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**SECOND SUBSTITUTE SENATE BILL 5179**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators C. Wilson, Lovelett, Cortes, Dhingra, Frame, Hasegawa, Liias, Lovick, Nobles, Trudeau, and Wellman)

AN ACT Relating to establishing a complaint process to address willful noncompliance with certain state education laws; amending RCW 43.06B.070, 28A.300.286, 28A.343.360, and 28A.710.185; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  (1) The legislature acknowledges and supports the importance of local control for school district governance. Local school boards and superintendents are in the best position to effectively and quickly respond to the needs of their communities. However, local control is not absolute and must also be balanced against the need to ensure all students have access to a healthy, safe learning environment that celebrates and protects their diversity and civil rights. There are certain areas of state law which are critically important to ensuring every student has equal access to this type of supportive and responsive learning environment.

(2) The legislature is aware that some school districts are intentionally not complying with certain requirements in state law and that this noncompliance is negatively impacting students. School board members and superintendents are uniquely responsible for ensuring that their school district is in compliance with those state laws and members of the school district should have a mechanism to hold those individuals accountable if state laws are not followed.

(3) The legislature therefore intends to establish a complaint process for students, parents, and community members to address willful noncompliance with certain state laws that are necessary for protecting the health, safety, and civil rights of students in order to ensure every student has access to a positive learning environment.

NEW SECTION. **Sec.**  Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 5 of this act.

(1) "Broad complaint" means a complaint that impacts an entire student body, an entire subgroup of students within a student body, an entire school, or an entire school district.

(2) "Limited complaint" means a complaint that impacts one or more individual students.

(3) "Negligent" means the failure to exercise ordinary care by a local school district superintendent, a local school district board of directors, or a member of a board of directors and the actor knew or reasonably should have known that the failure to exercise ordinary care would result in noncompliance with state law as defined in this section.

(4) "Noncompliance with state law" means action or inaction by a local school district superintendent, a local school district board of directors, or a member of a board of directors that results in noncompliance with state laws concerning:

(a) Local, state, and federal civil rights and nondiscrimination laws including discrimination as described in RCW 28A.640.010 and 28A.642.010 and "sexual harassment" as defined in RCW 28A.640.020;

(b) "Harassment, intimidation, or bullying" as defined in RCW 28A.600.477;

(c) Curriculum requirements as described in RCW 28A.150.230, 28A.300.475, and 28A.320.170; the policies and procedures related to the selection or deletion of instructional materials required in RCW 28A.320.230; and the review and removal of supplemental instructional materials required in RCW 28A.320.235;

(d) The use of restraint or isolation on a student as described in RCW 28A.600.485; or

(e) Student discipline as described in chapter 28A.600 RCW.

(5) "Willful" means nonaccidental action or inaction by a local school district superintendent, a local school district board of directors, or a member of a board of directors that the actor knew or reasonably should have known would result in noncompliance with state law.

NEW SECTION. **Sec.**  (1) By July 1, 2026, the office of the superintendent of public instruction must establish a process to investigate and address two types of complaints alleging willful noncompliance with state law:

(a) Limited complaints; and

(b) Broad complaints.

(2) The purpose of the complaint process is to secure equitable resolutions to complaints relating to alleged willful noncompliance with the state laws listed in section 2(4) of this act.

(3)(a)(i) Any student who is enrolled in the school district or any parent or legal guardian who has a student enrolled in the school district may file a limited or broad complaint with the office of the superintendent of public instruction alleging willful noncompliance with a state law listed in section 2(4) of this act.

(ii) Anyone residing within the boundaries of the school district may file a broad complaint with the office of the superintendent of public instruction alleging willful noncompliance with a state law listed in section 2(4) of this act.

(b) Limited and broad complaints may be filed against a local school district superintendent, a local school district board of directors, or a member of a board of directors.

(c) Before a person may file a complaint with the office of the superintendent of public instruction, the person must exhaust existing complaint procedures, if procedures exist, including procedures established under state law including, but not limited to, RCW 28A.320.124, 28A.320.230, 28A.410.090, 28A.600.477, 28A.640.020, and 28A.642.030, and local policy and procedure. If there are not existing complaint procedures, the person who intends to file the complaint must provide notice of the complaint to the local school district superintendent before filing the complaint with the office of the superintendent of public instruction.

(4)(a) The office of the superintendent of public instruction must adopt rules that ensure due process regarding the complaint process, timelines, compliance action plans, and consequences established under this section and sections 4 and 5 of this act.

(b)(i) The office of the superintendent of public instruction must consult with the state board of education to build a connection between the rules adopted under this subsection and the state board of education's rules on basic education compliance established under RCW 28A.150.220 for complaints regarding willful noncompliance with curriculum requirements as described in section 2(4)(c) of this act.

(ii) The office of the superintendent of public instruction must consult with the office of the education ombuds to include the complaint process established under this section into the simple and uniform access point for the receipt of complaints created under RCW 43.06B.070.

(c) The office of the superintendent of public instruction may adopt rules to allow for an expedited process when the complaint relates to an immediate health or safety concern.

(d) The office of the superintendent of public instruction may not take action against a school district or local school district superintendent under the provisions established in section 5 of this act unless there is evidence that the local school district superintendent, local school district board of directors, or member of a board of directors acted in a willful manner.

NEW SECTION. **Sec.**  (1) Upon receipt of a complaint filed under section 3 of this act, the office of the superintendent of public instruction must conduct a prompt and thorough investigation into the allegations in the complaint.

(2)(a) If the office of the superintendent of public instruction finds noncompliance with state law, but determines the noncompliance is not willful, the local school district superintendent and school district board of directors must adopt and submit a compliance action plan to the office of the superintendent of public instruction. Unless otherwise required by subsection (4) of this section, the plan must be submitted under a timeline as required by the office of the superintendent of public instruction.

(b) A compliance action plan must be developed in collaboration with the office of the superintendent of public instruction, administrators, teachers, and other staff, parents, unions representing any employees within the school district, students, impacted communities, and other representatives of the local community.

(c) The office of the superintendent of public instruction must provide a school district with assistance in developing its plan and must develop and publish guidelines for the development of compliance action plans as needed.

(d) Before adopting and submitting a compliance action plan to the office of the superintendent of public instruction, the school district board of directors must conduct a public hearing to allow for public comment on the proposed compliance action plan. For complaints in which individual students may be identified, the public hearing and materials prepared for such hearing must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

(3) A compliance action plan must include the following:

(a) A description of the changes in the school district's or school's existing policies, structures, agreements, processes, and practices needed to come into compliance with state law; and

(b) The timeline for coming into compliance with state law.

(4) Compliance action plans must be developed in accordance with chapters 41.56 and 41.59 RCW where applicable.

NEW SECTION. **Sec.**  (1) If the office of the superintendent of public instruction investigates a complaint under this act and finds willful noncompliance with state law, the school district must comply with all of the requirements in section 4 of this act and conduct at least two public hearings in addition to the public hearing under section 4(2)(d) of this act.

(a) One public hearing must take public comment on the willful noncompliance with state law and the actions the public thinks are needed to come into compliance.

(b) One public hearing must present the progress on the compliance action plan after it has been submitted to the office of the superintendent of public instruction and take public comment on this progress.

(c) Additional public hearings with public comment must be conducted every six months until the office of the superintendent of public instruction finds that the school district has come into compliance with state law.

(2) For complaints in which individual students may be identified, the public hearings and materials prepared for such hearings must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

(3) If the office of the superintendent of public instruction finds willful noncompliance with state law, the office of the superintendent of public instruction may impose any of the following consequences:

(a) Require the school district to adopt or readopt policies and procedures to come into compliance with state law;

(b) Find that a local school district superintendent committed an act of unprofessional conduct under section 8 of this act and may be held accountable for such conduct under rules established under section 8 of this act; and

(c) As a last resort, withhold and redirect up to 20 percent of state funds allocated to the school district for basic education to support the compliance action plan required in section 4 of this act until the office of the superintendent of public instruction finds that the school district has come into compliance with state law. The office of the superintendent of public instruction must consider the school district's overall financial health when determining the amount of funds to withhold and redirect under this subsection. Written notice of the intent to withhold and redirect state funds, with reasons stated for this action, must be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld and redirected.

(4) Willful or negligent noncompliance with state law constitutes a violation of the oath of office under RCW 29A.56.110, and a member of a board of directors may be subject to recall and discharge under chapter 29A.56 RCW.

(5) Sections 3 and 4 of this act and this section do not restrict any existing authority the office of the superintendent of public instruction has to enforce compliance with state law, including health and safety requirements.

(6) Any party to a complaint may file a notice of appeal with the office of the superintendent of public instruction within 30 days of the final decision. An administrative law judge of the office of administrative hearings will hear and determine the appeal. Appeal proceedings must be conducted pursuant to chapter 34.05 RCW. An appeal of the administrative law judge's determination or order shall be to the superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure.

**Sec.**  RCW 43.06B.070 and 2024 c 219 s 1 are each amended to read as follows:

(1) By July 1, 2025, and in compliance with this section, the office of the education ombuds shall create a simple and uniform access point for the receipt of complaints involving the elementary and secondary education system. The purpose of the access point is to provide a single point of entry for complaints to be reported and then referred to the most appropriate individual or entity for dispute resolution at the lowest level of intercession.

(2) Any individual who has firsthand knowledge of a violation of federal, state, or local laws, policies or procedures, or of improper or illegal actions related to elementary or secondary education and performed by an employee, contractor, student, parent or legal guardian of a student, or member of the public may submit a complaint to the office of the education ombuds.

(3)(a) The office shall delineate a complaint resolution and referral process for reports received through the access point. The process must:

(i) Require that the office of the education ombuds assign a unique identifier to a complaint upon receipt before referring the complaint to the appropriate individual or entity for dispute resolution at the lowest level of intercession;

(ii) Link to all existing relevant complaint and investigative processes, such as the special education community complaint process, the discrimination complaint process, the process for reporting complaints related to harassment, intimidation, and bullying, the complaint process established under section 3 of this act, and the complaint and investigation provisions under RCW 28A.410.090 and 28A.410.095; and

(iii) Discourage frivolous complaints and complaints made in bad faith.

(b) The establishment of a process as required in this section does not confer additional authority to the office of the education ombuds to mitigate or oversee disputes.

(4) The office of the education ombuds, in collaboration with the office of the superintendent of public instruction, must develop protocols for the receipt, resolution, and referral of complaints and must design a communications plan to inform individuals who report complaints through the access point about the steps in the complaint resolution and referral process, including when to expect a response from the individual or entity charged with resolving the complaint.

(5) For the purposes of this section, "employee" or "contractor" means employees and contractors of the state educational agencies, educational service districts, public schools as defined in RCW 28A.150.010, the state school for the blind, and the center for deaf and hard of hearing youth.

**Sec.**  RCW 28A.300.286 and 2023 c 242 s 1 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop, and periodically update, model student handbook language that includes information about ((~~policies~~)):

(a) Policies and complaint procedures related to discrimination, including sexual harassment and addressing transgender students, and information about policies and complaint procedures related to harassment, intimidation, and bullying, as well as the overlap between the policies and complaint procedures((~~. The model student handbook language must also include a~~));

(b) A description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds; and

(c) The complaint process established under section 3 of this act.

(2) The model student handbook language must be aligned with existing requirements in state law including chapters 28A.640 and 28A.642 RCW and RCW 28A.600.477 and 28A.600.510. The model student handbook language must be jointly developed with the Washington state school directors' association, and in consultation with the office of the education ombuds. The model student handbook language must be posted publicly on the office of the superintendent of public instruction's website beginning July 1, 2024.

((~~(2)~~)) (3) Beginning with the 2024-25 school year, each school district must include the model student handbook language developed under subsection (1) of this section in any student, parent, employee, and volunteer handbook that it or one of its schools publishes and on the school district's website, and any school's website, if a school or the school district maintains a website. If a school district neither publishes a handbook nor maintains a website, it must provide the model student handbook language developed under subsection (1) of this section to each student, parent, employee, and volunteer at least annually.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington professional educator standards board must adopt rules that make a local school district superintendent's willful noncompliance with state law an act of unprofessional conduct and provide that a superintendent, whether certificated or not, may be held accountable for such conduct under rules established under this section. It is a defense if the superintendent can show that they were actively attempting to bring the school district into compliance with state law.

(2) For the purposes of this section, "willful" and "noncompliance with state law" have the same meaning as in section 2 of this act.

**Sec.**  RCW 28A.343.360 and 1990 c 33 s 314 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and the laws of the state of Washington and to faithfully discharge the duties of the office according to the best of his or her ability. In case any official has a written appointment or commission, the official's oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the county auditor. Every person elected to the office of school director shall begin his or her term of office at the first official meeting of the board of directors following certification of the election results.

**Sec.**  RCW 28A.710.185 and 2023 c 356 s 11 are each amended to read as follows:

(1)(a) By November 1, 2023, the commission shall establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of one or more charter schools, including complaints about the provision of education services and complaints alleging noncompliance with the requirements of this chapter or other provisions governing charter schools.

(b)(i) The commission shall acknowledge the receipt of each received complaint within 10 business days and shall, in a timely manner, perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint, unless the complaint is alleging willful noncompliance with state law as defined in section 2 of this act.

(ii) After determining that a person has exhausted any existing complaint procedures in accordance with section 3(3)(c) of this act, the commission shall forward any complaints alleging willful noncompliance with state law as defined in section 2 of this act to the office of the superintendent of public instruction and these complaints must follow the process established under sections 3 through 5 of this act.

(2) The commission shall adopt and revise as necessary rules to implement this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.710 RCW to read as follows:

Sections 2 through 5 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.715 RCW to read as follows:

Sections 2 through 5 of this act govern school operation and management under RCW 28A.715.020 and apply to state-tribal education compact schools subject to this chapter.

NEW SECTION. **Sec.**  Sections 2 through 5 of this act are each added to chapter 28A.300 RCW.

NEW SECTION. **Sec.**  Section 7 of this act takes effect August 1, 2025.

**--- END ---**