follows:

23 (1) The superintendent of public instruction shall develop
24 (~~regulations~~) rules and guidelines to eliminate sex discrimination as
25 it applies to public school employment, counseling and guidance
26 services to students, recreational and athletic activities for
27 students, access to course offerings, and in textbooks and
28 instructional materials used by students.

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

31 (i) Maintain credential requirements for all personnel without
32 regard to sex;

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

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

1 (iv) Provide the same opportunities for advancement to males and
2 females; and

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

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

11 (c) Specifically with respect to recreational and athletic
12 activities, they shall be offered to all students without regard to
13 sex. Schools may provide separate teams for each sex. Schools which
14 provide the following shall do so with no disparities based on sex:
15 Equipment and supplies; medical care; services and insurance;
16 transportation and per diem allowances; opportunities to receive
17 coaching and instruction; laundry services; assignment of game
18 officials; opportunities for competition, publicity and awards;
19 scheduling of games and practice times including use of courts, gyms,
20 and pools: PROVIDED, That such scheduling of games and practice times
21 shall be determined by local administrative authorities after
22 consideration of the public and student interest in attending and
23 participating in various recreational and athletic activities. Each
24 school which provides showers, toilets, or training room facilities for
25 athletic purposes shall provide comparable facilities for both sexes.
26 Such facilities may be provided either as separate facilities or shall
27 be scheduled and used separately by each sex.

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

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

36 (e) Specifically with respect to textbooks and instructional
37 materials, which shall also include, but not be limited to, reference
38 books and audio-visual materials, they shall be required to adhere to

1 the guidelines developed by the superintendent of public instruction to
2 implement the intent of this chapter: PROVIDED, That this subsection
3 shall not be construed to prohibit the introduction of material deemed
4 appropriate by the instructor for educational purposes.

5 (2)(a) By December 31, 1994, the superintendent of public
6 instruction shall develop criteria for use by school districts in
7 developing sexual harassment policies as required under (b) of this
8 subsection. The criteria shall address the subjects of grievance
9 procedures, remedies to victims of sexual harassment, disciplinary
10 actions against violators of the policy, and other subjects at the
11 discretion of the superintendent of public instruction. Disciplinary
12 actions must conform with collective bargaining agreements and state
13 and federal laws. The superintendent of public instruction also shall
14 supply sample policies to school districts upon request.

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

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

23 (d) The school district's sexual harassment policy shall be
24 conspicuously posted throughout each school building, and provided to
25 each employee. Employees may be provided the policy online. A copy of
26 the policy shall appear in any publication of the school or school
27 district setting forth the rules, (~~regulations,~~) procedures, and
28 standards of conduct for the school or school district.

29 (e) Each school shall develop a process for discussing the
30 district's sexual harassment policy. The process shall ensure the
31 discussion addresses the definition of sexual harassment and issues
32 covered in the sexual harassment policy.

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

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

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

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

11 (iii) That conduct or communication has the purpose or effect of
12 substantially interfering with an individual's educational or work
13 performance, or of creating an intimidating, hostile, or offensive
14 educational or work environment.

15 **Sec. 17.** RCW 28A.655.061 and 2010 c 244 s 1 are each amended to
16 read as follows:

17 (1) The high school assessment system shall include but need not be
18 limited to the Washington assessment of student learning, opportunities
19 for a student to retake the content areas of the assessment in which
20 the student was not successful, and if approved by the legislature
21 pursuant to subsection (10) of this section, one or more objective
22 alternative assessments for a student to demonstrate achievement of
23 state academic standards. The objective alternative assessments for
24 each content area shall be comparable in rigor to the skills and
25 knowledge that the student must demonstrate on the Washington
26 assessment of student learning for each content area.

27 (2) Subject to the conditions in this section, a certificate of
28 academic achievement shall be obtained by most students at about the
29 age of sixteen, and is evidence that the students have successfully met
30 the state standard in the content areas included in the certificate.
31 With the exception of students satisfying the provisions of RCW
32 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
33 for graduation from a public high school but is not the only
34 requirement for graduation.

35 (3) Beginning with the graduating class of 2008, with the exception
36 of students satisfying the provisions of RCW 28A.155.045, a student who
37 meets the state standards on the reading, writing, and mathematics

1 content areas of the high school Washington assessment of student
2 learning shall earn a certificate of academic achievement. If a
3 student does not successfully meet the state standards in one or more
4 content areas required for the certificate of academic achievement,
5 then the student may retake the assessment in the content area up to
6 four times at no cost to the student. If the student successfully
7 meets the state standards on a retake of the assessment then the
8 student shall earn a certificate of academic achievement. Once
9 objective alternative assessments are authorized pursuant to subsection
10 (10) of this section, a student may use the objective alternative
11 assessments to demonstrate that the student successfully meets the
12 state standards for that content area if the student has taken the
13 Washington assessment of student learning at least once. If the
14 student successfully meets the state standards on the objective
15 alternative assessments then the student shall earn a certificate of
16 academic achievement.

17 (4) Beginning no later than with the graduating class of 2013, a
18 student must meet the state standards in science in addition to the
19 other content areas required under subsection (3) of this section on
20 the Washington assessment of student learning or the objective
21 alternative assessments in order to earn a certificate of academic
22 achievement. The state board of education may adopt a rule that
23 implements the requirements of this subsection (4) beginning with a
24 graduating class before the graduating class of 2013, if the state
25 board of education adopts the rule by September 1st of the freshman
26 school year of the graduating class to which the requirements of this
27 subsection (4) apply. The state board of education's authority under
28 this subsection (4) does not alter the requirement that any change in
29 performance standards for the tenth grade assessment must comply with
30 RCW 28A.305.130.

31 (5) The state board of education may not require the acquisition of
32 the certificate of academic achievement for students in home-based
33 instruction under chapter 28A.200 RCW, for students enrolled in private
34 schools under chapter 28A.195 RCW, or for students satisfying the
35 provisions of RCW 28A.155.045.

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

1 (7) School districts must make available to students the following
2 options:

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

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

13 (8) Students who achieve the standard in a content area of the high
14 school assessment but who wish to improve their results shall pay for
15 retaking the assessment, using a uniform cost determined by the
16 superintendent of public instruction.

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

19 (10)(a) The office of the superintendent of public instruction
20 shall develop options for implementing objective alternative
21 assessments, which may include an appeals process for students' scores,
22 for students to demonstrate achievement of the state academic
23 standards. The objective alternative assessments shall be comparable
24 in rigor to the skills and knowledge that the student must demonstrate
25 on the Washington assessment of student learning and be objective in
26 its determination of student achievement of the state standards.
27 Before any objective alternative assessments in addition to those
28 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
29 student to demonstrate that the student has met the state standards in
30 a content area required to obtain a certificate, the legislature shall
31 formally approve the use of any objective alternative assessments
32 through the omnibus appropriations act or by statute or concurrent
33 resolution.

34 (b)(i) A student's score on the mathematics, reading or English, or
35 writing portion of the SAT or the ACT may be used as an objective
36 alternative assessment under this section for demonstrating that a
37 student has met or exceeded the state standards for the certificate of
38 academic achievement. The state board of education shall identify the

1 scores students must achieve on the relevant portion of the SAT or ACT
2 to meet or exceed the state standard in the relevant content area on
3 the Washington assessment of student learning. The state board of
4 education shall identify the first scores by December 1, 2007. After
5 the first scores are established, the state board may increase but not
6 decrease the scores required for students to meet or exceed the state
7 standards.

8 (ii) Until August 31, 2008, a student's score on the mathematics
9 portion of the PSAT may be used as an objective alternative assessment
10 under this section for demonstrating that a student has met or exceeded
11 the state standard for the certificate of academic achievement. The
12 state board of education shall identify the score students must achieve
13 on the mathematics portion of the PSAT to meet or exceed the state
14 standard in that content area on the Washington assessment of student
15 learning.

16 (iii) A student who scores at least a three on the grading scale of
17 one to five for selected AP examinations may use the score as an
18 objective alternative assessment under this section for demonstrating
19 that a student has met or exceeded state standards for the certificate
20 of academic achievement. A score of three on the AP examinations in
21 calculus or statistics may be used as an alternative assessment for the
22 mathematics portion of the Washington assessment of student learning.
23 A score of three on the AP examinations in English language and
24 composition may be used as an alternative assessment for the writing
25 portion of the Washington assessment of student learning. A score of
26 three on the AP examinations in English literature and composition,
27 macroeconomics, microeconomics, psychology, United States history,
28 world history, United States government and politics, or comparative
29 government and politics may be used as an alternative assessment for
30 the reading portion of the Washington assessment of student learning.

31 (11) By December 15, 2004, the house of representatives and senate
32 education committees shall obtain information and conclusions from
33 recognized, independent, national assessment experts regarding the
34 validity and reliability of the high school Washington assessment of
35 student learning for making individual student high school graduation
36 determinations.

37 ~~((12) To help assure continued progress in academic achievement as
38 a foundation for high school graduation and to assure that students are~~

1 on track for high school graduation, each school district shall prepare
2 plans for and notify students and their parents or legal guardians as
3 provided in this subsection. Student learning plans are required for
4 eighth grade students who were not successful on any or all of the
5 content areas of the state assessment during the previous school year
6 or who may not be on track to graduate due to credit deficiencies or
7 absences. The parent or legal guardian shall be notified about the
8 information in the student learning plan, preferably through a parent
9 conference and at least annually. To the extent feasible, schools
10 serving English language learner students and their parents shall
11 translate the plan into the primary language of the family. The plan
12 shall include the following information as applicable:

- 13 (a) The student's results on the state assessment;
- 14 (b) If the student is in the transitional bilingual program, the
15 score on his or her Washington language proficiency test II;
- 16 (c) Any credit deficiencies;
- 17 (d) The student's attendance rates over the previous two years;
- 18 (e) The student's progress toward meeting state and local
19 graduation requirements;
- 20 (f) The courses, competencies, and other steps needed to be taken
21 by the student to meet state academic standards and stay on track for
22 graduation;
- 23 (g) Remediation strategies and alternative education options
24 available to students, including informing students of the option to
25 continue to receive instructional services after grade twelve or until
26 the age of twenty-one;
- 27 (h) The alternative assessment options available to students under
28 this section and RCW 28A.655.065;
- 29 (i) School district programs, high school courses, and career and
30 technical education options available for students to meet graduation
31 requirements; and
- 32 (j) Available programs offered through skill centers or community
33 and technical colleges, including the college high school diploma
34 options under RCW 28B.50.535.)

35 **Sec. 18.** RCW 39.35D.040 and 2006 c 263 s 331 are each amended to
36 read as follows:

37 (1) All major facility projects of public school districts

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

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

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

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

34 (5) The superintendent of public instruction shall utilize the
35 school facilities advisory board as a high-performance buildings
36 advisory committee comprised of affected public schools, the
37 superintendent of public instruction, the department, and others at the
38 superintendent of public instruction's discretion to provide advice on

1 implementing this chapter. Among other duties, the advisory committee
2 shall make recommendations regarding an education and training process
3 and an ongoing evaluation or feedback process to help the
4 superintendent of public instruction implement this chapter.

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

7 NEW SECTION. **Sec. 19.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 28A.210.130 (Immunization program--Superintendent of public
10 instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s
11 4;

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

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

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

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

20 (6) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c
21 7 s 611; and

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

23 NEW SECTION. **Sec. 20.** Sections 8 through 11 of this act expire
24 July 1, 2013.

25 NEW SECTION. **Sec. 21.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 immediately.

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