
SUBSTITUTE SENATE BILL 5880

State of Washington

61st Legislature

2009 Regular Session

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

READ FIRST TIME 02/19/09.

1 AN ACT Relating to flexibility in the education system; amending
2 RCW 28A.300.150, 28A.300.160, 28A.300.270, 28A.300.450, 28A.300.490,
3 28A.300.520, 28A.320.080, 28A.625.020, 28A.625.042, 28A.625.050,
4 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.640.020,
5 28A.150.520, 28A.160.210, 28A.210.310, 28A.210.370, 28A.210.380, and
6 39.35D.040; repealing RCW 28A.300.090, 28A.210.360, 28A.210.365, and
7 28A.170.050; 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.300.150 and 2006 c 263 s 705 are each amended to
10 read as follows:

11 The superintendent of public instruction shall collect and
12 disseminate to school districts information on child abuse and neglect
13 prevention curriculum and shall adopt rules dealing with the prevention
14 of child abuse for purposes of curriculum use in the common schools.
15 The superintendent of public instruction and the departments of social
16 and health services and community, trade, and economic development
17 shall share relevant information. Providing online access to the
18 information satisfies the requirements of this section unless a parent

1 or guardian specifically requests information to be provided in written
2 form.

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

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

10 (2) In developing the program, consideration shall be given to the
11 following:

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

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

16 (ii) Culturally and linguistically appropriate to the population
17 served;

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

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

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

23 (i) Physical and behavioral indicators of abuse;

24 (ii) Crisis counseling techniques;

25 (iii) Community resources;

26 (iv) Rights and responsibilities regarding reporting;

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

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

30 (c) Training for licensed day care providers and parents that
31 includes:

32 (i) Positive child guidance techniques;

33 (ii) Physical and behavioral indicators of abuse;

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

35 (iv) Community resources;

36 (v) Rights and responsibilities regarding reporting; and

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

- 1 (d) Training for children that includes:
2 (i) The right of every child to live free of abuse;
3 (ii) How to disclose incidents of abuse and neglect;
4 (iii) The availability of support resources and how to obtain help;
5 (iv) Child safety training and age-appropriate self-defense
6 techniques; and
7 (v) A period for crisis counseling and reporting immediately
8 following the completion of each children's workshop in a school
9 setting which maximizes the child's privacy and sense of safety.

10 (3) The office of the superintendent of public instruction shall
11 not require annual training under subsection (2) of this section. The
12 office of the superintendent of public instruction may consider
13 offering training every four years, except for new employees who shall
14 receive training within the first year of their hire date. School
15 districts are encouraged to work with private or nonprofit entities
16 that have the ability to provide the appropriate training for staff in
17 accordance with this section.

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

21 ((+4)) (5) Parents shall be given notice of the primary prevention
22 program and may refuse to have their children participate in the
23 program.

24 **Sec. 3.** RCW 28A.300.270 and 1994 sp.s. c 7 s 602 are each amended
25 to read as follows:

26 (1) The superintendent of public instruction shall, to the extent
27 funding is available, contract with school districts, educational
28 service districts, and approved in-service providers to conduct
29 training sessions for school certificated and classified employees in
30 conflict resolution and other violence prevention topics. The training
31 shall be developmentally and culturally appropriate for the school
32 populations being served and be research based. The training shall not
33 be based solely on providing materials, but also shall include
34 techniques on imparting these skills to students. The training
35 sessions shall be developed in coordination with school districts, the
36 superintendent of public instruction, parents, law enforcement
37 agencies, human services providers, and other interested parties. The

1 training shall be offered to school districts and school staff
2 requesting the training, and shall be made available at locations
3 throughout the state.

4 (2) The office of the superintendent of public instruction shall
5 not require annual training sessions. The training may be offered
6 every four years.

7 **Sec. 4.** RCW 28A.300.450 and 2004 c 247 s 2 are each amended to
8 read as follows:

9 (1) A financial literacy public-private partnership is established,
10 composed of up to four members representing the legislature, one from
11 and appointed by the office of the superintendent of public
12 instruction, one from and appointed by the department of financial
13 institutions, up to four from the financial services sector, and four
14 educators. One or two members of the senate, one of whom is a member
15 of the senate committee on financial services, insurance and housing,
16 shall be appointed by the president of the senate. One or two members
17 of the house of representatives, one of whom is a member of the house
18 committee on financial institutions and insurance, shall be appointed
19 by the speaker of the house of representatives. The superintendent of
20 public instruction shall appoint the members from the financial
21 services sector and educator members. The chair of the partnership
22 shall be selected by the members of the partnership.

23 (2) To the extent funds are appropriated or are available for this
24 purpose, technical and logistical support may be provided by the office
25 of the superintendent of public instruction, the organizations
26 composing the partnership, and other participants in the financial
27 literacy public-private partnership. The superintendent of public
28 instruction shall compile the initial list of members and convene the
29 first meeting of the partnership.

30 (3) The members of the committee shall be appointed by July 1,
31 2004.

32 (4) Legislative members of the partnership shall receive per diem
33 and travel under RCW 44.04.120.

34 (5) Travel and other expenses of members of the partnership shall
35 be provided by the agency, association, or organization that member
36 represents.

37 (6) This section is suspended until July 1, 2011.

1 **Sec. 5.** RCW 28A.300.490 and 2007 c 406 s 2 are each amended to
2 read as follows:

3 (1) A task force on gangs in schools is created to examine current
4 adult and youth gang activities that are affecting school safety. The
5 task force shall work under the guidance of the superintendent of
6 public instruction school safety center, the school safety center
7 advisory committee, and the Washington association of sheriffs and
8 police chiefs.

9 (2) The task force shall be comprised of representatives, selected
10 by the superintendent of public instruction, who possess expertise
11 relevant to gang activity in schools. The task force shall outline
12 methods for preventing new gangs, eliminating existing gangs, gathering
13 intelligence, and sharing information about gang activities.

14 (3) Beginning December 1, 2007, the task force shall annually
15 report its findings and recommendations to the education committees of
16 the legislature.

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

18 **Sec. 6.** RCW 28A.300.520 and 2007 c 384 s 5 are each amended to
19 read as follows:

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

28 (2) The superintendent shall conduct the following activities to
29 assist in implementing the requirements of subsection (1) of this
30 section:

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

34 (b) Participate in the children of incarcerated parents advisory
35 committee and report information obtained under this section to the
36 advisory committee.

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

1 **Sec. 7.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to
2 read as follows:

3 Every board of directors, unless otherwise specifically provided by
4 law, shall:

5 (1) Provide for the expenditure of a reasonable amount for suitable
6 commencement exercises;

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

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

34 (4) Consider the request of any one or more private schools
35 requesting the board to jointly buy supplies, equipment and services
36 including but not limited to school bus maintenance services, and,
37 after considering such request, may provide such joint purchasing

1 services: PROVIDED, That such private schools pay in advance their
2 proportionate share of the costs or provide a surety bond to cover
3 their proportionate share of the costs involved in such purchases; and

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

5 **Sec. 8.** RCW 28A.625.020 and 1991 c 255 s 1 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall establish an
8 annual award program for excellence in education to recognize teachers,
9 principals, administrators, classified staff, school district
10 superintendents, and school boards for their leadership, contributions,
11 and commitment to education. The program shall recognize annually:

12 ((+1)) (a) Five teachers from each congressional district of the
13 state. One individual must be an elementary level teacher, one must be
14 a junior high or middle school level teacher, and one must be a
15 secondary level teacher. Teachers shall include educational staff
16 associates;

17 ((+2)) (b) Five principals or administrators from the state;

18 ((+3)) (c) One school district superintendent from the state;

19 ((+4)) (d) One school district board of directors from the state;

20 and

21 ((+5)) (e) Three classified staff from each congressional district
22 of the state.

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

24 **Sec. 9.** RCW 28A.625.042 and 1994 c 279 s 4 are each amended to
25 read as follows:

26 (1) All recipients of the Washington award for excellence in
27 education shall receive a certificate presented by the governor and the
28 superintendent of public instruction, or their designated
29 representatives, at a public ceremony or ceremonies in appropriate
30 locations.

31 (2) In addition to the certificate under subsection (1) of this
32 section, the award for teachers, classified employees, superintendents
33 employed by second-class school districts, and principals or
34 administrators shall include a recognition award of at least two
35 thousand five hundred dollars. The amount of the recognition award for

1 superintendents employed by first-class school districts shall be at
2 least one thousand dollars. The recognition award shall not be
3 considered compensation for the purposes of RCW 28A.400.200.

4 (3) In addition to the certificate under subsection (1) of this
5 section, the award for the school board shall include a recognition
6 award not to exceed two thousand five hundred dollars. The school
7 board must use its recognition award for an educational purpose.

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

9 **Sec. 10.** RCW 28A.625.050 and 1995 c 335 s 108 are each amended to
10 read as follows:

11 (1) The superintendent of public instruction shall adopt rules
12 under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.010
13 through 28A.625.065. These rules shall include establishing the
14 selection criteria for the Washington award for excellence in education
15 program. The superintendent is encouraged to consult with teachers,
16 educational staff associates, principals, administrators, classified
17 employees, superintendents, and school board members in developing the
18 selection criteria. Notwithstanding the provisions of RCW
19 28A.625.020(1) (a) and ~~((+2))~~ (b), such rules may allow for the
20 selection of individuals whose teaching or administrative duties, or
21 both, may encompass multiple grade level or building assignments, or
22 both.

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

24 **Sec. 11.** RCW 28A.625.360 and 2006 c 263 s 804 are each amended to
25 read as follows:

26 (1) The professional educator standards board shall establish an
27 annual award program for excellence in teacher preparation to recognize
28 higher education teacher educators for their leadership, contributions,
29 and commitment to education.

30 (2) The program shall recognize annually one teacher preparation
31 faculty member from one of the teacher preparation programs approved by
32 the professional educator standards board.

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

34 **Sec. 12.** RCW 28A.625.370 and 2006 c 263 s 820 are each amended to
35 read as follows:

1 (1) The award for the teacher educator shall include:

2 ~~((1))~~ (a) A certificate presented to the teacher educator by the
3 governor, the chair of the professional educator standards board, and
4 the superintendent of public instruction at a public ceremony; and

5 ~~((2))~~ (b) A grant to the professional education advisory board of
6 the institution from which the teacher educator is selected, which
7 grant shall not exceed two thousand five hundred dollars and which
8 grant shall be awarded under RCW 28A.625.390.

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

10 **Sec. 13.** RCW 28A.625.380 and 2006 c 263 s 821 are each amended to
11 read as follows:

12 (1) The professional educator standards board shall adopt rules
13 under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.360
14 through 28A.625.390. These rules shall include establishing the
15 selection criteria for the Washington award for excellence in teacher
16 preparation. The board is encouraged to consult with teacher
17 educators, deans, and professional education advisory board members in
18 developing the selection criteria. The criteria shall include any role
19 performed by nominees relative to implementing innovative developments
20 by the nominee's teacher preparation program and efforts the nominee
21 has made to assist in communicating with legislators, common school
22 teachers and administrators, and others about the nominee's teacher
23 preparation program.

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

25 **Sec. 14.** RCW 28A.625.390 and 2006 c 263 s 822 are each amended to
26 read as follows:

27 (1) The professional education advisory board for the institution
28 from which the teacher educator has been selected to receive an award
29 shall be eligible to apply for an educational grant as provided under
30 RCW 28A.625.370. The professional educator standards board shall award
31 the grant after the board has approved the grant application as long as
32 the written grant application is submitted to the board within one year
33 after the award is received by the teacher educator. The grant
34 application shall identify the educational purpose toward which the
35 grant shall be used.

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

1 **Sec. 15.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall develop
4 (~~regulations~~) rules and guidelines to eliminate sex discrimination as
5 it applies to public school employment, counseling and guidance
6 services to students, recreational and athletic activities for
7 students, access to course offerings, and in textbooks and
8 instructional materials used by students.

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

11 (i) Maintain credential requirements for all personnel without
12 regard to sex;

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

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

17 (iv) Provide the same opportunities for advancement to males and
18 females; and

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

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

27 (c) Specifically with respect to recreational and athletic
28 activities, they shall be offered to all students without regard to
29 sex. Schools may provide separate teams for each sex. Schools which
30 provide the following shall do so with no disparities based on sex:
31 Equipment and supplies; medical care; services and insurance;
32 transportation and per diem allowances; opportunities to receive
33 coaching and instruction; laundry services; assignment of game
34 officials; opportunities for competition, publicity and awards;
35 scheduling of games and practice times including use of courts, gyms,
36 and pools: PROVIDED, That such scheduling of games and practice times
37 shall be determined by local administrative authorities after
38 consideration of the public and student interest in attending and

1 participating in various recreational and athletic activities. Each
2 school which provides showers, toilets, or training room facilities for
3 athletic purposes shall provide comparable facilities for both sexes.
4 Such facilities may be provided either as separate facilities or shall
5 be scheduled and used separately by each sex.

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

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

14 (e) Specifically with respect to textbooks and instructional
15 materials, which shall also include, but not be limited to, reference
16 books and audio-visual materials, they shall be required to adhere to
17 the guidelines developed by the superintendent of public instruction to
18 implement the intent of this chapter: PROVIDED, That this subsection
19 shall not be construed to prohibit the introduction of material deemed
20 appropriate by the instructor for educational purposes.

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

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

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

1 (d) The school district's sexual harassment policy shall be
2 conspicuously posted throughout each school building, and provided
3 online to each employee. A copy of the policy shall appear in any
4 publication of the school or school district setting forth the rules,
5 (~~regulations,~~) procedures, and standards of conduct for the school or
6 school district.

7 (e) Each school shall develop a process for discussing the
8 district's sexual harassment policy. The process shall ensure the
9 discussion addresses the definition of sexual harassment and issues
10 covered in the sexual harassment policy.

11 (f) The office of the superintendent of public instruction shall
12 not require annual training to address the policies of this section.
13 Beginning in 2011, training may be offered every four years.

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

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

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

24 (iii) That conduct or communication has the purpose or effect of
25 substantially interfering with an individual's educational or work
26 performance, or of creating an intimidating, hostile, or offensive
27 educational or work environment.

28 **Sec. 16.** RCW 28A.150.520 and 2005 c 12 s 9 are each amended to
29 read as follows:

30 To the extent funds are available, public school districts must
31 comply with high-performance public (~~building[s]~~) buildings
32 requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060,
33 and 28A.150.530.

34 **Sec. 17.** RCW 28A.160.210 and 2006 c 263 s 906 are each amended to
35 read as follows:

36 In addition to other powers and duties, the superintendent of

1 public instruction shall adopt rules governing the training and
2 qualifications of school bus drivers. Such rules shall be designed to
3 insure that persons will not be employed to operate school buses unless
4 they possess such physical health and driving skills as are necessary
5 to safely operate school buses: PROVIDED, That such rules shall insure
6 that school bus drivers are provided a due process hearing before any
7 certification required by such rules is cancelled: PROVIDED FURTHER,
8 That such rules shall not conflict with the authority of the department
9 of licensing to license school bus drivers in accordance with chapter
10 46.25 RCW. The superintendent of public instruction shall reduce the
11 annual training burden on local school districts. To the extent
12 possible, training shall be online and no more than once every two
13 years. The superintendent of public instruction may obtain a copy of
14 the driving record, as maintained by the department of licensing, for
15 consideration when evaluating a school bus driver's driving skills.

16 **Sec. 18.** RCW 28A.210.310 and 1997 c 9 s 1 are each amended to read
17 as follows:

18 (1) To protect children in the public schools of this state from
19 exposure to the addictive substance of nicotine, each school district
20 board of directors shall have a written policy mandating a prohibition
21 on the use of all tobacco products on public school property.

22 (2) The policy in subsection (1) of this section shall include, but
23 not be limited to, (~~a requirement that students and school personnel~~
24 ~~be notified of the prohibition, the posting of signs prohibiting the~~
25 ~~use of tobacco products,~~) sanctions for students and school personnel
26 who violate the policy, and a requirement that school district
27 personnel enforce the prohibition. Enforcement policies adopted in the
28 school board policy shall be in addition to the enforcement provisions
29 in RCW 70.160.070.

30 **Sec. 19.** RCW 28A.210.370 and 2005 c 462 s 2 are each amended to
31 read as follows:

32 (1) The superintendent of public instruction and the secretary of
33 the department of health shall develop a uniform policy for all school
34 districts providing for the in-service training for school staff on
35 symptoms, treatment, and monitoring of students with asthma and on the
36 additional observations that may be needed in different situations that

1 may arise during the school day and during school-sponsored events. To
2 the extent possible, the in-service training shall be offered online
3 and no more than once every three years. The policy shall include the
4 standards and skills that must be in place for in-service training of
5 school staff.

6 (2) All school districts shall adopt policies regarding asthma
7 rescue procedures for each school within the district.

8 (3) All school districts must require that each public elementary
9 school and secondary school grant to any student in the school
10 authorization for the self-administration of medication to treat that
11 student's asthma or anaphylaxis, if:

12 (a) A health care practitioner prescribed the medication for use by
13 the student during school hours and instructed the student in the
14 correct and responsible use of the medication;

15 (b) The student has demonstrated to the health care practitioner,
16 or the practitioner's designee, and a professional registered nurse at
17 the school, the skill level necessary to use the medication and any
18 device that is necessary to administer the medication as prescribed;

19 (c) The health care practitioner formulates a written treatment
20 plan for managing asthma or anaphylaxis episodes of the student and for
21 medication use by the student during school hours; and

22 (d) The student's parent or guardian has completed and submitted to
23 the school any written documentation required by the school, including
24 the treatment plan formulated under (c) of this subsection and other
25 documents related to liability.

26 (4) An authorization granted under subsection (3) of this section
27 must allow the student involved to possess and use his or her
28 medication:

29 (a) While in school;
30 (b) While at a school-sponsored activity, such as a sporting event;
31 and
32 (c) In transit to or from school or school-sponsored activities.

33 (5) An authorization granted under subsection (3) of this section:

34 (a) Must be effective only for the same school and school year for
35 which it is granted; and

36 (b) Must be renewed by the parent or guardian each subsequent
37 school year in accordance with this subsection.

1 (6) School districts must require that backup medication, if
2 provided by a student's parent or guardian, be kept at a student's
3 school in a location to which the student has immediate access in the
4 event of an asthma or anaphylaxis emergency.

5 (7) School districts must require that information described in
6 subsection (3)(c) and (d) of this section be kept on file at the
7 student's school in a location easily accessible in the event of an
8 asthma or anaphylaxis emergency.

9 (8) Nothing in this section creates a cause of action or in any
10 other way increases or diminishes the liability of any person under any
11 other law.

12 **Sec. 20.** RCW 28A.210.380 and 2008 c 173 s 1 are each amended to
13 read as follows:

14 (1) The office of the superintendent of public instruction, in
15 consultation with the department of health, shall develop anaphylactic
16 policy guidelines for schools to prevent anaphylaxis and deal with
17 medical emergencies resulting from it. The policy guidelines shall be
18 developed with input from pediatricians, school nurses, other health
19 care providers, parents of children with life-threatening allergies,
20 school administrators, teachers, and food service directors.
21 The policy guidelines shall include, but need not be limited to:

22 (a) A procedure for each school to follow to develop a treatment
23 plan including the responsibilities (~~for~~~~of~~) of school nurses and
24 other appropriate school personnel responsible for responding to a
25 student who may be experiencing anaphylaxis;

26 (b) The content of a training course for appropriate school
27 personnel for preventing and responding to a student who may be
28 experiencing anaphylaxis. To the extent possible, the training course
29 shall be offered online and no more than once every three years;

30 (c) A procedure for the development of an individualized emergency
31 health care plan for children with food or other allergies that could
32 result in anaphylaxis;

33 (d) A communication plan for the school to follow to gather and
34 disseminate information on students with food or other allergies who
35 may experience anaphylaxis;

36 (e) Strategies for reduction of the risk of exposure to
37 anaphylactic causative agents including food and other allergens.

1 (2) For the purpose of this section "anaphylaxis" means a severe
2 allergic and life-threatening reaction that is a collection of
3 symptoms, which may include breathing difficulties and a drop in blood
4 pressure or shock.

5 (3)(a) By October 15, 2008, the superintendent of public
6 instruction shall report to the select interim legislative task force
7 on comprehensive school health reform created in section 6, chapter 5,
8 Laws of 2007, on the following:

9 (i) The implementation within school districts of the 2008
10 guidelines for care of students with life-threatening food allergies
11 developed by the superintendent pursuant to section 501, chapter 522,
12 Laws of 2007, including a review of policies developed by the school
13 districts, the training provided to school personnel, and plans for
14 follow-up monitoring of policy implementation; and

15 (ii) Recommendations on requirements for effectively implementing
16 the school anaphylactic policy guidelines developed under this section.

17 (b) By March 31, 2009, the superintendent of public instruction
18 shall report policy guidelines to the appropriate committees of the
19 legislature and to school districts for the districts to use to develop
20 and adopt their policies.

21 (4) By September 1, 2009, each school district shall use the
22 guidelines developed under subsection (1) of this section to develop
23 and adopt a school district policy for each school in the district to
24 follow to assist schools to prevent anaphylaxis.

25 **Sec. 21.** RCW 39.35D.040 and 2006 c 263 s 331 are each amended to
26 read as follows:

27 (1) All major facility projects of public school districts
28 receiving any funding in a state capital budget must be designed and
29 constructed to at least the LEED silver standard or the Washington
30 sustainable school design protocol. To the extent appropriate LEED
31 silver or Washington sustainable school design protocol standards exist
32 for the type of building or facility, this subsection applies to major
33 facility projects that have not received project approval from the
34 superintendent of public instruction prior to: (a) July 1, 2006, for
35 volunteering school districts; (b) July 1, 2007, for class one school
36 districts; and (c) July 1, 2008, for class two school districts.

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

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

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

25 (5) The superintendent of public instruction shall utilize the
26 school facilities advisory board as a high-performance buildings
27 advisory committee comprised of affected public schools, the
28 superintendent of public instruction, the department, and others at the
29 superintendent of public instruction's discretion to provide advice on
30 implementing this chapter. Among other duties, the advisory committee
31 shall make recommendations regarding an education and training process
32 and an ongoing evaluation or feedback process to help the
33 superintendent of public instruction implement this chapter.

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

36 NEW SECTION. Sec. 22. The following acts or parts of acts, as now
37 existing or hereafter amended, are each repealed:

- 1 (1) RCW 28A.300.090 (Vocational agriculture education--Service area
- 2 established--Duties) and 1983 1st ex.s. c 34 s 2;
- 3 (2) RCW 28A.210.360 (Model policy on access to nutritious foods and
- 4 developmentally appropriate exercise--School district policies) and
- 5 2004 c 138 s 2; and
- 6 (3) RCW 28A.210.365 (Food choice, physical activity, childhood
- 7 fitness--Minimum standards--District waiver or exemption policy) and
- 8 2007 c 5 s 5; and
- 9 (4) RCW 28A.170.050 (Advisory committee--Members--Duties) and 1997
- 10 c 13 s 3 & 1987 c 518 s 209.

11 NEW SECTION. **Sec. 23.** Sections 4 through 6, 8 through 14, 16, and

12 21 of this act expire July 1, 2011.

13 NEW SECTION. **Sec. 24.** This act is necessary for the immediate

14 preservation of the public peace, health, or safety, or support of the

15 state government and its existing public institutions, and takes effect

16 immediately.

--- END ---