
HOUSE BILL 1453

State of Washington

56th Legislature

1999 Regular Session

By Representatives Stensen, Ericksen and Talcott; by request of Board of Education

Read first time 01/26/1999. Referred to Committee on Education.

1 AN ACT Relating to the recommendations of the state board of
2 education based on its review of its statutory authority; amending RCW
3 28A.150.250, 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160,
4 28A.300.040, 28A.305.130, 4.24.550, 9.41.280, 9.61.160, 13.40.215,
5 18.29.050, 18.71.030, 18.79.290, 26.09.225, 28A.150.350, 28A.160.020,
6 28A.160.115, 28A.170.090, 28A.195.010, 28A.195.020, 28A.195.030,
7 28A.195.050, 28A.195.060, 28A.195.070, 28A.200.010, 28A.210.070,
8 28A.210.080, 28A.210.110, 28A.210.120, 28A.210.160, 28A.210.260,
9 28A.210.270, 28A.210.280, 28A.210.290, 28A.225.010, 28A.225.090,
10 28A.225.330, 28A.300.240, 28A.305.010, 28A.305.020, 28A.305.040,
11 28A.305.050, 28A.305.060, 28A.305.070, 28A.310.180, 28A.315.050,
12 28A.320.080, 28A.320.130, 28A.335.040, 28A.335.120, 28A.410.090,
13 28D.02.010, 35.58.250, 36.57A.100, 46.04.521, 46.16.035, 46.37.193,
14 46.37.630, 46.61.385, 66.24.010, 71A.14.070, 72.05.430, and 72.65.220;
15 reenacting and amending RCW 13.40.160, 19.142.010, 28A.335.180, and
16 69.50.435; and creating a new section.

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

18 NEW SECTION. **Sec. 1.** During 1997 and 1998, a committee of the
19 state board of education reviewed all board rules and related

1 authorizing statutes. Based on the findings and recommendations
2 resulting from the review, the state board prepared a report to the
3 legislature requesting action be taken. It is the intent of this act
4 to implement recommendations of the state board of education.

5 **Sec. 2.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
6 read as follows:

7 From those funds made available by the legislature for the current
8 use of the common schools, the superintendent of public instruction
9 shall distribute annually as provided in RCW 28A.510.250 to each school
10 district of the state operating a program approved by the state board
11 of education an amount which, when combined with an appropriate portion
12 of such locally available revenues, other than receipts from federal
13 forest revenues distributed to school districts pursuant to RCW
14 28A.520.010 and 28A.520.020, as the superintendent of public
15 instruction may deem appropriate for consideration in computing state
16 equalization support, excluding excess property tax levies, will
17 constitute a basic education allocation in dollars for each annual
18 average full time equivalent student enrolled, based upon one full
19 school year of one hundred eighty days, except that for kindergartens
20 one full school year shall be one hundred eighty half days of
21 instruction, or the equivalent as provided in RCW 28A.150.220.

22 Basic education shall be considered to be fully funded by those
23 amounts of dollars appropriated by the legislature pursuant to RCW
24 28A.150.250 and 28A.150.260 to fund those program requirements
25 identified in RCW 28A.150.220 in accordance with the formula and ratios
26 provided in RCW 28A.150.260 and those amounts of dollars appropriated
27 by the legislature to fund the salary requirements of RCW 28A.150.100
28 and 28A.150.410.

29 ~~((Operation of a program approved by the state board of education,~~
30 ~~for the purposes of this section, shall include a finding that the~~
31 ~~ratio of students per classroom teacher in grades kindergarten through~~
32 ~~three is not greater than the ratio of students per classroom teacher~~
33 ~~in grades four and above for such district: PROVIDED, That for the~~
34 ~~purposes of this section, "classroom teacher" shall be defined as an~~
35 ~~instructional employee possessing at least a provisional certificate,~~
36 ~~but not necessarily employed as a certificated employee, whose primary~~
37 ~~duty is the daily educational instruction of students: PROVIDED~~
38 ~~FURTHER, That the state board of education shall adopt rules and~~

1 ~~regulations to insure compliance with the student/teacher ratio~~
2 ~~provisions of this section, and such rules and regulations shall allow~~
3 ~~for exemptions for those special programs and/or school districts which~~
4 ~~may be deemed unable to practicably meet the student/teacher ratio~~
5 ~~requirements of this section by virtue of a small number of students.))~~

6 If a school district's basic education program fails to meet the
7 basic education requirements enumerated in RCW 28A.150.250,
8 28A.150.260, and 28A.150.220, the state board of education shall
9 require the superintendent of public instruction to withhold state
10 funds in whole or in part for the basic education allocation until
11 program compliance is assured: PROVIDED, That the state board of
12 education may waive this requirement in the event of substantial lack
13 of classroom space.

14 **Sec. 3.** RCW 28A.205.010 and 1993 c 211 s 1 are each amended to
15 read as follows:

16 (1) As used in this chapter, unless the context thereof shall
17 clearly indicate to the contrary:

18 "Education center" means any ((private)) nonpublic school operated
19 on a profit or nonprofit basis which does the following:

20 (a) Is devoted to the teaching of basic academic skills, including
21 specific attention to improvement of student motivation for achieving,
22 and employment orientation.

23 (b) Operates on a clinical, client centered basis. This shall
24 include, but not be limited to, performing diagnosis of individual
25 educational abilities, determination and setting of individual goals,
26 prescribing and providing individual courses of instruction therefor,
27 and evaluation of each individual client's progress in his or her
28 educational program.

29 (c) Conducts courses of instruction by professionally trained
30 personnel certificated by the state board of education according to
31 rules ((and regulations promulgated)) adopted for the purposes of this
32 chapter and providing, for certification purposes, that a year's
33 teaching experience in an education center shall be deemed equal to a
34 year's teaching experience in a common or ((private)) nonpublic school.

35 (2) For purposes of this chapter, basic academic skills shall
36 include the study of mathematics, speech, language, reading and
37 composition, science, history, literature and political science or
38 civics, as any or all of these subjects are identified under RCW

1 28A.150.210 and for which essential academic learning requirements have
2 been established under RCW 28A.630.885(3)(a); it shall not include
3 courses of a vocational training nature and shall not include courses
4 deemed nonessential to the accrediting of the common schools or the
5 approval of ((private)) nonpublic schools under RCW 28A.305.130.

6 (3) The state board of education shall certify an education center
7 only upon application and (a) determination that such school comes
8 within the definition thereof as set forth in subsection (1) ((above))
9 of this section and (b) demonstration on the basis of actual
10 educational performance of such applicants' students which shows after
11 consideration of their students' backgrounds, educational gains that
12 are a direct result of the applicants' educational program. Such
13 certification may be withdrawn if the board finds that a center fails
14 to provide adequate instruction in basic academic skills. No education
15 center certified by the state board of education pursuant to this
16 section shall be deemed a common school under RCW 28A.150.020 or a
17 ((private)) nonpublic school for the purposes of RCW 28A.195.010
18 through 28A.195.050.

19 **Sec. 4.** RCW 28A.205.020 and 1997 c 265 s 7 are each amended to
20 read as follows:

21 Only eligible common school dropouts shall be enrolled in a
22 certified education center for reimbursement by the superintendent of
23 public instruction as provided in RCW 28A.205.040. A person is not an
24 eligible common school dropout if: (1) The person has completed high
25 school, (2) the person has not reached his or her twelfth birthday or
26 has passed his or her twentieth birthday, (3) the person shows
27 proficiency beyond the high school level in a test approved by the
28 ((superintendent of public instruction)) state board of education to be
29 given as part of the initial diagnostic procedure, or (4) less than one
30 month has passed after the person has dropped out of any common school
31 and the education center has not received written verification from a
32 school official of the common school last attended in this state that
33 the person is no longer in attendance at the school. A person is an
34 eligible common school dropout even if one month has not passed since
35 the person dropped out if the board of directors or its designee, of
36 that common school, requests the center to admit the person because the
37 person has dropped out or because the person is unable to attend a
38 particular common school because of disciplinary reasons, including

1 suspension and/or expulsion. The fact that any person may be subject
2 to RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140, 28A.200.010,
3 and 28A.200.020 shall not affect his or her qualifications as an
4 eligible common school dropout under this chapter.

5 **Sec. 5.** RCW 28A.205.040 and 1990 c 33 s 183 are each amended to
6 read as follows:

7 (1)(a) From funds appropriated for that purpose, the superintendent
8 of public instruction shall pay fees to a certified ~~((elinie))~~ center
9 on a monthly basis for each student enrolled in compliance with RCW
10 28A.205.020~~(, fees in accordance with the following conditions:~~

11 ~~(1)(a) The fee for the initial diagnostic procedure shall be not~~
12 ~~more than fifty dollars per student, and hourly fees for each student~~
13 ~~shall be sixteen dollars if the class size is no greater than one, ten~~
14 ~~dollars if the class size is at least two and no greater than five, and~~
15 ~~five dollars if the class size is at least six: PROVIDED, That)).~~ The
16 superintendent shall set fees by rule.

17 (b) Revisions in such fees proposed by an education ~~((elinie))~~
18 center shall become effective after thirty days notice unless the
19 superintendent finds such a revision is unreasonable in which case the
20 revision shall not take effect~~((:—PROVIDED FURTHER, That)).~~ An
21 education ((elinie)) center may, within fifteen days after such a
22 finding by the superintendent, file notification of appeal with the
23 state board of education which shall, no later than its second
24 regularly scheduled meeting following notification of such appeal,
25 either grant or deny the proposed revision~~((:—AND PROVIDED FURTHER,~~
26 ~~That)).~~ The administration of any general education development test
27 shall not be a part of such initial diagnostic procedure.

28 ~~((b))~~ (c) Reimbursements shall not be made for students who are
29 absent.

30 ~~((e))~~ (d) No ~~((elinie))~~ center shall make any charge to any
31 student, or the student's parent, guardian or custodian, for whom a fee
32 is being received under the provisions of this section.

33 (2) Payments shall be made from available funds first to those
34 ~~((elinie(s)—which))~~ centers that have in the judgment of the
35 superintendent demonstrated superior performance based upon
36 consideration of students' educational gains taking into account such
37 students' backgrounds, and upon consideration of cost effectiveness.
38 In considering the cost effectiveness of nonprofit ~~((elinies))~~ centers

1 the superintendent shall take into account not only payments made under
2 this section but also factors such as tax exemptions, direct and
3 indirect subsidies or any other cost to taxpayers at any level of
4 government which result from such nonprofit status.

5 (3) To be eligible for such payment, every such ~~((elinie))~~ center,
6 without prior notice, shall permit a review of its accounting records
7 by personnel of the state auditor during normal business hours.

8 (4) If total funds for this purpose approach depletion, the
9 superintendent shall notify the ~~((elinies))~~ centers of the date after
10 which further funds for reimbursement of the ~~((elinies'))~~ centers'
11 services will be exhausted.

12 **Sec. 6.** RCW 28A.225.160 and 1986 c 166 s 1 are each amended to
13 read as follows:

14 Except as otherwise provided by law, it is the general policy of
15 the state that the common schools shall be open to the admission of all
16 persons who are five years of age and less than twenty-one years
17 residing in that school district. Except as otherwise provided by law
18 or rules adopted by the state board of education, ~~((the state board of
19 education is hereby authorized to adopt rules in accordance with
20 chapter 34.05 RCW which))~~ districts may establish uniform entry
21 qualifications, including but not limited to birth date requirements,
22 for admission to kindergarten and first grade programs of the common
23 schools. Such rules may provide for exceptions based upon the ability,
24 or the need, or both, of an individual student. For the purpose of
25 complying with any rule adopted by the state board of education which
26 authorizes a preadmission screening process as a prerequisite to
27 granting exceptions to the uniform entry qualifications, a school
28 district may collect fees ~~((not to exceed seventy five dollars per
29 preadmission student))~~ to cover expenses incurred in the administration
30 of ~~((such a))~~ any preadmission screening process: PROVIDED, That in so
31 establishing such fee or fees, the district shall adopt regulations for
32 waiving and reducing such fees in the cases of those persons whose
33 families, by reason of their low income, would have difficulty in
34 paying the entire amount of such fees.

35 **Sec. 7.** RCW 28A.300.040 and 1992 c 198 s 6 are each amended to
36 read as follows:

1 In addition to any other powers and duties as provided by law, the
2 powers and duties of the superintendent of public instruction shall be:

3 (1) To have supervision over all matters pertaining to the public
4 schools of the state((-))i

5 (2) To report to the governor and the legislature such information
6 and data as may be required for the management and improvement of the
7 schools((-))i

8 (3) To prepare and have printed such forms, registers, courses of
9 study, rules ((and regulations)) for the government of the common
10 schools, ((questions prepared for the examination of persons as
11 provided for in RCW 28A.305.130(9)),) and such other material and books
12 as may be necessary for the discharge of the duties of teachers and
13 officials charged with the administration of the laws relating to the
14 common schools, and to distribute the same to educational service
15 district superintendents((-))i

16 (4) To travel, without neglecting his or her other official duties
17 as superintendent of public instruction, for the purpose of attending
18 educational meetings or conventions, of visiting schools, of consulting
19 educational service district superintendents or other school
20 officials((-))i

21 (5) To prepare and from time to time to revise a manual of the
22 Washington state common school code, copies of which shall be provided
23 in such numbers as determined by the superintendent of public
24 instruction at no cost to those public agencies within the common
25 school system and which shall be sold at approximate actual cost of
26 publication and distribution per volume to all other public and
27 nonpublic agencies or individuals, said manual to contain Titles 28A
28 and 28C RCW, rules ((and regulations)) related to the common schools,
29 and such other matter as the state superintendent or the state board of
30 education shall determine. Proceeds of the sale of such code shall be
31 transmitted to the public printer who shall credit the state
32 superintendent's account within the state printing plant revolving fund
33 by a like amount((-))i

34 (6) To act as ex officio member and the chief executive officer of
35 the state board of education((-))i

36 (7) To act as the administrator for rules adopted under RCW
37 28A.305.130 (1) through (5), (7), and (8);

38 (8) To file all papers, reports and public documents transmitted to
39 the superintendent by the school officials of the several counties or

1 districts of the state, each year separately. Copies of all papers
2 filed in the superintendent's office, and the superintendent's official
3 acts, may, or upon request, shall be certified by the superintendent
4 and attested by the superintendent's official seal, and when so
5 certified shall be evidence of the papers or acts so certified to~~((-))~~i
6 ~~((+8))~~ (9) To require annually, on or before the 15th day of
7 August, of the president, manager, or principal of every educational
8 institution in this state, a report as required by the superintendent
9 of public instruction; and it is the duty of every president, manager
10 or principal, to complete and return such forms within such time as the
11 superintendent of public instruction shall direct~~((-))~~i
12 ~~((+9))~~ (10) To keep in the superintendent's office a record of all
13 teachers receiving certificates to teach in the common schools of this
14 state~~((-))~~i
15 ~~((+10))~~ (11) To issue certificates as provided by law~~((-))~~i
16 ~~((+11))~~ (12) To keep in the superintendent's office at the capital
17 of the state, all books and papers pertaining to the business of the
18 superintendent's office, and to keep and preserve in the
19 superintendent's office a complete record of statistics, as well as a
20 record of the meetings of the state board of education~~((-))~~i
21 ~~((+12))~~ (13) With the assistance of the office of the attorney
22 general, to decide all points of law which may be submitted to the
23 superintendent in writing by any educational service district
24 superintendent, or that may be submitted to the superintendent by any
25 other person, upon appeal from the decision of any educational service
26 district superintendent; and the superintendent shall publish his or
27 her rulings and decisions from time to time for the information of
28 school officials and teachers; and the superintendent's decision shall
29 be final unless set aside by a court of competent jurisdiction~~((-))~~i
30 ~~((+13))~~ (14) To administer oaths and affirmations in the discharge
31 of the superintendent's official duties~~((-))~~i
32 ~~((+14))~~ (15) To deliver to his or her successor, at the expiration
33 of the superintendent's term of office, all records, books, maps,
34 documents and papers of whatever kind belonging to the superintendent's
35 office or which may have been received by the superintendent's for the
36 use of the superintendent's office~~((-))~~i
37 ~~((+15))~~ (16) To administer family services and programs to promote
38 the state's policy as provided in RCW 74.14A.025~~((-))~~i

1 (~~(16)~~) (17) To perform such other duties as may be required by
2 law.

3 **Sec. 8.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read
4 as follows:

5 In addition to any other powers and duties as provided by law, the
6 state board of education shall:

7 (1) Approve or disapprove the program of courses leading to
8 teacher, school administrator, and school specialized personnel
9 certification offered by all institutions of higher education within
10 the state which may be accredited and whose graduates may become
11 entitled to receive such certification(~~(-)~~);

12 (2) Conduct every five years a review of the program approval
13 standards, including the minimum standards for teachers,
14 administrators, and educational staff associates, to reflect research
15 findings and assure continued improvement of preparation programs for
16 teachers, administrators, and educational staff associates(~~(-)~~);

17 (3) Investigate the character of the work required to be performed
18 as a condition of entrance to and graduation from any institution of
19 higher education in this state relative to such certification as
20 provided for in subsection (1) (~~(above)~~) of this section, and prepare
21 a list of accredited institutions of higher education of this and other
22 states whose graduates may be awarded such certificates(~~(-)~~);

23 (4)(a) The state board of education shall adopt rules to allow a
24 teacher certification candidate to fulfill, in part, teacher
25 preparation program requirements through work experience as a
26 classified teacher's aide in a public or nonpublic school (~~(or private~~
27 ~~school)~~) meeting the requirements of RCW 28A.195.010. The rules shall
28 include, but are not limited to, limitations based upon the recency of
29 the teacher preparation candidate's teacher aide work experience, and
30 limitations based on the amount of work experience that may apply
31 toward teacher preparation program requirements under this
32 chapter(~~(-)~~);

33 (b) The state board of education shall require that at the time of
34 the individual's enrollment in a teacher preparation program, the
35 supervising teacher and the building principal shall jointly provide to
36 the teacher preparation program of the higher education institution at
37 which the teacher candidate is enrolled, a written assessment of the
38 performance of the teacher candidate. The assessment shall contain

1 such information as determined by the state board of education and
2 shall include: Evidence that at least fifty percent of the candidate's
3 work as a classified teacher's aide was involved in instructional
4 activities with children under the supervision of a certificated
5 teacher and that the candidate worked a minimum of six hundred thirty
6 hours for one school year; the type of work performed by the candidate;
7 and a recommendation of whether the candidate's work experience as a
8 classified teacher's aide should be substituted for teacher preparation
9 program requirements. In compliance with such rules as may be
10 established by the state board of education under this section, the
11 teacher preparation programs of the higher education institution where
12 the candidate is enrolled shall make the final determination as to what
13 teacher preparation program requirements may be fulfilled by teacher
14 aide work experience((-))i

15 (5) Supervise the issuance of such certificates as provided for in
16 subsection (1) (~~above~~) of this section and specify the types and
17 kinds of certificates necessary for the several departments of the
18 common schools by rule (~~or regulation in accordance with RCW~~
19 ~~28A.410.010~~);i

20 (6) Accredite, subject to such accreditation standards and
21 procedures as may be established by the state board of education, all
22 schools that apply for accreditation, and approve, subject to the
23 provisions of RCW 28A.195.010, (~~private~~) nonpublic schools carrying
24 out a program for any or all of the grades kindergarten through twelve:
25 PROVIDED, That no (~~private~~) nonpublic school may be approved that
26 operates a kindergarten program only: PROVIDED FURTHER, That no public
27 or (~~private~~) nonpublic schools shall be placed upon the list of
28 accredited schools so long as secret societies are knowingly allowed to
29 exist among its students by school officials: PROVIDED FURTHER, That
30 the state board may elect to require all or certain classifications of
31 the public schools to conduct and participate in such preaccreditation
32 examination and evaluation processes as may now or hereafter be
33 established by the board((-))i

34 (7) Establish, publish, and enforce rules determining eligibility
35 for and certification of personnel employed in the common schools of
36 this state, including certification for emergency or temporary,
37 substitute, or provisional duty and under such certificates or permits
38 as the board shall deem proper or as otherwise prescribed by law. The
39 rules shall require that the initial application for certification

1 shall require a record check of the applicant through the Washington
2 state patrol criminal identification system and through the federal
3 bureau of investigation at the applicant's expense. The record check
4 shall include a fingerprint check using a complete Washington state
5 criminal identification fingerprint card. The superintendent of public
6 instruction may waive the record check for any applicant who has had a
7 record check within the two years before application;

8 (8) In establishing rules pertaining to the qualifications of
9 instructors of American sign language, consult with the national
10 association of the deaf, "sign instructors guidance network"
11 (s.i.g.n.), and the Washington state association of the deaf for
12 evaluation and certification of sign language instructors;

13 (9) Make rules ((and regulations)) governing the establishment in
14 any existing nonhigh school district of any secondary program or any
15 new grades in grades nine through twelve. Before any such program or
16 any new grades are established the district must obtain prior approval
17 of the state board((-))i

18 ((+8)) (10) Prepare such outline of study for the common schools
19 as the board shall deem necessary, and prescribe such rules for the
20 general government of the common schools, as shall seek to secure
21 regularity of attendance, prevent truancy, secure efficiency, and
22 promote the true interest of the common schools((-))i

23 ((+9)) (11) Continuously reevaluate courses and adopt and enforce
24 ((regulations)) rules within the common schools so as to meet the
25 educational needs of students and articulate with the institutions of
26 higher education and unify the work of the public school system((-))i

27 ((+10)) (12) Carry out board powers and duties relating to the
28 organization and reorganization of school districts under RCW
29 28A.315.010 through 28A.315.680 and 28A.315.900((-))i

30 ((+11)) (13) By rule ((or regulation promulgated)) adopted upon
31 the advice of the chief of the Washington state patrol, through the
32 director of fire protection, provide for instruction of pupils in the
33 public and ((private)) nonpublic schools carrying out a K through 12
34 program, or any part thereof, so that in case of sudden emergency they
35 shall be able to leave their particular school building in the shortest
36 possible time or take such other steps as the particular emergency
37 demands, and without confusion or panic; such rules ((and regulations))
38 shall be published and distributed to certificated personnel throughout
39 the state whose duties shall include a familiarization therewith as

1 well as the means of implementation thereof at their particular
2 school((-)); and

3 ((-12)) (14) Hear and decide appeals as otherwise provided by law.

4 The state board of education ((is given the authority to
5 promulgate)) may adopt information and rules dealing with the
6 prevention of child abuse for purposes of curriculum use in the common
7 schools.

8 **Sec. 9.** RCW 4.24.550 and 1998 c 220 s 6 are each amended to read
9 as follows:

10 (1) Public agencies are authorized to release information to the
11 public regarding sex offenders and kidnapping offenders when the agency
12 determines that disclosure of the information is relevant and necessary
13 to protect the public and counteract the danger created by the
14 particular offender. This authorization applies to information
15 regarding: (a) Any person adjudicated or convicted of a sex offense as
16 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
17 9A.44.130; (b) any person under the jurisdiction of the indeterminate
18 sentence review board as the result of a sex offense or kidnapping
19 offense; (c) any person committed as a sexually violent predator under
20 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
21 (d) any person found not guilty of a sex offense or kidnapping offense
22 by reason of insanity under chapter 10.77 RCW; and (e) any person found
23 incompetent to stand trial for a sex offense or kidnapping offense and
24 subsequently committed under chapter 71.05 or 71.34 RCW.

25 (2) The extent of the public disclosure of relevant and necessary
26 information shall be rationally related to: (a) The level of risk
27 posed by the offender to the community; (b) the locations where the
28 offender resides, expects to reside, or is regularly found; and (c) the
29 needs of the affected community members for information to enhance
30 their individual and collective safety.

31 (3) Local law enforcement agencies shall consider the following
32 guidelines in determining the extent of a public disclosure made under
33 this section: (a) For offenders classified as risk level I, the agency
34 shall share information with other appropriate law enforcement agencies
35 and may disclose, upon request, relevant, necessary, and accurate
36 information to any victim or witness to the offense and to any
37 individual community member who lives near the residence where the
38 offender resides, expects to reside, or is regularly found; (b) for

1 offenders classified as risk level II, the agency may also disclose
2 relevant, necessary, and accurate information to public and ((private))
3 nonpublic schools, child day care centers, family day care providers,
4 businesses and organizations that serve primarily children, women, or
5 vulnerable adults, and neighbors and community groups near the
6 residence where the offender resides, expects to reside, or is
7 regularly found; and (c) for offenders classified as risk level III,
8 the agency may also disclose relevant, necessary, and accurate
9 information to the public at large.

10 (4) Local law enforcement agencies that disseminate information
11 pursuant to this section shall: (a) Review available risk level
12 classifications made by the department of corrections, the department
13 of social and health services, and the indeterminate sentence review
14 board; (b) assign risk level classifications to all offenders about
15 whom information will be disseminated; and (c) make a good faith effort
16 to notify the public and residents at least fourteen days before the
17 offender is released from confinement or, where an offender moves from
18 another jurisdiction, as soon as possible after the agency learns of
19 the offender's move, except that in no case may this notification
20 provision be construed to require an extension of an offender's release
21 date. The juvenile court shall provide local law enforcement officials
22 with all relevant information on offenders allowed to remain in the
23 community in a timely manner.

24 (5) An appointed or elected public official, public employee, or
25 public agency as defined in RCW 4.24.470 is immune from civil liability
26 for damages for any discretionary risk level classification decisions
27 or release of relevant and necessary information, unless it is shown
28 that the official, employee, or agency acted with gross negligence or
29 in bad faith. The immunity in this section applies to risk level
30 classification decisions and the release of relevant and necessary
31 information regarding any individual for whom disclosure is authorized.
32 The decision of a local law enforcement agency or official to classify
33 an offender to a risk level other than the one assigned by the
34 department of corrections, the department of social and health
35 services, or the indeterminate sentence review board, or the release of
36 any relevant and necessary information based on that different
37 classification shall not, by itself, be considered gross negligence or
38 bad faith. The immunity provided under this section applies to the
39 release of relevant and necessary information to other public

1 officials, public employees, or public agencies, and to the general
2 public.

3 (6) Except as may otherwise be provided by law, nothing in this
4 section shall impose any liability upon a public official, public
5 employee, or public agency for failing to release information
6 authorized under this section.

7 (7) Nothing in this section implies that information regarding
8 persons designated in subsection (1) of this section is confidential
9 except as may otherwise be provided by law.

10 (8) When a local law enforcement agency or official classifies an
11 offender differently than the offender is classified by the department
12 of corrections, the department of social and health services, or the
13 indeterminate sentence review board, the law enforcement agency or
14 official shall notify the appropriate department or the board and
15 submit its reasons supporting the change in classification.

16 **Sec. 10.** RCW 9.41.280 and 1996 c 295 s 13 are each amended to read
17 as follows:

18 (1) It is unlawful for a person to carry onto, or to possess on,
19 public or (~~private~~) nonpublic elementary or secondary school
20 premises, school-provided transportation, or areas of facilities while
21 being used exclusively by public or (~~private~~) nonpublic schools:

22 (a) Any firearm;

23 (b) Any other dangerous weapon as defined in RCW 9.41.250;

24 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
25 two or more lengths of wood, metal, plastic, or similar substance
26 connected with wire, rope, or other means;

27 (d) Any device, commonly known as "throwing stars", which are
28 multi-pointed, metal objects designed to embed upon impact from any
29 aspect; or

30 (e) Any air gun, including any air pistol or air rifle, designed to
31 propel a BB, pellet, or other projectile by the discharge of compressed
32 air, carbon dioxide, or other gas.

33 (2) Any such person violating subsection (1) of this section is
34 guilty of a gross misdemeanor. If any person is convicted of a
35 violation of subsection (1)(a) of this section, the person shall have
36 his or her concealed pistol license, if any revoked for a period of
37 three years. Anyone convicted under this subsection is prohibited from
38 applying for a concealed pistol license for a period of three years.

1 The court shall send notice of the revocation to the department of
2 licensing, and the city, town, or county which issued the license.

3 Any violation of subsection (1) of this section by elementary or
4 secondary school students constitutes grounds for expulsion from the
5 state's public schools in accordance with RCW 28A.600.010. An
6 appropriate school authority shall promptly notify law enforcement and
7 the student's parent or guardian regarding any allegation or indication
8 of such violation.

9 (3) Subsection (1) of this section does not apply to:

10 (a) Any student or employee of a private military academy when on
11 the property of the academy;

12 (b) Any person engaged in military, law enforcement, or school
13 district security activities;

14 (c) Any person who is involved in a convention, showing,
15 demonstration, lecture, or firearms safety course authorized by school
16 authorities in which the firearms of collectors or instructors are
17 handled or displayed;

18 (d) Any person while the person is participating in a firearms or
19 air gun competition approved by the school or school district;

20 (e) Any person in possession of a pistol who has been issued a
21 license under RCW 9.41.070, or is exempt from the licensing requirement
22 by RCW 9.41.060, while picking up or dropping off a student;

23 (f) Any nonstudent at least eighteen years of age legally in
24 possession of a firearm or dangerous weapon that is secured within an
25 attended vehicle or concealed from view within a locked unattended
26 vehicle while conducting legitimate business at the school;

27 (g) Any nonstudent at least eighteen years of age who is in lawful
28 possession of an unloaded firearm, secured in a vehicle while
29 conducting legitimate business at the school; or

30 (h) Any law enforcement officer of the federal, state, or local
31 government agency.

32 (4) Subsections (1)(c) and (d) of this section do not apply to any
33 person who possesses nun-chu-ka sticks, throwing stars, or other
34 dangerous weapons to be used in martial arts classes authorized to be
35 conducted on the school premises.

36 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of
37 this section, firearms are not permitted in a public or (~~private~~)
38 nonpublic school building.

1 (6) "GUN-FREE ZONE" signs shall be posted around school facilities
2 giving warning of the prohibition of the possession of firearms on
3 school grounds.

4 **Sec. 11.** RCW 9.61.160 and 1977 ex.s. c 231 s 1 are each amended to
5 read as follows:

6 It shall be unlawful for any person to threaten to bomb or
7 otherwise injure any public or (~~private~~) nonpublic school building,
8 any place of worship or public assembly, any governmental property, or
9 any other building, common carrier, or structure, or any place used for
10 human occupancy; or to communicate or repeat any information concerning
11 such a threatened bombing or injury, knowing such information to be
12 false and with intent to alarm the person or persons to whom the
13 information is communicated or repeated.

14 **Sec. 12.** RCW 13.40.160 and 1997 c 338 s 25 and 1997 c 265 s 1 are
15 each reenacted and amended to read as follows:

16 (1) The standard range disposition for a juvenile adjudicated of an
17 offense is determined according to RCW 13.40.0357.

18 (a) When the court sentences an offender to a local sanction as
19 provided in RCW 13.40.0357 option A, the court shall impose a
20 determinate disposition within the standard ranges, except as provided
21 in subsections (2), (4), and (5) of this section. The disposition may
22 be comprised of one or more local sanctions.

23 (b) When the court sentences an offender to a standard range as
24 provided in RCW 13.40.0357 option A that includes a term of confinement
25 exceeding thirty days, commitment shall be to the department for the
26 standard range of confinement, except as provided in subsections (2),
27 (4), and (5) of this section.

28 (2) If the court concludes, and enters reasons for its conclusion,
29 that disposition within the standard range would effectuate a manifest
30 injustice the court shall impose a disposition outside the standard
31 range, as indicated in option C of RCW 13.40.0357. The court's finding
32 of manifest injustice shall be supported by clear and convincing
33 evidence.

34 A disposition outside the standard range shall be determinate and
35 shall be comprised of confinement or community supervision, or a
36 combination thereof. When a judge finds a manifest injustice and
37 imposes a sentence of confinement exceeding thirty days, the court

1 shall sentence the juvenile to a maximum term, and the provisions of
2 RCW 13.40.030(2) shall be used to determine the range. A disposition
3 outside the standard range is appealable under RCW 13.40.230 by the
4 state or the respondent. A disposition within the standard range is
5 not appealable under RCW 13.40.230.

6 (3) Where a respondent is found to have committed an offense for
7 which the respondent declined to enter into a diversion agreement, the
8 court shall impose a term of community supervision limited to the
9 conditions allowed in a diversion agreement as provided in RCW
10 13.40.080(2).

11 (4) When a juvenile offender is found to have committed a sex
12 offense, other than a sex offense that is also a serious violent
13 offense as defined by RCW 9.94A.030, and has no history of a prior sex
14 offense, the court, on its own motion or the motion of the state or the
15 respondent, may order an examination to determine whether the
16 respondent is amenable to treatment.

17 The report of the examination shall include at a minimum the
18 following: The respondent's version of the facts and the official
19 version of the facts, the respondent's offense history, an assessment
20 of problems in addition to alleged deviant behaviors, the respondent's
21 social, educational, and employment situation, and other evaluation
22 measures used. The report shall set forth the sources of the
23 evaluator's information.

24 The examiner shall assess and report regarding the respondent's
25 amenability to treatment and relative risk to the community. A
26 proposed treatment plan shall be provided and shall include, at a
27 minimum:

28 (a)(i) Frequency and type of contact between the offender and
29 therapist;

30 (ii) Specific issues to be addressed in the treatment and
31 description of planned treatment modalities;

32 (iii) Monitoring plans, including any requirements regarding living
33 conditions, lifestyle requirements, and monitoring by family members,
34 legal guardians, or others;

35 (iv) Anticipated length of treatment; and

36 (v) Recommended crime-related prohibitions.

37 The court on its own motion may order, or on a motion by the state
38 shall order, a second examination regarding the offender's amenability
39 to treatment. The evaluator shall be selected by the party making the

1 motion. The defendant shall pay the cost of any second examination
2 ordered unless the court finds the defendant to be indigent in which
3 case the state shall pay the cost.

4 After receipt of reports of the examination, the court shall then
5 consider whether the offender and the community will benefit from use
6 of this special sex offender disposition alternative and consider the
7 victim's opinion whether the offender should receive a treatment
8 disposition under this section. If the court determines that this
9 special sex offender disposition alternative is appropriate, then the
10 court shall impose a determinate disposition within the standard range
11 for the offense, or if the court concludes, and enters reasons for its
12 conclusions, that such disposition would cause a manifest injustice,
13 the court shall impose a disposition under option C, and the court may
14 suspend the execution of the disposition and place the offender on
15 community supervision for at least two years. As a condition of the
16 suspended disposition, the court may impose the conditions of community
17 supervision and other conditions, including up to thirty days of
18 confinement and requirements that the offender do any one or more of
19 the following:

20 (b)(i) Devote time to a specific education, employment, or
21 occupation;

22 (ii) Undergo available outpatient sex offender treatment for up to
23 two years, or inpatient sex offender treatment not to exceed the
24 standard range of confinement for that offense. A community mental
25 health center may not be used for such treatment unless it has an
26 appropriate program designed for sex offender treatment. The
27 respondent shall not change sex offender treatment providers or
28 treatment conditions without first notifying the prosecutor, the
29 probation counselor, and the court, and shall not change providers
30 without court approval after a hearing if the prosecutor or probation
31 counselor object to the change;

32 (iii) Remain within prescribed geographical boundaries and notify
33 the court or the probation counselor prior to any change in the
34 offender's address, educational program, or employment;

35 (iv) Report to the prosecutor and the probation counselor prior to
36 any change in a sex offender treatment provider. This change shall
37 have prior approval by the court;

38 (v) Report as directed to the court and a probation counselor;

1 (vi) Pay all court-ordered legal financial obligations, perform
2 community service, or any combination thereof;

3 (vii) Make restitution to the victim for the cost of any counseling
4 reasonably related to the offense;

5 (viii) Comply with the conditions of any court-ordered probation
6 bond; or

7 (ix) The court shall order that the offender may not attend the
8 public or approved ((private)) nonpublic elementary, middle, or high
9 school attended by the victim or the victim's siblings. The parents or
10 legal guardians of the offender are responsible for transportation or
11 other costs associated with the offender's change of school that would
12 otherwise be paid by the school district. The court shall send notice
13 of the disposition and restriction on attending the same school as the
14 victim or victim's siblings to the public or approved ((private))
15 nonpublic school the juvenile will attend, if known, or if unknown, to
16 the approved ((private)) nonpublic schools and the public school
17 district board of directors of the district in which the juvenile
18 resides or intends to reside. This notice must be sent at the earliest
19 possible date but not later than ten calendar days after entry of the
20 disposition.

21 The sex offender treatment provider shall submit quarterly reports
22 on the respondent's progress in treatment to the court and the parties.
23 The reports shall reference the treatment plan and include at a minimum
24 the following: Dates of attendance, respondent's compliance with
25 requirements, treatment activities, the respondent's relative progress
26 in treatment, and any other material specified by the court at the time
27 of the disposition.

28 At the time of the disposition, the court may set treatment review
29 hearings as the court considers appropriate.

30 Except as provided in this subsection (4), after July 1, 1991,
31 examinations and treatment ordered pursuant to this subsection shall
32 only be conducted by sex offender treatment providers certified by the
33 department of health pursuant to chapter 18.155 RCW. A sex offender
34 therapist who examines or treats a juvenile sex offender pursuant to
35 this subsection does not have to be certified by the department of
36 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
37 offender has already moved to another state or plans to move to another
38 state for reasons other than circumventing the certification
39 requirements; (B) no certified providers are available for treatment

1 within a reasonable geographical distance of the offender's home; and
2 (C) the evaluation and treatment plan comply with this subsection (4)
3 and the rules adopted by the department of health.

4 If the offender violates any condition of the disposition or the
5 court finds that the respondent is failing to make satisfactory
6 progress in treatment, the court may revoke the suspension and order
7 execution of the disposition or the court may impose a penalty of up to
8 thirty days' confinement for violating conditions of the disposition.
9 The court may order both execution of the disposition and up to thirty
10 days' confinement for the violation of the conditions of the
11 disposition. The court shall give credit for any confinement time
12 previously served if that confinement was for the offense for which the
13 suspension is being revoked.

14 For purposes of this section, "victim" means any person who has
15 sustained emotional, psychological, physical, or financial injury to
16 person or property as a direct result of the crime charged. "Victim"
17 may also include a known parent or guardian of a victim who is a minor
18 child unless the parent or guardian is the perpetrator of the offense.

19 A disposition entered under this subsection (4) is not appealable
20 under RCW 13.40.230.

21 (5) If the juvenile offender is subject to a standard range
22 disposition of local sanctions or 15 to 36 weeks of confinement and has
23 not committed an A- or B+ offense, the court may impose the disposition
24 alternative under RCW 13.40.165.

25 (6) RCW 13.40.193 shall govern the disposition of any juvenile
26 adjudicated of possessing a firearm in violation of RCW
27 9.41.040(1)(b)(iii) or any crime in which a special finding is entered
28 that the juvenile was armed with a firearm.

29 (7) Whenever a juvenile offender is entitled to credit for time
30 spent in detention prior to a dispositional order, the dispositional
31 order shall specifically state the number of days of credit for time
32 served.

33 (8) Except as provided under subsection (4) or (5) of this section
34 or RCW 13.40.127, the court shall not suspend or defer the imposition
35 or the execution of the disposition.

36 (9) In no case shall the term of confinement imposed by the court
37 at disposition exceed that to which an adult could be subjected for the
38 same offense.

1 **Sec. 13.** RCW 13.40.215 and 1997 c 265 s 2 are each amended to read
2 as follows:

3 (1)(a) Except as provided in subsection (2) of this section, at the
4 earliest possible date, and in no event later than thirty days before
5 discharge, parole, or any other authorized leave or release, or before
6 transfer to a community residential facility, the secretary shall send
7 written notice of the discharge, parole, authorized leave or release,
8 or transfer of a juvenile found to have committed a violent offense, a
9 sex offense, or stalking, to the following:

10 (i) The chief of police of the city, if any, in which the juvenile
11 will reside;

12 (ii) The sheriff of the county in which the juvenile will reside;
13 and

14 (iii) The approved ((private)) nonpublic schools and the common
15 school district board of directors of the district in which the
16 juvenile intends to reside or the approved ((private)) nonpublic school
17 or public school district in which the juvenile last attended school,
18 whichever is appropriate, except when it has been determined by the
19 department that the juvenile is twenty-one years old; is not required
20 to return to school under chapter 28A.225 RCW; or will be in the
21 community for less than seven consecutive days on approved leave and
22 will not be attending school during that time.

23 (b) After July 27, 1997, the department shall send a written notice
24 to approved ((private)) nonpublic and public schools under the same
25 conditions identified in subsection (1)(a)(iii) of this section when a
26 juvenile adjudicated of any offense is transferred to a community
27 residential facility.

28 (c) The same notice as required by (a) of this subsection shall be
29 sent to the following, if such notice has been requested in writing
30 about a specific juvenile:

31 (i) The victim of the offense for which the juvenile was found to
32 have committed or the victim's next of kin if the crime was a homicide;

33 (ii) Any witnesses who testified against the juvenile in any court
34 proceedings involving the offense; and

35 (iii) Any person specified in writing by the prosecuting attorney.
36 Information regarding victims, next of kin, or witnesses requesting the
37 notice, information regarding any other person specified in writing by
38 the prosecuting attorney to receive the notice, and the notice are
39 confidential and shall not be available to the juvenile. The notice to

1 the chief of police or the sheriff shall include the identity of the
2 juvenile, the residence where the juvenile will reside, the identity of
3 the person, if any, responsible for supervising the juvenile, and the
4 time period of any authorized leave.

5 (d) The thirty-day notice requirements contained in this subsection
6 shall not apply to emergency medical furloughs.

7 (e) The existence of the notice requirements in this subsection
8 will not require any extension of the release date in the event the
9 release plan changes after notification.

10 (2)(a) If a juvenile found to have committed a violent offense, a
11 sex offense, or stalking escapes from a facility of the department, the
12 secretary shall immediately notify, by the most reasonable and
13 expedient means available, the chief of police of the city and the
14 sheriff of the county in which the juvenile resided immediately before
15 the juvenile's arrest. If previously requested, the secretary shall
16 also notify the witnesses and the victim of the offense which the
17 juvenile was found to have committed or the victim's next of kin if the
18 crime was a homicide. If the juvenile is recaptured, the secretary
19 shall send notice to the persons designated in this subsection as soon
20 as possible but in no event later than two working days after the
21 department learns of such recapture.

22 (b) The secretary may authorize a leave, for a juvenile found to
23 have committed a violent offense, a sex offense, or stalking, which
24 shall not exceed forty-eight hours plus travel time, to meet an
25 emergency situation such as a death or critical illness of a member of
26 the juvenile's family. The secretary may authorize a leave, which
27 shall not exceed the time medically necessary, to obtain medical care
28 not available in a juvenile facility maintained by the department.
29 Prior to the commencement of an emergency or medical leave, the
30 secretary shall give notice of the leave to the appropriate law
31 enforcement agency in the jurisdiction in which the juvenile will be
32 during the leave period. The notice shall include the identity of the
33 juvenile, the time period of the leave, the residence of the juvenile
34 during the leave, and the identity of the person responsible for
35 supervising the juvenile during the leave. If previously requested,
36 the department shall also notify the witnesses and victim of the
37 offense which the juvenile was found to have committed or the victim's
38 next of kin if the offense was a homicide.

1 In case of an emergency or medical leave the secretary may waive
2 all or any portion of the requirements for leaves pursuant to RCW
3 13.40.205 (2)(a), (3), (4), and (5).

4 (3) If the victim, the victim's next of kin, or any witness is
5 under the age of sixteen, the notice required by this section shall be
6 sent to the parents or legal guardian of the child.

7 (4) The secretary shall send the notices required by this chapter
8 to the last address provided to the department by the requesting party.
9 The requesting party shall furnish the department with a current
10 address.

11 (5) Upon discharge, parole, or other authorized leave or release,
12 a convicted juvenile sex offender shall not attend a public or approved
13 ((private)) nonpublic elementary, middle, or high school that is
14 attended by a victim or a sibling of a victim of the sex offender. The
15 parents or legal guardians of the convicted juvenile sex offender shall
16 be responsible for transportation or other costs associated with or
17 required by the sex offender's change in school that otherwise would be
18 paid by a school district. Upon discharge, parole, or other authorized
19 leave or release of a convicted juvenile sex offender, the secretary
20 shall send written notice of the discharge, parole, or other authorized
21 leave or release and the requirements of this subsection to the common
22 school district board of directors of the district in which the sex
23 offender intends to reside or the district in which the sex offender
24 last attended school, whichever is appropriate. The secretary shall
25 send a similar notice to any approved ((private)) nonpublic school the
26 juvenile will attend, if known, or if unknown, to the approved
27 ((private)) nonpublic schools within the district the juvenile resides
28 or intends to reside.

29 (6) For purposes of this section the following terms have the
30 following meanings:

31 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

32 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

33 (c) "Stalking" means the crime of stalking as defined in RCW
34 9A.46.110;

35 (d) "Next of kin" means a person's spouse, parents, siblings, and
36 children.

37 **Sec. 14.** RCW 18.29.050 and 1997 c 37 s 1 are each amended to read
38 as follows:

1 Any person licensed as a dental hygienist in this state may remove
2 deposits and stains from the surfaces of the teeth, may apply topical
3 preventive or prophylactic agents, may polish and smooth restorations,
4 may perform root planing and soft-tissue curettage, and may perform
5 other dental operations and services delegated to them by a licensed
6 dentist: PROVIDED HOWEVER, That licensed dental hygienists shall in no
7 event perform the following dental operations or services:

8 (1) Any surgical removal of tissue of the oral cavity;

9 (2) Any prescription of drugs or medications requiring the written
10 order or prescription of a licensed dentist or physician;

11 (3) Any diagnosis for treatment or treatment planning; or

12 (4) The taking of any impression of the teeth or jaw, or the
13 relationships of the teeth or jaws, for the purpose of fabricating any
14 intra-oral restoration, appliance, or prosthesis.

15 Such licensed dental hygienists may perform dental operations and
16 services only under the supervision of a licensed dentist, and under
17 such supervision may be employed by hospitals, boards of education of
18 public or ((private)) nonpublic schools, county boards, boards of
19 health, or public or charitable institutions, or in dental offices.

20 **Sec. 15.** RCW 18.71.030 and 1996 c 178 s 4 are each amended to read
21 as follows:

22 Nothing in this chapter shall be construed to apply to or interfere
23 in any way with the practice of religion or any kind of treatment by
24 prayer; nor shall anything in this chapter be construed to prohibit:

25 (1) The furnishing of medical assistance in cases of emergency
26 requiring immediate attention;

27 (2) The domestic administration of family remedies;

28 (3) The administration of oral medication of any nature to students
29 by public school district employees or ((private)) nonpublic elementary
30 or secondary school employees as provided for in chapter 28A.210 RCW;

31 (4) The practice of dentistry, osteopathic medicine and surgery,
32 nursing, chiropractic, podiatric medicine and surgery, optometry,
33 naturopathy, or any other healing art licensed under the methods or
34 means permitted by such license;

35 (5) The practice of medicine in this state by any commissioned
36 medical officer serving in the armed forces of the United States or
37 public health service or any medical officer on duty with the United
38 States veterans administration while such medical officer is engaged in

1 the performance of the duties prescribed for him or her by the laws and
2 regulations of the United States;

3 (6) The practice of medicine by any practitioner licensed by
4 another state or territory in which he or she resides, provided that
5 such practitioner shall not open an office or appoint a place of
6 meeting patients or receiving calls within this state;

7 (7) The practice of medicine by a person who is a regular student
8 in a school of medicine approved and accredited by the commission,
9 however, the performance of such services be only pursuant to a regular
10 course of instruction or assignments from his or her instructor, or
11 that such services are performed only under the supervision and control
12 of a person licensed pursuant to this chapter;

13 (8) The practice of medicine by a person serving a period of
14 postgraduate medical training in a program of clinical medical training
15 sponsored by a college or university in this state or by a hospital
16 accredited in this state, however, the performance of such services
17 shall be only pursuant to his or her duties as a trainee;

18 (9) The practice of medicine by a person who is regularly enrolled
19 in a physician assistant program approved by the commission, however,
20 the performance of such services shall be only pursuant to a regular
21 course of instruction in said program and such services are performed
22 only under the supervision and control of a person licensed pursuant to
23 this chapter;

24 (10) The practice of medicine by a licensed physician assistant
25 which practice is performed under the supervision and control of a
26 physician licensed pursuant to this chapter;

27 (11) The practice of medicine, in any part of this state which
28 shares a common border with Canada and which is surrounded on three
29 sides by water, by a physician licensed to practice medicine and
30 surgery in Canada or any province or territory thereof;

31 (12) The administration of nondental anesthesia by a dentist who
32 has completed a residency in anesthesiology at a school of medicine
33 approved by the commission, however, a dentist allowed to administer
34 nondental anesthesia shall do so only under authorization of the
35 patient's attending surgeon, obstetrician, or psychiatrist, and the
36 commission has jurisdiction to discipline a dentist practicing under
37 this exemption and enjoin or suspend such dentist from the practice of
38 nondental anesthesia according to this chapter and chapter 18.130 RCW;

1 (13) Emergency lifesaving service rendered by a physician's trained
2 emergency medical service intermediate life support technician and
3 paramedic, as defined in RCW 18.71.200, if the emergency lifesaving
4 service is rendered under the responsible supervision and control of a
5 licensed physician;

6 (14) The provision of clean, intermittent bladder catheterization
7 for students by public school district employees or ((private))
8 nonpublic school employees as provided for in RCW 18.79.290 and
9 28A.210.280.

10 **Sec. 16.** RCW 18.79.290 and 1994 sp.s. c 9 s 429 are each amended
11 to read as follows:

12 (1) In accordance with rules adopted by the commission, public
13 school districts and ((private)) nonpublic schools that offer classes
14 for any of grades kindergarten through twelve may provide for clean,
15 intermittent bladder catheterization of students or assisted self-
16 catheterization of students who are in the custody of the school
17 district or ((private)) nonpublic school at the time. After
18 consultation with staff of the superintendent of public instruction,
19 the commission shall adopt rules in accordance with chapter 34.05 RCW,
20 that provide for the following and such other matters as the commission
21 deems necessary to the proper implementation of this section:

22 (a) A requirement for a written, current, and unexpired request
23 from a parent, legal guardian, or other person having legal control
24 over the student that the school district or ((private)) nonpublic
25 school provide for the catheterization of the student;

26 (b) A requirement for a written, current, and unexpired request
27 from a physician licensed under chapter 18.71 or 18.57 RCW, that
28 catheterization of the student be provided for during the hours when
29 school is in session or the hours when the student is under the
30 supervision of school officials;

31 (c) A requirement for written, current, and unexpired instructions
32 from an advanced registered nurse practitioner or a registered nurse
33 licensed under this chapter regarding catheterization that include (i)
34 a designation of the school district or ((private)) nonpublic school
35 employee or employees who may provide for the catheterization, and (ii)
36 a description of the nature and extent of any required supervision; and

37 (d) The nature and extent of acceptable training that shall (i) be
38 provided by a physician, advanced registered nurse practitioner, or

1 registered nurse licensed under chapter 18.71 or 18.57 RCW, or this
2 chapter, and (ii) be required of school district or ((private))
3 nonpublic school employees who provide for the catheterization of a
4 student under this section, except that a licensed practical nurse
5 licensed under this chapter is exempt from training.

6 (2) This section does not require school districts to provide
7 intermittent bladder catheterization of students.

8 **Sec. 17.** RCW 19.142.010 and 1990 c 55 s 1 and 1990 c 33 s 556 are
9 each reenacted and amended to read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter:

12 (1) "Business day" means any day except a Sunday or a legal
13 holiday.

14 (2) "Buyer" or "member" means a person who purchases health studio
15 services.

16 (3) "Health studio" includes any person or entity engaged in the
17 sale of instruction, training, assistance or use of facilities which
18 purport to assist patrons to improve their physical condition or
19 appearance through physical exercise, body building, weight loss,
20 figure development, the martial arts, or any other similar activity.

21 For the purposes of this chapter, "health studio" does not include:

22 (a) Public common schools, ((private)) nonpublic schools approved under
23 RCW 28A.195.010, and public or private institutions of higher
24 education; (b) persons providing professional services within the scope
25 of a person's license under Title 18 RCW; (c) bona fide nonprofit
26 organizations which have been granted tax-exempt status by the Internal
27 Revenue Service, the functions of which as health studios are only
28 incidental to their overall functions and purposes; (d) a person or
29 entity which offers physical exercise, body building, figure
30 development or similar activities as incidental features of a plan of
31 instruction or assistance relating to diet or control of eating habits;
32 (e) bona fide nonprofit corporations organized under chapter 24.03 RCW
33 which have members and whose members have meaningful voting rights to
34 elect and remove a board of directors which is responsible for the
35 operation of the health club and corporation; and (f) a preexisting
36 facility primarily offering aerobic classes, where the initiation fee
37 is less than fifty dollars and no memberships are sold which exceed one
38 year in duration. For purposes of this subsection, "preexisting

1 facility" means an existing building used for health studio services
2 covered by the fees collected.

3 (4) "Health studio services" means instruction, services,
4 privileges, or rights offered for sale by a health studio. "Health
5 studio services" do not include: (a) Instruction or assistance
6 relating to diet or control of eating habits not involving substantial
7 on-site physical exercise, body building, figure development, or any
8 other similar activity; or (b) recreational or social programs which
9 either involve no physical exercise or exercise only incidental to the
10 program.

11 (5) "Initiation or membership fee" means a fee paid either in a
12 lump sum or in installments within twelve months of execution of the
13 health studio services contract on a one-time basis when a person first
14 joins a health studio for the privilege of belonging to the health
15 studio.

16 (6) "Special offer or discount" means any offer of health studio
17 services at a reduced price or without charge to a prospective member.

18 (7) "Use fees or dues" means fees paid on a regular periodic basis
19 for use of a health studio. This does not preclude prepayment of use
20 fees at the buyer's option.

21 **Sec. 18.** RCW 26.09.225 and 1991 sp.s. c 28 s 3 are each amended to
22 read as follows:

23 (1) Each parent shall have full and equal access to the education
24 and health care records of the child absent a court order to the
25 contrary. Neither parent may veto the access requested by the other
26 parent.

27 (2) Educational records are limited to academic, attendance, and
28 disciplinary records of public and (~~private~~) nonpublic schools in all
29 grades kindergarten through twelve and any form of alternative school
30 for all periods for which child support is paid or the child is the
31 dependent in fact of the parent requesting access to the records.

32 (3) Educational records of postsecondary educational institutions
33 are limited to enrollment and academic records necessary to determine,
34 establish, or continue support ordered pursuant to RCW 26.19.090.

35 **Sec. 19.** RCW 28A.150.350 and 1990 c 33 s 112 are each amended to
36 read as follows:

1 (1) For purposes of this section, the following definitions shall
2 apply:

3 (a) "~~((Private))~~ Nonpublic school student" shall mean any student
4 enrolled full time in a (~~((private))~~) nonpublic school;

5 (b) "School" shall mean any primary, secondary or vocational
6 school;

7 (c) "School funding authority" shall mean any nonfederal
8 governmental authority which provides moneys to common schools;

9 (d) "Part time student" shall mean and include: Any student
10 enrolled in a course of instruction in a (~~((private))~~) nonpublic school
11 and taking courses at and/or receiving ancillary services offered by
12 any public school not available in such (~~((private))~~) nonpublic school;
13 or any student who is not enrolled in a (~~((private))~~) nonpublic school
14 and is receiving home-based instruction under RCW 28A.225.010 which
15 instruction includes taking courses at or receiving ancillary services
16 from the local school district or both; or any student involved in any
17 work training program and taking courses in any public school, which
18 work training program is approved by the school board of the district
19 in which such school is located.

20 (2) The board of directors of any school district is authorized
21 and, in the same manner as for other public school students, shall
22 permit the enrollment of and provide ancillary services for part time
23 students: PROVIDED, That this section shall only apply to part time
24 students who would be otherwise eligible for full time enrollment in
25 the school district.

26 (3) The superintendent of public instruction shall recognize the
27 costs to each school district occasioned by enrollment of and/or
28 ancillary services provided for part time students authorized by
29 subsection (2) of this section and shall include such costs in the
30 distribution of funds to school districts pursuant to RCW 28A.150.260.
31 Each school district shall be reimbursed for the costs or a portion
32 thereof, occasioned by attendance of and/or ancillary services provided
33 for part time students on a part time basis, by the superintendent of
34 public instruction, according to law.

35 (4) Each school funding authority shall recognize the costs
36 occasioned to each school district by enrollment of and ancillary
37 services provided for part time students authorized by subsection (2)
38 of this section, and shall include said costs in funding the activities
39 of said school districts.

1 (5) The superintendent of public instruction is authorized to adopt
2 rules ((and regulations)) to carry out the purposes of RCW 28A.150.260
3 and 28A.150.350.

4 **Sec. 20.** RCW 28A.160.020 and 1990 c 33 s 133 are each amended to
5 read as follows:

6 Every school district board of directors may authorize children
7 attending a ((private)) nonpublic school approved in accordance with
8 RCW 28A.195.010 to ride a school bus or other student transportation
9 vehicle to and from school so long as the following conditions are met:

10 (1) The board of directors shall not be required to alter those bus
11 routes or stops established for transporting public school students;

12 (2) ((Private)) Nonpublic school students shall be allowed to ride
13 on a seat-available basis only; and

14 (3) The board of directors shall charge an amount sufficient to
15 reimburse the district for the actual per seat cost of providing such
16 transportation.

17 **Sec. 21.** RCW 28A.160.115 and 1990 c 241 s 11 are each amended to
18 read as follows:

19 On highways divided into separate roadways as provided in RCW
20 46.61.150 and highways with three or more marked traffic lanes, public
21 school district bus routes and ((private)) nonpublic school bus routes
22 shall serve each side of the highway so that students do not have to
23 cross the highway, unless there is a traffic control signal as defined
24 in RCW 46.04.600 or an adult crossing guard within three hundred feet
25 of the bus stop to assist students while crossing such multiple-lane
26 highways.

27 **Sec. 22.** RCW 28A.170.090 and 1995 c 335 s 205 are each amended to
28 read as follows:

29 (1) The superintendent of public instruction shall select school
30 districts and cooperatives of school districts to receive grants for
31 drug and alcohol abuse prevention and intervention programs for
32 students in kindergarten through twelfth grade, from funds appropriated
33 by the legislature for this purpose. The minimum annual grant amount
34 per district or cooperative of districts shall be twenty thousand
35 dollars. Factors to be used in selecting proposals for funding and in
36 determining grant awards shall be developed in consultation with the

1 substance abuse advisory committee appointed under RCW 28A.170.050,
2 with the intent of targeting funding to districts with high-risk
3 populations. These factors may include:

4 (a) Characteristics of the school attendance areas to be served,
5 such as the number of students from low-income families, truancy rates,
6 juvenile justice referrals, and social services caseloads;

7 (b) The total number of students who would have access to services;
8 and

9 (c) Participation of community groups and law enforcement agencies
10 in drug and alcohol abuse prevention and intervention activities.

11 (2) The application procedures for grants under this section shall
12 include provisions for comprehensive planning, establishment of a
13 school and community substance abuse advisory committee, and
14 documentation of the district's needs assessment. Planning and
15 application for grants under this section may be integrated with the
16 development of other substance abuse awareness programs by school
17 districts. School districts shall, to the maximum extent feasible,
18 coordinate the use of grants provided under this section with other
19 funding available for substance abuse awareness programs. School
20 districts should allocate resources giving emphasis to drug and alcohol
21 abuse intervention services for students in grades five through nine.
22 Grants may be used to provide services for students who are enrolled in
23 approved ((private)) nonpublic schools.

24 (3) School districts receiving grants under this section shall be
25 required to establish a means of accessing formal assessment services
26 for determining treatment needs of students with drug and alcohol
27 problems. The grant applications submitted by districts shall identify
28 the districts' plan for meeting this requirement.

29 (4) School districts receiving grants under this section shall be
30 required to perform biennial evaluations of their drug and alcohol
31 abuse prevention and intervention programs, and to report on the
32 results of these evaluations to the superintendent of public
33 instruction.

34 (5) The superintendent of public instruction may adopt rules to
35 implement RCW 28A.170.080 and 28A.170.090.

36 **Sec. 23.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to
37 read as follows:

1 The legislature hereby recognizes that ((private)) nonpublic
2 schools should be subject only to those minimum state controls
3 necessary to insure the health and safety of all the students in the
4 state and to insure a sufficient basic education to meet usual
5 graduation requirements. The state, any agency or official thereof,
6 shall not restrict or dictate any specific educational or other
7 programs for ((private)) nonpublic schools except as ((hereinafter))
8 provided in this section ((provided)).

9 Principals of ((private)) nonpublic schools or superintendents of
10 ((private)) nonpublic school districts shall file each year with the
11 state superintendent of public instruction a statement certifying that
12 the minimum requirements hereinafter set forth are being met, noting
13 any deviations. After review of the statement, the state
14 superintendent will notify schools or school districts of those
15 deviations which must be corrected. In case of major deviations, the
16 school or school district may request and the state board of education
17 may grant provisional status for one year in order that the school or
18 school district may take action to meet the requirements. Minimum
19 requirements shall be as follows:

20 (1) The minimum school year for instructional purposes shall
21 consist of no less than one hundred eighty school days or the
22 equivalent in annual minimum program hour offerings as prescribed in
23 RCW 28A.150.220.

24 (2) The school day shall be the same as that required in RCW
25 28A.150.030 and 28A.150.220, except that the percentages of total
26 program hour offerings as prescribed in RCW 28A.150.220 for basic
27 skills, work skills, and optional subjects and activities shall not
28 apply to ((private)) nonpublic schools or ((private)) nonpublic
29 sectarian schools.

30 (3) All classroom teachers shall hold appropriate Washington state
31 certification except as follows:

32 (a) Teachers for religious courses or courses for which no
33 counterpart exists in public schools shall not be required to obtain a
34 state certificate to teach those courses.

35 (b) In exceptional cases, people of unusual competence but without
36 certification may teach students so long as a certified person
37 exercises general supervision. Annual written statements shall be
38 submitted to the office of the superintendent of public instruction
39 reporting and explaining such circumstances.

1 (4) An approved ((private)) nonpublic school may operate an
2 extension program for parents, guardians, or persons having legal
3 custody of a child to teach children in their custody. The extension
4 program shall require at a minimum that:

5 (a) The parent, guardian, or custodian be under the supervision of
6 an employee of the approved ((private)) nonpublic school who is
7 certified under chapter 28A.410 RCW;

8 (b) The planning by the certified person and the parent, guardian,
9 or person having legal custody include objectives consistent with this
10 subsection and subsections (1), (2), (5), (6), and (7) of this section;

11 (c) The certified person spend a minimum average each month of one
12 contact hour per week with each student under his or her supervision
13 who is enrolled in the approved ((private)) nonpublic school extension
14 program;

15 (d) Each student's progress be evaluated by the certified person;
16 and

17 (e) The certified employee shall not supervise more than thirty
18 students enrolled in the approved ((private)) nonpublic school's
19 extension program.

20 (5) Appropriate measures shall be taken to safeguard all permanent
21 records against loss or damage.

22 (6) The physical facilities of the school or district shall be
23 adequate to meet the program offered by the school or district:
24 PROVIDED, That each school building shall meet reasonable health and
25 fire safety requirements. However, the state board shall not require
26 ((private)) nonpublic school students to meet the student learning
27 goals, obtain a certificate of mastery to graduate from high school, to
28 master the essential academic learning requirements, or to be assessed
29 pursuant to RCW 28A.630.885. However, ((private)) nonpublic schools
30 may choose, on a voluntary basis, to have their students master these
31 essential academic learning requirements, take these assessments, and
32 obtain certificates of mastery. A residential dwelling of the parent,
33 guardian, or custodian shall be deemed to be an adequate physical
34 facility when a parent, guardian, or person having legal custody is
35 instructing his or her child under subsection (4) of this section.

36 (7) ((Private)) Nonpublic school curriculum shall include
37 instruction of the basic skills of occupational education, science,
38 mathematics, language, social studies, history, health, reading,
39 writing, spelling, and the development of appreciation of art and

1 music, all in sufficient units for meeting state board of education
2 graduation requirements.

3 (8) Each school or school district shall be required to maintain
4 up-to-date policy statements related to the administration and
5 operation of the school or school district.

6 All decisions of policy, philosophy, selection of books, teaching
7 material, curriculum, except as provided in subsection (7) (~~above~~
8 ~~provided~~) of this section, school rules and administration, or other
9 matters not specifically referred to in this section, shall be the
10 responsibility of the administration and administrators of the
11 particular (~~private~~) nonpublic school involved.

12 **Sec. 24.** RCW 28A.195.020 and 1974 ex.s. c 92 s 3 are each amended
13 to read as follows:

14 The state recognizes the following rights of every (~~private~~)
15 nonpublic school:

16 (1) To teach their religious beliefs and doctrines, if any; to pray
17 in class and in assemblies; to teach patriotism including requiring
18 students to salute the flag of the United States if that be the custom
19 of the particular (~~private~~) nonpublic school.

20 (2) To require that there shall be on file the written consent of
21 parents or guardians of students prior to the administration of any
22 psychological test or the conduct of any type of group therapy.

23 **Sec. 25.** RCW 28A.195.030 and 1974 ex.s. c 92 s 4 are each amended
24 to read as follows:

25 Any (~~private~~) nonpublic school may appeal the actions of the
26 state superintendent of public instruction or state board of education
27 as provided in chapter 34.05 RCW.

28 **Sec. 26.** RCW 28A.195.050 and 1984 c 40 s 1 are each amended to
29 read as follows:

30 The superintendent of public instruction is hereby directed to
31 appoint a (~~private~~) nonpublic school advisory committee that is
32 broadly representative of educators, legislators, and various
33 (~~private~~) nonpublic school groups in the state of Washington.

34 **Sec. 27.** RCW 28A.195.060 and 1975 1st ex.s. c 275 s 70 are each
35 amended to read as follows:

1 It shall be the duty of the administrative or executive authority
2 of every ((private)) nonpublic school in this state to report to the
3 educational service district superintendent on or before the thirtieth
4 day of June in each year, on a form to be furnished, such information
5 as may be required by the superintendent of public instruction, to make
6 complete the records of education work pertaining to all children
7 residing within the state.

8 **Sec. 28.** RCW 28A.195.070 and 1997 c 266 s 5 are each amended to
9 read as follows:

10 If a student who previously attended an approved ((private))
11 nonpublic school enrolls in a public school but has not paid tuition,
12 fees, or fines at the approved ((private)) nonpublic school, the
13 approved ((private)) nonpublic school may withhold the student's
14 official transcript, but shall transmit information to the public
15 school about the student's academic performance, special placement,
16 immunization records, and records of disciplinary action.

17 **Sec. 29.** RCW 28A.200.010 and 1995 c 52 s 1 are each amended to
18 read as follows:

19 Each parent whose child is receiving home-based instruction under
20 RCW 28A.225.010(4) shall have the duty to:

21 (1) File annually a signed declaration of intent that he or she is
22 planning to cause his or her child to receive home-based instruction.
23 The statement shall include the name and age of the child, shall
24 specify whether a certificated person will be supervising the
25 instruction, and shall be written in a format prescribed by the
26 superintendent of public instruction. Each parent shall file the
27 statement by September 15 of the school year or within two weeks of the
28 beginning of any public school quarter, trimester, or semester with the
29 superintendent of the public school district within which the parent
30 resides or the district that accepts the transfer, and the student
31 shall be deemed a transfer student of the nonresident district.
32 Parents may apply for transfer under RCW 28A.225.220;

33 (2) Ensure that test scores or annual academic progress assessments
34 and immunization records, together with any other records that are kept
35 relating to the instructional and educational activities provided, are
36 forwarded to any other public or ((private)) nonpublic school to which
37 the child transfers. At the time of a transfer to a public school, the

1 superintendent of the local school district in which the child enrolls
2 may require a standardized achievement test to be administered and
3 shall have the authority to determine the appropriate grade and course
4 level placement of the child after consultation with parents and review
5 of the child's records; and

6 (3) Ensure that a standardized achievement test approved by the
7 state board of education is administered annually to the child by a
8 qualified individual or that an annual assessment of the student's
9 academic progress is written by a certificated person who is currently
10 working in the field of education. The state board of education shall
11 not require these children to meet the student learning goals, master
12 the essential academic learning requirements, to take the assessments,
13 or to obtain a certificate of mastery pursuant to RCW 28A.630.885. The
14 standardized test administered or the annual academic progress
15 assessment written shall be made a part of the child's permanent
16 records. If, as a result of the annual test or assessment, it is
17 determined that the child is not making reasonable progress consistent
18 with his or her age or stage of development, the parent shall make a
19 good faith effort to remedy any deficiency.

20 Failure of a parent to comply with the duties in this section shall
21 be deemed a failure of such parent's child to attend school without
22 valid justification under RCW 28A.225.020. Parents who do comply with
23 the duties set forth in this section shall be presumed to be providing
24 home-based instruction as set forth in RCW 28A.225.010(4).

25 **Sec. 30.** RCW 28A.210.070 and 1990 c 33 s 191 are each amended to
26 read as follows:

27 As used in RCW 28A.210.060 through 28A.210.170:

28 (1) "Chief administrator" shall mean the person with the authority
29 and responsibility for the immediate supervision of the operation of a
30 school or day care center as defined in this section or, in the
31 alternative, such other person as may hereafter be designated in
32 writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the
33 statutory or corporate board of directors of the school district,
34 school, or day care center or, if none, such other persons or person
35 with the authority and responsibility for the general supervision of
36 the operation of the school district, school or day care center.

1 (2) "Full immunization" shall mean immunization against certain
2 vaccine-preventable diseases in accordance with schedules and with
3 immunizing agents approved by the state board of health.

4 (3) "Local health department" shall mean the city, town, county,
5 district or combined city-county health department, board of health, or
6 health officer which provides public health services.

7 (4) "School" shall mean and include each building, facility, and
8 location at or within which any or all portions of a preschool,
9 kindergarten and grades one through twelve program of education and
10 related activities are conducted for two or more children by or in
11 behalf of any public school district and by or in behalf of any
12 ((private)) nonpublic school or ((private)) nonpublic institution
13 subject to approval by the state board of education pursuant to RCW
14 28A.305.130(6), 28A.195.010 through 28A.195.050, and 28A.410.120.

15 (5) "Day care center" shall mean an agency which regularly provides
16 care for a group of thirteen or more children for periods of less than
17 twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

18 (6) "Child" shall mean any person, regardless of age, in attendance
19 at a public or ((private)) nonpublic school or a licensed day care
20 center.

21 **Sec. 31.** RCW 28A.210.080 and 1990 c 33 s 192 are each amended to
22 read as follows:

23 The attendance of every child at every public and ((private))
24 nonpublic school in the state and licensed day care center shall be
25 conditioned upon the presentation before or on each child's first day
26 of attendance at a particular school or center, of proof of either (1)
27 full immunization, (2) the initiation of and compliance with a schedule
28 of immunization, as required by rules of the state board of health, or
29 (3) a certificate of exemption as provided for in RCW 28A.210.090. The
30 attendance at the school or the day care center during any subsequent
31 school year of a child who has initiated a schedule of immunization
32 shall be conditioned upon the presentation of proof of compliance with
33 the schedule on the child's first day of attendance during the
34 subsequent school year. Once proof of full immunization or proof of
35 completion of an approved schedule has been presented, no further proof
36 shall be required as a condition to attendance at the particular school
37 or center.

1 **Sec. 32.** RCW 28A.210.110 and 1991 c 3 s 291 are each amended to
2 read as follows:

3 A child's proof of immunization or certification of exemption shall
4 be presented to the chief administrator of the public or ((private))
5 nonpublic school or day care center or to his or her designee for that
6 purpose. The chief administrator shall:

7 (1) Retain such records pertaining to each child at the school or
8 day care center for at least the period the child is enrolled in the
9 school or attends such center;

10 (2) Retain a record at the school or day care center of the name,
11 address, and date of exclusion of each child excluded from school or
12 the center pursuant to RCW 28A.210.120 for not less than three years
13 following the date of a child's exclusion;

14 (3) File a written annual report with the department of health on
15 the immunization status of students or children attending the day care
16 center at a time and on forms prescribed by the department of health;
17 and

18 (4) Allow agents of state and local health departments access to
19 the records retained in accordance with this section during business
20 hours for the purposes of inspection and copying.

21 **Sec. 33.** RCW 28A.210.120 and 1990 c 33 s 196 are each amended to
22 read as follows:

23 It shall be the duty of the chief administrator of every public and
24 ((private)) nonpublic school and day care center to prohibit the
25 further presence at the school or day care center for any and all
26 purposes of each child for whom proof of immunization, certification of
27 exemption, or proof of compliance with an approved schedule of
28 immunization has not been provided in accordance with RCW 28A.210.080
29 and to continue to prohibit the child's presence until such proof of
30 immunization, certification of exemption, or approved schedule has been
31 provided. The exclusion of a child from a school shall be accomplished
32 in accordance with rules of the state board of education. The
33 exclusion of a child from a day care center shall be accomplished in
34 accordance with rules of the department of social and health services.
35 Prior to the exclusion of a child, each school or day care center shall
36 provide written notice to the parent(s) or legal guardian(s) of each
37 child or to the adult(s) in loco parentis to each child, who is not in
38 compliance with the requirements of RCW 28A.210.080. The notice shall

1 fully inform such person(s) of the following: (1) The requirements
2 established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2)
3 the fact that the child will be prohibited from further attendance at
4 the school unless RCW 28A.210.080 is complied with; (3) such procedural
5 due process rights as are hereafter established pursuant to RCW
6 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the
7 immunization services that are available from or through the local
8 health department and other public agencies.

9 **Sec. 34.** RCW 28A.210.160 and 1990 c 33 s 199 are each amended to
10 read as follows:

11 The state board of education shall and is hereby empowered to adopt
12 rules pursuant to chapter 34.05 RCW which establish the procedural and
13 substantive due process requirements governing the exclusion of
14 children from public and ((private)) nonpublic schools pursuant to RCW
15 28A.210.120.

16 **Sec. 35.** RCW 28A.210.260 and 1994 sp.s. c 9 s 720 are each amended
17 to read as follows:

18 Public school districts and ((private)) nonpublic schools which
19 conduct any of grades kindergarten through the twelfth grade may
20 provide for the administration of oral medication of any nature to
21 students who are in the custody of the school district or school at the
22 time of administration, but are not required to do so by this section,
23 subject to the following conditions:

24 (1) The board of directors of the public school district or the
25 governing board of the ((private)) nonpublic school or, if none, the
26 chief administrator of the ((private)) nonpublic school shall adopt
27 policies which address the designation of employees who may administer
28 oral medications to students, the acquisition of parent requests and
29 instructions, and the acquisition of dentist and physician requests and
30 instructions regarding students who require medication for more than
31 fifteen consecutive school days, the identification of the medication
32 to be administered, the means of safekeeping medications with special
33 attention given to the safeguarding of legend drugs as defined in
34 chapter 69.41 RCW, and the means of maintaining a record of the
35 administration of such medication;

1 (2) The board of directors shall seek advice from one or more
2 licensed physicians or nurses in the course of developing the foregoing
3 policies;

4 (3) The public school district or ((private)) nonpublic school is
5 in receipt of a written, current and unexpired request from a parent,
6 or a legal guardian, or other person having legal control over the
7 student to administer the medication to the student;

8 (4) The public school district or the ((private)) nonpublic school
9 is in receipt of (a) a written, current and unexpired request from a
10 licensed physician or dentist for administration of the medication, as
11 there exists a valid health reason which makes administration of such
12 medication advisable during the hours when school is in session or the
13 hours in which the student is under the supervision of school
14 officials, and (b) written, current and unexpired instructions from
15 such physician or dentist regarding the administration of prescribed
16 medication to students who require medication for more than fifteen
17 consecutive work days;

18 (5) The medication is administered by an employee designated by or
19 pursuant to the policies adopted pursuant to subsection (1) of this
20 section and in substantial compliance with the prescription of a
21 physician or dentist or the written instructions provided pursuant to
22 subsection (4) of this section;

23 (6) The medication is first examined by the employee administering
24 the same to determine in his or her judgment that it appears to be in
25 the original container and to be properly labeled; and

26 (7) The board of directors shall designate a professional person
27 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it
28 applies to registered nurses and advanced registered nurse
29 practitioners, to train and supervise the designated school district
30 personnel in proper medication procedures.

31 **Sec. 36.** RCW 28A.210.270 and 1990 c 33 s 208 are each amended to
32 read as follows:

33 (1) In the event a school employee administers oral medication to
34 a student pursuant to RCW 28A.210.260 in substantial compliance with
35 the prescription of the student's physician or dentist or the written
36 instructions provided pursuant to RCW 28A.210.260(4), and the other
37 conditions set forth in RCW 28A.210.260 have been substantially
38 complied with, then the employee, the employee's school district or

1 school of employment, and the members of the governing board and chief
2 administrator thereof shall not be liable in any criminal action or for
3 civil damages in their individual or marital or governmental or
4 corporate or other capacities as a result of the administration of the
5 medication.

6 (2) The administration of oral medication to any student pursuant
7 to RCW 28A.210.260 may be discontinued by a public school district or
8 ((private)) nonpublic school and the school district or school, its
9 employees, its chief administrator, and members of its governing board
10 shall not be liable in any criminal action or for civil damages in
11 their governmental or corporate or individual or marital or other
12 capacities as a result of the discontinuance of such administration:
13 PROVIDED, That the chief administrator of the public school district or
14 ((private)) nonpublic school, or his or her designee, has first
15 provided actual notice orally or in writing in advance of the date of
16 discontinuance to a parent or legal guardian of the student or other
17 person having legal control over the student.

18 **Sec. 37.** RCW 28A.210.280 and 1994 sp.s. c 9 s 721 are each amended
19 to read as follows:

20 (1) Public school districts and ((private)) nonpublic schools that
21 offer classes for any of grades kindergarten through twelve may provide
22 for clean, intermittent bladder catheterization of students, or
23 assisted self-catheterization of students pursuant to RCW 18.79.290, if
24 the catheterization is provided for in substantial compliance with:

25 (a) Rules adopted by the state nursing care quality assurance
26 commission and the instructions of a registered nurse or advanced
27 registered nurse practitioner issued under such rules; and

28 (b) Written policies of the school district or ((private))
29 nonpublic school which shall be adopted in order to implement this
30 section and shall be developed in accordance with such requirements of
31 chapters 41.56 and 41.59 RCW as may be applicable.

32 (2) This section does not require school districts to provide
33 intermittent bladder catheterization of students.

34 **Sec. 38.** RCW 28A.210.290 and 1994 sp.s. c 9 s 722 are each amended
35 to read as follows:

36 (1) In the event a school employee provides for the catheterization
37 of a student pursuant to RCW 18.79.290 and 28A.210.280 in substantial

1 compliance with (a) rules adopted by the state nursing care quality
2 assurance commission and the instructions of a registered nurse or
3 advanced registered nurse practitioner issued under such rules, and (b)
4 written policies of the school district or ((private)) nonpublic
5 school, then the employee, the employee's school district or school of
6 employment, and the members of the governing board and chief
7 administrator thereof shall not be liable in any criminal action or for
8 civil damages in their individual, marital, governmental, corporate, or
9 other capacity as a result of providing for the catheterization.

10 (2) Providing for the catheterization of any student pursuant to
11 RCW 18.79.290 and 28A.210.280 may be discontinued by a public school
12 district or ((private)) nonpublic school and the school district or
13 school, its employees, its chief administrator, and members of its
14 governing board shall not be liable in any criminal action or for civil
15 damages in their individual, marital, governmental, corporate, or other
16 capacity as a result of the discontinuance: PROVIDED, That the chief
17 administrator of the public school district or ((private)) nonpublic
18 school, or his or her designee, has first provided actual notice orally
19 or in writing in advance of the date of discontinuance to a parent or
20 legal guardian of the student or other person having legal control over
21 the student: PROVIDED FURTHER, That the public school district
22 otherwise provides for the catheterization of the student to the extent
23 required by federal or state law.

24 **Sec. 39.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
25 read as follows:

26 (1) All parents in this state of any child eight years of age and
27 under eighteen years of age shall cause such child to attend the public
28 school of the district in which the child resides and such child shall
29 have the responsibility to and therefore shall attend for the full time
30 when such school may be in session unless:

31 (a) The child is attending an approved ((private)) nonpublic school
32 for the same time or is enrolled in an extension program as provided in
33 RCW 28A.195.010(4);

34 (b) The child is receiving home-based instruction as provided in
35 subsection (4) of this section;

36 (c) The child is attending an education center as provided in
37 chapter 28A.205 RCW;

1 (d) The school district superintendent of the district in which the
2 child resides shall have excused such child from attendance because the
3 child is physically or mentally unable to attend school, is attending
4 a residential school operated by the department of social and health
5 services, is incarcerated in an adult correctional facility, or has
6 been temporarily excused upon the request of his or her parents for
7 purposes agreed upon by the school authorities and the parent:
8 PROVIDED, That such excused absences shall not be permitted if deemed
9 to cause a serious adverse effect upon the student's educational
10 progress: PROVIDED FURTHER, That students excused for such temporary
11 absences may be claimed as full time equivalent students to the extent
12 they would otherwise have been so claimed for the purposes of RCW
13 28A.150.250 and 28A.150.260 and shall not affect school district
14 compliance with the provisions of RCW 28A.150.220; or

15 (e) The child is sixteen years of age or older and:

16 (i) The child is regularly and lawfully employed and either the
17 parent agrees that the child should not be required to attend school or
18 the child is emancipated in accordance with chapter 13.64 RCW;

19 (ii) The child has already met graduation requirements in
20 accordance with state board of education rules (~~and regulations~~); or

21 (iii) The child has received a certificate of educational
22 competence under rules (~~and regulations~~) established by the state
23 board of education under RCW 28A.305.190.

24 (2) A parent for the purpose of this chapter means a parent,
25 guardian, or person having legal custody of a child.

26 (3) An approved (~~private~~) nonpublic school for the purposes of
27 this chapter and chapter 28A.200 RCW shall be one approved under
28 (~~regulations~~) rules established by the state board of education
29 pursuant to RCW 28A.305.130.

30 (4) For the purposes of this chapter and chapter 28A.200 RCW,
31 instruction shall be home-based if it consists of planned and
32 supervised instructional and related educational activities, including
33 a curriculum and instruction in the basic skills of occupational
34 education, science, mathematics, language, social studies, history,
35 health, reading, writing, spelling, and the development of an
36 appreciation of art and music, provided for a number of hours
37 equivalent to the total annual program hours per grade level
38 established for approved (~~private~~) nonpublic schools under RCW
39 28A.195.010 and 28A.195.040 and if such activities are:

1 (a) Provided by a parent who is instructing his or her child only
2 and are supervised by a certificated person. A certificated person for
3 purposes of this chapter and chapter 28A.200 RCW shall be a person
4 certified under chapter 28A.410 RCW. For purposes of this section,
5 "supervised by a certificated person" means: The planning by the
6 certificated person and the parent of objectives consistent with this
7 subsection; a minimum each month of an average of one contact hour per
8 week with the child being supervised by the certificated person; and
9 evaluation of such child's progress by the certificated person. The
10 number of children supervised by the certificated person shall not
11 exceed thirty for purposes of this subsection; or

12 (b) Provided by a parent who is instructing his or her child only
13 and who has either earned forty-five college level quarter credit hours
14 or its equivalent in semester hours or has completed a course in home-
15 based instruction at a postsecondary institution or a vocational-
16 technical institute; or

17 (c) Provided by a parent who is deemed sufficiently qualified to
18 provide home-based instruction by the superintendent of the local
19 school district in which the child resides.

20 (5) The legislature recognizes that home-based instruction is less
21 structured and more experiential than the instruction normally provided
22 in a classroom setting. Therefore, the provisions of subsection (4) of
23 this section relating to the nature and quantity of instructional and
24 related educational activities shall be liberally construed.

25 **Sec. 40.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to
26 read as follows:

27 (1) A court may order a child subject to a petition under RCW
28 28A.225.035 to:

29 (a) Attend the child's current school;

30 (b) If there is space available and the program can provide
31 educational services appropriate for the child, order the child to
32 attend another public school, an alternative education program, center,
33 a skill center, dropout prevention program, or another public
34 educational program;

35 (c) Attend a ((private)) nonpublic nonsectarian school or program
36 including an education center. Before ordering a child to attend an
37 approved or certified ((private)) nonpublic nonsectarian school or
38 program, the court shall: (i) Consider the public and ((private))

1 nonpublic programs available; (ii) find that placement is in the best
2 interest of the child; and (iii) find that the ((private)) nonpublic
3 school or program is willing to accept the child and will not charge
4 any fees in addition to those established by contract with the
5 student's school district. If the court orders the child to enroll in
6 a ((private)) nonpublic school or program, the child's school district
7 shall contract with the school or program to provide educational
8 services for the child. The school district shall not be required to
9 contract for a weekly rate that exceeds the state general apportionment
10 dollars calculated on a weekly basis generated by the child and
11 received by the district. A school district shall not be required to
12 enter into a contract that is longer than the remainder of the school
13 year. A school district shall not be required to enter into or
14 continue a contract if the child is no longer enrolled in the district;

15 (d) Be referred to a community truancy board, if available; or

16 (e) Submit to testing for the use of controlled substances or
17 alcohol based on a determination that such testing is appropriate to
18 the circumstances and behavior of the child and will facilitate the
19 child's compliance with the mandatory attendance law.

20 (2) If the child fails to comply with the court order, the court
21 may order the child to be punished by detention, as provided in RCW
22 7.21.030(2)(e), or may impose alternatives to detention such as
23 community service. Failure by a child to comply with an order issued
24 under this subsection shall not be punishable by detention for a period
25 greater than that permitted pursuant to a civil contempt proceeding
26 against a child under chapter 13.32A RCW.

27 (3) Any parent violating any of the provisions of either RCW
28 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
29 dollars for each day of unexcused absence from school. It shall be a
30 defense for a parent charged with violating RCW 28A.225.010 to show
31 that he or she exercised reasonable diligence in attempting to cause a
32 child in his or her custody to attend school or that the child's school
33 did not perform its duties as required in RCW 28A.225.020. The court
34 may order the parent to provide community service instead of imposing
35 a fine. Any fine imposed pursuant to this section may be suspended
36 upon the condition that a parent charged with violating RCW 28A.225.010
37 shall participate with the school and the child in a supervised plan
38 for the child's attendance at school or upon condition that the parent

1 attend a conference or conferences scheduled by a school for the
2 purpose of analyzing the causes of a child's absence.

3 **Sec. 41.** RCW 28A.225.330 and 1997 c 266 s 4 are each amended to
4 read as follows:

5 (1) When enrolling a student who has attended school in another
6 school district, the school enrolling the student may request the
7 parent and the student to briefly indicate in writing whether or not
8 the student has:

9 (a) Any history of placement in special educational programs;

10 (b) Any past, current, or pending disciplinary action;

11 (c) Any history of violent behavior, or behavior listed in RCW
12 13.04.155;

13 (d) Any unpaid fines or fees imposed by other schools; and

14 (e) Any health conditions affecting the student's educational
15 needs.

16 (2) The school enrolling the student shall request the school the
17 student previously attended to send the student's permanent record
18 including records of disciplinary action, attendance, immunization
19 records, and academic performance. If the student has not paid a fine
20 or fee under RCW 28A.635.060, or tuition, fees, or fines at approved
21 ((private)) nonpublic schools the school may withhold the student's
22 official transcript, but shall transmit information about the student's
23 academic performance, special placement, immunization records, and
24 records of disciplinary action. If the official transcript is not sent
25 due to unpaid tuition, fees, or fines, the enrolling school shall
26 notify both the student and parent or guardian that the official
27 transcript will not be sent until the obligation is met, and failure to
28 have an official transcript may result in exclusion from
29 extracurricular activities or failure to graduate.

30 (3) If information is requested under subsection (2) of this
31 section, the information shall be transmitted within two school days
32 after receiving the request and the records shall be sent as soon as
33 possible. Any school district or district employee who releases the
34 information in compliance with this section is immune from civil
35 liability for damages unless it is shown that the school district
36 employee acted with gross negligence or in bad faith. The state board
37 of education shall provide by rule for the discipline under chapter
38 28A.410 RCW of a school principal or other chief administrator of a

1 public school building who fails to make a good faith effort to assure
2 compliance with this subsection.

3 (4) Any school district or district employee who releases the
4 information in compliance with federal and state law is immune from
5 civil liability for damages unless it is shown that the school district
6 or district employee acted with gross negligence or in bad faith.

7 **Sec. 42.** RCW 28A.300.240 and 1991 c 128 s 11 are each amended to
8 read as follows:

9 (1) The superintendent of public instruction shall annually make
10 available to school districts and approved ((private)) nonpublic
11 schools, from data supplied by the secretary of state, the names of
12 international student exchange visitor placement organizations
13 registered under chapter 19.166 RCW to place students in public schools
14 in the state and a summary of the information the organizations have
15 filed with the secretary of state under chapter 19.166 RCW.

16 (2) The superintendent shall provide general information and
17 assistance to school districts regarding international student exchange
18 visitors, including, to the extent feasible with available resources,
19 information on the type of visa required for enrollment, how to promote
20 positive educational experiences for visiting exchange students, and
21 how to integrate exchange students into the school environment to
22 benefit the education of both the exchange students and students in the
23 state.

24 **Sec. 43.** RCW 28A.305.010 and 1992 c 56 s 1 are each amended to
25 read as follows:

26 The state board of education shall be comprised of one member from
27 each congressional district of the state, not including any
28 congressional district at large, elected by the members of the boards
29 of directors of school districts thereof, as hereinafter in this
30 chapter provided, the superintendent of public instruction and one
31 member elected at large, as provided in this chapter, by the members of
32 the boards of directors of all ((private)) nonpublic schools in the
33 state meeting the requirements of RCW 28A.195.010. The member
34 representing ((private)) nonpublic schools shall not vote on matters
35 affecting public schools. If there is a dispute about whether or not
36 an issue directly affects public schools, the dispute shall be settled
37 by a majority vote of the other members of the board.

1 **Sec. 44.** RCW 28A.305.020 and 1990 c 33 s 258 are each amended to
2 read as follows:

3 Not later than the twenty-fifth day of August of each year, the
4 superintendent of public instruction shall call for the following
5 elections to be held: An election in each congressional district
6 within which resides a member of the state board of education whose
7 term of membership will end on the second Monday of January next
8 following, and an election of the member of the state board of
9 education representing ((private)) nonpublic schools if the term of
10 membership will end on the second Monday of January next following.
11 The superintendent of public instruction shall give written notice
12 thereof to each member of the board of directors of each common school
13 district in such congressional district, and to the chair of the board
14 of directors of each ((private)) nonpublic school who shall distribute
15 said notice to each member of the ((private)) nonpublic school board.
16 Such notice shall include the election calendar and rules ((and
17 regulations)) established by the superintendent of public instruction
18 for the conduct of the election.

19 **Sec. 45.** RCW 28A.305.040 and 1990 c 33 s 260 are each amended to
20 read as follows:

21 (1) Candidates for membership on the state board of education shall
22 file declarations of candidacy with the superintendent of public
23 instruction on forms prepared by the superintendent. Declarations of
24 candidacy may be filed by person or by mail not earlier than the first
25 day of September, or later than the sixteenth day of September. The
26 superintendent of public instruction may not accept any declaration of
27 candidacy that is not on file in the superintendent's office or is not
28 postmarked before the seventeenth day of September, or if not
29 postmarked or the postmark is not legible, if received by mail after
30 the twenty-first day of September. No person employed in any school,
31 college, university, or other educational institution or any
32 educational service district superintendent's office or in the office
33 of superintendent of public instruction shall be eligible for
34 membership on the state board of education and each member elected who
35 is not representative of the ((private)) nonpublic schools in this
36 state and thus not running-at-large must be a resident of the
37 congressional district from which he or she was elected. No member of
38 a board of directors of a local school district or ((private))

1 nonpublic school shall continue to serve in that capacity after having
2 been elected to the state board.

3 (2) The prohibitions against membership upon the board of directors
4 of a school district or school and against employment, as well as the
5 residence requirement, established by this section, are conditions to
6 the eligibility of state board members to serve as such which apply
7 throughout the terms for which they have been elected or appointed.
8 Any state board member who hereafter fails to meet one or more of the
9 conditions to eligibility shall be deemed to have immediately forfeited
10 his or her membership upon the board for the balance of his or her
11 term: PROVIDED, That such a forfeiture of office shall not affect the
12 validity of board actions taken prior to the date of notification to
13 the board during an open public meeting of the violation.

14 **Sec. 46.** RCW 28A.305.050 and 1990 c 33 s 261 are each amended to
15 read as follows:

16 Each member of the board of directors of each school district in
17 each congressional district shall be eligible to vote for the
18 candidates who reside in his or her congressional district. Each chair
19 of the board of directors of each eligible ((private)) nonpublic school
20 shall cast a vote for the candidate receiving a majority in an election
21 to be held as follows: Each member of the board of directors of each
22 eligible ((private)) nonpublic school shall vote for candidates
23 representing the ((private)) nonpublic schools in an election of the
24 board, the purpose of which is to determine the board's candidate for
25 the member representing ((private)) nonpublic schools on the state
26 board. Not later than the first day of October the superintendent of
27 public instruction shall mail to each member of each common school
28 district board of directors and to each chair of the board of directors
29 of each ((private)) nonpublic school, the proper ballot and voting
30 instructions for his or her congressional district together with
31 biographical data concerning each candidate listed on such ballot,
32 which data shall have been prepared by the candidate.

33 **Sec. 47.** RCW 28A.305.060 and 1990 c 33 s 262 are each amended to
34 read as follows:

35 Each member of the state board of education shall be elected by a
36 majority of the electoral points accruing from all the votes cast at
37 the election for all candidates for the position. All votes shall be

1 cast by mail addressed to the superintendent of public instruction and
2 no votes shall be accepted for counting if postmarked after the
3 sixteenth day of October, or if not postmarked or the postmark is not
4 legible, if received by mail after the twenty-first day of October
5 following the call of the election. The superintendent of public
6 instruction and an election board comprised of three persons appointed
7 by the state board of education shall count and tally the votes and the
8 electoral points accruing therefrom not later than the twenty-fifth day
9 of October. The votes shall be counted and tallied and electoral
10 points determined in the following manner for the ballot cast by common
11 school district board directors: Each vote cast by a school director
12 shall be accorded as many electoral points as there are enrolled
13 students in that director's school district as determined by the
14 enrollment reports forwarded to the state superintendent of public
15 instruction for apportionment purposes for the month of September of
16 the year of election: PROVIDED, That school directors from a school
17 district which has more than five directors shall have their electoral
18 points based upon enrollment recomputed by multiplying such number by
19 a fraction, the denominator of which shall be the number of directors
20 in such district, and the numerator of which shall be five; the
21 electoral points shall then be tallied for each candidate as the votes
22 are counted; and it shall be the majority of electoral points which
23 determines the winning candidate. The votes shall be counted and
24 electoral points determined in the following manner for the ballots
25 cast by chairs of the board of directors of each ((private)) nonpublic
26 school: Each vote cast by a ((private)) nonpublic school board shall
27 be accorded as many electoral points as the number of enrolled students
28 in the respective school as determined by enrollment reports forwarded
29 to the superintendent of public instruction for the month of September
30 in the year previous to the year of election and it shall be the
31 majority of electoral points which determines the winning candidate.
32 If no candidate receives a majority of the electoral points cast, then,
33 not later than the first day of November, the superintendent of public
34 instruction shall call a second election to be conducted in the same
35 manner and at which the candidates shall be the two candidates
36 receiving the highest number of electoral points accruing from such
37 votes cast. No vote cast at such second election shall be received for
38 counting if postmarked after the sixteenth day of November, or if not
39 postmarked or the postmark is not legible, if received by mail after

1 the twenty-first day of November and the votes shall be counted as
2 hereinabove provided on the twenty-fifth day of November. The
3 candidate receiving a majority of electoral points accruing from the
4 votes at any such second election shall be declared elected. In the
5 event of a tie in such second election, the candidate elected shall be
6 determined by a chance drawing of a nature established by the
7 superintendent of public instruction. Within ten days following the
8 count of votes in an election at which a member of the state board of
9 education is elected, the superintendent of public instruction shall
10 certify to the secretary of state the name or names of the persons
11 elected to be members of the state board of education.

12 **Sec. 48.** RCW 28A.305.070 and 1980 c 179 s 6 are each amended to
13 read as follows:

14 Any common school district board member or any ((private))
15 nonpublic school board member eligible to vote for a candidate for
16 membership on the state board of education or any candidate for the
17 position, within ten days after the state superintendent of public
18 instruction's certification of election, may contest the election of
19 the candidate for any of the following causes:

20 (1) For malconduct on the part of the state superintendent of
21 public instruction or any member of the election board with respect to
22 such election;

23 (2) Because the person whose right is being contested was not
24 eligible for membership on the state board of education at the time the
25 person was certified as elected;

26 (3) Because the person whose right is being contested gave a bribe
27 or reward to a voter or to an inspector, judge or clerk of the election
28 for the purpose of procuring the person's election, or offered to do
29 so;

30 (4) On account of illegal votes.

31 An action contesting an election pursuant to this section shall be
32 conducted in compliance with RCW 29.65.020 and 29.65.040 through
33 29.65.120, as now or hereafter amended.

34 **Sec. 49.** RCW 28A.310.180 and 1990 c 33 s 276 are each amended to
35 read as follows:

36 In addition to other powers and duties as provided by law, every
37 educational service district board shall:

1 (1) Comply with rules (~~(or regulations)~~) of the state board of
2 education and the superintendent of public instruction.

3 (2) If the district board deems necessary, establish and operate
4 for the schools within the boundaries of the educational service
5 district a depository and distribution center for films, tapes, charts,
6 maps, and other instructional material as recommended by the school
7 district superintendents within the service area of the educational
8 service district: PROVIDED, That the district may also provide the
9 services of the depository and distribution center to (~~(private)~~)
10 nonpublic schools within the district so long as such (~~(private)~~)
11 nonpublic schools pay such fees that reflect actual costs for services
12 and the use of instructional materials as may be established by the
13 educational service district board.

14 (3) Establish cooperative service programs for school districts
15 within the educational service district and joint purchasing programs
16 for schools within the educational service district pursuant to RCW
17 28A.320.080(3): PROVIDED, That on matters relating to cooperative
18 service programs the board and superintendent of the educational
19 service district shall seek the prior advice of the superintendents of
20 local school districts within the educational service district.

21 (4) Establish direct student service programs for school districts
22 within the educational service district including pupil transportation.
23 However, for the provision of state-funded pupil transportation for
24 special education cooperatives programs for special education conducted
25 under RCW 28A.155.010 through 28A.155.100, the educational service
26 district, with the consent of the participating school districts, shall
27 be entitled to receive directly state apportionment funds for that
28 purpose: PROVIDED, That the board of directors and superintendent of
29 a local school district request the educational service district to
30 perform said service or services: PROVIDED FURTHER, That the
31 educational service district board of directors and superintendents
32 agree to provide the requested services: PROVIDED, FURTHER, That the
33 provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED
34 FURTHER, That the educational service district board of directors may
35 contract with the school for the deaf and the school for the blind to
36 provide transportation services.

37 **Sec. 50.** RCW 28A.315.050 and 1985 c 385 s 3 are each amended to
38 read as follows:

1 Persons possessing the status of any of the following positions
2 shall not be eligible to be a member of a regional committee: The
3 superintendent of public instruction, a member of the state board of
4 education, an educational service district superintendent, a member of
5 a board of directors of a school district, a member of an educational
6 service district board, a member of a governing board of either a
7 ((private)) nonpublic school or a ((private)) nonpublic school district
8 which conducts any grades kindergarten through twelve, officers
9 appointed by any such governing board, and employees of a school
10 district, an educational service district, the office of the
11 superintendent of public instruction, a ((private)) nonpublic school,
12 or a ((private)) nonpublic school district.

13 **Sec. 51.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to
14 read as follows:

15 Every board of directors, unless otherwise specifically provided by
16 law, shall:

17 (1) Provide for the expenditure of a reasonable amount for suitable
18 commencement exercises;

19 (2) In addition to providing free instruction in lip reading for
20 children disabled by defective hearing, make arrangements for free
21 instruction in lip reading to adults disabled by defective hearing
22 whenever in its judgment such instruction appears to be in the best
23 interests of the school district and adults concerned;

24 (3) Join with boards of directors of other school districts or an
25 educational service district pursuant to RCW 28A.310.180(3), or both
26 such school districts and educational service district in buying
27 supplies, equipment and services by establishing and maintaining a
28 joint purchasing agency, or otherwise, when deemed for the best
29 interests of the district, any joint agency formed hereunder being
30 herewith authorized and empowered to issue interest bearing warrants in
31 payment of any obligation owed: PROVIDED, HOWEVER, That those agencies
32 issuing interest bearing warrants shall assign accounts receivable in
33 an amount equal to the amount of the outstanding interest bearing
34 warrants to the county treasurer issuing such interest bearing
35 warrants: PROVIDED FURTHER, That the joint purchasing agency shall
36 consider the request of any one or more ((private)) nonpublic schools
37 requesting the agency to jointly buy supplies, equipment, and services
38 including but not limited to school bus maintenance services, and,

1 after considering such request, may cooperate with and jointly make
2 purchases with ((private)) nonpublic schools of supplies, equipment,
3 and services, including but not limited to school bus maintenance
4 services, so long as such ((private)) nonpublic schools pay in advance
5 their proportionate share of the costs or provide a surety bond to
6 cover their proportionate share of the costs involved in such
7 purchases;

8 (4) Consider the request of any one or more ((private)) nonpublic
9 schools requesting the board to jointly buy supplies, equipment and
10 services including but not limited to school bus maintenance services,
11 and, after considering such request, may provide such joint purchasing
12 services: PROVIDED, That such ((private)) nonpublic schools pay in
13 advance their proportionate share of the costs or provide a surety bond
14 to cover their proportionate share of the costs involved in such
15 purchases; and

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

17 **Sec. 52.** RCW 28A.320.130 and 1993 c 347 s 2 are each amended to
18 read as follows:

19 Each school district and each ((private)) nonpublic school approved
20 under chapter 28A.195 RCW shall report to the superintendent of public
21 instruction by January 31st of each year all known incidents involving
22 the possession of weapons on school premises, on transportation
23 systems, or in areas of facilities while being used exclusively by
24 public or ((private)) nonpublic schools, in violation of RCW 9.41.280
25 in the year preceding the report. The superintendent shall compile the
26 data and report it to the house of representatives, the senate, and the
27 governor.

28 **Sec. 53.** RCW 28A.335.040 and 1991 c 116 s 12 are each amended to
29 read as follows:

30 (1) Every school district board of directors is authorized to
31 permit the rental, lease, or occasional use of all or any portion of
32 any surplus real property owned or lawfully held by the district to any
33 person, corporation, or government entity for profit or nonprofit,
34 commercial or noncommercial purposes: PROVIDED, That the leasing or
35 renting or use of such property is for a lawful purpose and does not
36 interfere with conduct of the district's educational program and
37 related activities: PROVIDED FURTHER, That the lease or rental

1 agreement entered into shall include provisions which permit the
2 recapture of the leased or rented surplus property of the district
3 should such property be needed for school purposes in the future except
4 in such cases where, due to proximity to an international airport, land
5 use has been so permanently altered as to preclude the possible use of
6 the property for a school housing students and the school property has
7 been heavily impacted by surrounding land uses so that a school housing
8 students would no longer be appropriate in that area.

9 (2) Authorization to rent, lease or permit the occasional use of
10 surplus school property under this section, RCW 28A.335.050 and
11 28A.335.090 is conditioned on the establishment by each school district
12 board of directors of a policy governing the use of surplus school
13 property.

14 (3) The board of directors of any school district desiring to rent
15 or lease any surplus real property owned by the school district shall
16 publish a written notice in a newspaper of general circulation in the
17 school district for rentals or leases totalling ten thousand dollars or
18 more in value. School districts shall not rent or lease the property
19 for at least forty-five days following the publication of the newspaper
20 notice.

21 (4) ((Private)) Nonpublic schools shall have the same rights as any
22 other person or entity to submit bids for the rental or lease of
23 surplus real property and to have such bids considered along with all
24 other bids: PROVIDED, That the school board may establish reasonable
25 conditions for the use of such real property to assure the safe and
26 proper operation of the property in a manner consistent with board
27 policies.

28 **Sec. 54.** RCW 28A.335.120 and 1995 c 358 s 2 are each amended to
29 read as follows:

30 (1) The board of directors of any school district of this state
31 may:

32 (a) Sell for cash, at public or private sale, and convey by deed
33 all interest of the district in or to any of the real property of the
34 district which is no longer required for school purposes; and

35 (b) Purchase real property for the purpose of locating thereon and
36 affixing thereto any house or houses and appurtenant buildings removed
37 from school sites owned by the district and sell for cash, at public or

1 private sale, and convey by deed all interest of the district in or to
2 such acquired and improved real property.

3 (2) When the board of directors of any school district proposes a
4 sale of school district real property pursuant to this section and the
5 value of the property exceeds seventy thousand dollars, the board shall
6 publish a notice of its intention to sell the property. The notice
7 shall be published at least once each week during two consecutive weeks
8 in a legal newspaper with a general circulation in the area in which
9 the school district is located. The notice shall describe the property
10 to be sold and designate the place where and the day and hour when a
11 hearing will be held. The board shall hold a public hearing upon the
12 proposal to dispose of the school district property at the place and
13 the day and hour fixed in the notice and admit evidence offered for and
14 against the propriety and advisability of the proposed sale.

15 (3) The board of directors of any school district desiring to sell
16 surplus real property shall publish a notice in a newspaper of general
17 circulation in the school district. School districts shall not sell
18 the property for at least forty-five days following the publication of
19 the newspaper notice.

20 (4) (~~Private~~) Nonpublic schools shall have the same rights as any
21 other person or entity to submit bids for the purchase of surplus real
22 property and to have such bids considered along with all other bids.

23 (5) Any sale of school district real property authorized pursuant
24 to this section shall be preceded by a market value appraisal by a
25 professionally designated real estate appraiser as defined in RCW
26 74.46.020 selected by the board of directors and no sale shall take
27 place if the sale price would be less than ninety percent of the
28 appraisal made by the professionally designated real estate appraiser:
29 PROVIDED, That if the property has been on the market for one year or
30 more the property may be reappraised and sold for not less than
31 seventy-five percent of the reappraised value with the unanimous
32 consent of the board.

33 (6) If in the judgment of the board of directors of any district
34 the sale of real property of the district not needed for school
35 purposes would be facilitated and greater value realized through use of
36 the services of licensed real estate brokers, a contract for such
37 services may be negotiated and concluded: PROVIDED, That the use of a
38 licensed real estate broker will not eliminate the obligation of the
39 board of directors to provide the notice described in this section:

1 PROVIDED FURTHER, That the fee or commissions charged for any broker
2 services shall not exceed seven percent of the resulting sale value for
3 a single parcel: PROVIDED FURTHER, That any professionally designated
4 real estate appraiser as defined in RCW 74.46.020 selected by the board
5 to appraise the market value of a parcel of property to be sold may not
6 be a party to any contract with the school district to sell such parcel
7 of property for a period of three years after the appraisal.

8 (7) If in the judgment of the board of directors of any district
9 the sale of real property of the district not needed for school
10 purposes would be facilitated and greater value realized through sale
11 on contract terms, a real estate sales contract may be executed between
12 the district and buyer: PROVIDED, That the terms and conditions of any
13 such sales contract must comply with rules ((and regulations)) of the
14 state board of education, ((herein)) authorized in this section,
15 governing school district real property contract sales.

16 **Sec. 55.** RCW 28A.335.180 and 1997 c 264 s 1 and 1997 c 104 s 1 are
17 each reenacted and amended to read as follows:

18 (1) Notwithstanding any other provision of law, school districts,
19 educational service districts, or any other state or local governmental
20 agency concerned with education, when declaring texts and other books,
21 equipment, materials or relocatable facilities as surplus, shall, prior
22 to other disposal thereof, serve notice in writing in a newspaper of
23 general circulation in the school district and to any public school
24 district or ((private)) nonpublic school in Washington state annually
25 requesting such a notice, that the same is available for sale, rent, or
26 lease to public school districts or approved ((private)) nonpublic
27 schools, at depreciated cost or fair market value, whichever is
28 greater: PROVIDED, That students wishing to purchase texts pursuant to
29 RCW 28A.320.230(2) shall have priority as to such texts. The notice
30 requirement in this section does not apply to the sale or transfer of
31 assistive devices under RCW 28A.335.205 or chapter 72.40 RCW. Such
32 districts or agencies shall not otherwise sell, rent or lease such
33 surplus property to any person, firm, organization, or nongovernmental
34 agency for at least thirty days following publication of notice in a
35 newspaper of general circulation in the school district.

36 (2) In lieu of complying with subsection (1) of this section,
37 school districts and educational service districts may elect to grant
38 surplus personal property to a federal, state, or local governmental

1 entity, or to indigent persons, at no cost on the condition the
2 property be used for preschool through twelfth grade educational
3 purposes, or elect to loan surplus personal property to a nonreligious,
4 nonsectarian ((private)) nonpublic entity on the condition the property
5 be used for the preschool through twelfth grade education of members of
6 the public on a nondiscriminatory basis.

7 **Sec. 56.** RCW 28A.410.090 and 1996 c 126 s 2 are each amended to
8 read as follows:

9 (1) Any certificate or permit authorized under the provisions of
10 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may
11 be revoked or suspended by the authority authorized to grant the same
12 based upon a criminal records report authorized by law, or upon the
13 complaint of any school district superintendent, educational service
14 district superintendent, or ((private)) nonpublic school administrator
15 for immorality, violation of written contract, unprofessional conduct,
16 intemperance, or crime against the law of the state.

17 If the superintendent of public instruction has reasonable cause to
18 believe that an alleged violation of this chapter or rules adopted
19 under it has occurred, but no complaint has been filed pursuant to this
20 chapter, and that a school district superintendent, educational service
21 district superintendent, or ((private)) nonpublic school administrator
22 has sufficient notice of the alleged violation and opportunity to file
23 a complaint, the superintendent of public instruction may cause an
24 investigation to be made of the alleged violation, together with such
25 other matters that may be disclosed in the course of the investigation
26 related to certificated personnel.

27 (2) Any such certificate or permit authorized under this chapter or
28 chapter 28A.405 RCW shall be revoked by the authority authorized to
29 grant the certificate upon a guilty plea or the conviction of any
30 felony crime involving the physical neglect of a child under chapter
31 9A.42 RCW, the physical injury or death of a child under chapter 9A.32
32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61
33 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual
34 offenses under chapter 9A.44 RCW where a minor is the victim, promoting
35 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase
36 of a minor child under RCW 9A.64.030, or violation of similar laws of
37 another jurisdiction. The person whose certificate is in question
38 shall be given an opportunity to be heard. Mandatory permanent

1 revocation upon a guilty plea or the conviction of felony crimes
2 specified under this subsection shall apply to such convictions or
3 guilty pleas which occur after July 23, 1989. Revocation of any
4 certificate or permit authorized under this chapter or chapter 28A.405
5 RCW for a guilty plea or criminal conviction occurring prior to July
6 23, 1989, shall be subject to the provisions of subsection (1) of this
7 section.

8 **Sec. 57.** RCW 28D.02.010 and 1996 c 137 s 2 are each amended to
9 read as follows:

10 (1) The K-20 telecommunications oversight and policy committee is
11 established to: Adopt policy goals and objectives for a K-20
12 telecommunications system, adopt a network design and implementation
13 plan, and authorize release of funds for network purposes.

14 (2) The duties of the committee shall include, but need not be
15 limited to:

16 (a) The adoption of system goals and objectives and timelines for
17 submission of the proposed plans under RCW 28D.02.030 through
18 28D.02.050 and 28D.02.070 by June 1, 1996;

19 (b) The authorization of the construction and acquisition of a
20 network backbone upon its approval of phase one of a technical plan for
21 the network as specified in RCW 28D.02.070(1);

22 (c) The preparation and subsequent updates of a network design and
23 implementation plan that includes locations to be served by the
24 network, service delivery specifications, a network governance
25 structure, other appropriate components, and a phased technical plan in
26 accordance with RCW 28D.02.070(2). The plan shall be adopted after
27 considering the recommendations of the information services board, the
28 higher education coordinating board, and the superintendent of public
29 instruction;

30 (d) The preparation of an implementation plan that prioritizes
31 access to the network backbone and other telecommunication components;
32 and

33 (e) The authorization of the release of funds for expenditures to
34 construct the network and distance education components.

35 (3) By April 15, 1996, the department of information services shall
36 convene the committee. The committee shall include the following
37 voting members or their designees: The governor; one member from each
38 caucus of the senate, appointed by the president of the senate; one

1 member from each caucus of the house of representatives, appointed by
2 the speaker of the house of representatives; the superintendent of
3 public instruction; the chair of the higher education coordinating
4 board; and the chair of the information services board. On a nonvoting
5 basis, the committee shall include the following members or their
6 designees: One community college or technical college president,
7 appointed by the state board for community and technical colleges; one
8 president of a public baccalaureate institution, appointed by the
9 council of presidents; the state librarian; one educational service
10 district superintendent, one school district superintendent, and one
11 representative of an approved ((private)) nonpublic school, each
12 appointed by the superintendent of public instruction; one
13 representative of independent nonprofit baccalaureate institutions,
14 appointed by the Washington friends of higher education; and one
15 representative of the computer or telecommunications industry,
16 appointed by the information services board. The voting members must
17 reach a consensus in approving the network design and implementation
18 plan. The department shall provide staff support to the committee.

19 **Sec. 58.** RCW 35.58.250 and 1965 c 7 s 35.58.250 are each amended
20 to read as follows:

21 Except in accordance with an agreement made as provided herein,
22 upon the effective date on which the metropolitan municipal corporation
23 commences to perform the metropolitan transportation function, no
24 person or private corporation shall operate a local public passenger
25 transportation service within the metropolitan area with the exception
26 of taxis, busses owned or operated by a school district or ((private))
27 nonpublic school, and busses owned or operated by any corporation or
28 organization solely for the purposes of the corporation or organization
29 and for the use of which no fee or fare is charged.

30 An agreement may be entered into between the metropolitan municipal
31 corporation and any person or corporation legally operating a local
32 public passenger transportation service wholly within or partly within
33 and partly without the metropolitan area and on said effective date
34 under which such person or corporation may continue to operate such
35 service or any part thereof for such time and upon such terms and
36 conditions as provided in such agreement. Where any such local public
37 passenger transportation service will be required to cease to operate
38 within the metropolitan area, the commission may agree with the owner

1 of such service to purchase the assets used in providing such service,
2 or if no agreement can be reached, the commission shall condemn such
3 assets in the manner provided herein for the condemnation of other
4 properties.

5 Wherever a privately owned public carrier operates wholly or partly
6 within a metropolitan municipal corporation, the Washington utilities
7 and transportation commission shall continue to exercise jurisdiction
8 over such operation as provided by law.

9 **Sec. 59.** RCW 36.57A.100 and 1977 ex.s. c 44 s 4 are each amended
10 to read as follows:

11 Except in accordance with an agreement made as provided in this
12 section or in accordance with the provisions of RCW 36.57A.090(3) as
13 now or hereafter amended, upon the effective date on which the public
14 transportation benefit area commences to perform the public
15 transportation service, no person or private corporation shall operate
16 a local public passenger transportation service within the public
17 transportation benefit area with the exception of taxis, buses owned or
18 operated by a school district or ((private)) nonpublic school, and
19 buses owned or operated by any corporation or organization solely for
20 the purposes of the corporation or organization and for the use of
21 which no fee or fare is charged.

22 An agreement may be entered into between the public transportation
23 benefit area authority and any person or corporation legally operating
24 a local public passenger transportation service wholly within or partly
25 within and partly without the public transportation benefit area and on
26 said effective date under which such person or corporation may continue
27 to operate such service or any part thereof for such time and upon such
28 terms and conditions as provided in such agreement. Such agreement
29 shall provide for a periodic review of the terms and conditions
30 contained therein. Where any such local public passenger
31 transportation service will be required to cease to operate within the
32 public transportation benefit area, the public transportation benefit
33 area authority may agree with the owner of such service to purchase the
34 assets used in providing such service, or if no agreement can be
35 reached, the public transportation benefit area authority shall condemn
36 such assets in the manner and by the same procedure as is or may be
37 provided by law for the condemnation of other properties for cities of

1 the first class, except insofar as such laws may be inconsistent with
2 the provisions of this chapter.

3 Wherever a privately owned public carrier operates wholly or partly
4 within a public transportation benefit area, the Washington utilities
5 and transportation commission shall continue to exercise jurisdiction
6 over such operation as provided by law.

7 **Sec. 60.** RCW 46.04.521 and 1995 c 141 s 1 are each amended to read
8 as follows:

9 School bus means every motor vehicle used regularly to transport
10 children to and from school or in connection with school activities,
11 which is subject to the requirements set forth in the most recent
12 edition of "Specifications for School Buses" published by the state
13 superintendent of public instruction, but does not include buses
14 operated by common carriers in urban transportation of school children
15 or private carrier buses operated as school buses in the transportation
16 of children to and from ((private)) nonpublic schools or school
17 activities.

18 **Sec. 61.** RCW 46.16.035 and 1990 c 33 s 584 are each amended to
19 read as follows:

20 Any bus or vehicle owned and operated by a ((private)) nonpublic
21 school or schools meeting the requirements of RCW 28A.195.010 and used
22 by that school or schools primarily to transport children to and from
23 school or to transport children in connection with school activities
24 shall be exempt from the payment of license fees for the licensing
25 thereof as in this chapter provided. A license issued by the
26 department for such bus or vehicle shall be considered an exempt
27 license under RCW 82.44.010.

28 **Sec. 62.** RCW 46.37.193 and 1997 c 80 s 3 are each amended to read
29 as follows:

30 Every school bus and private carrier bus, in addition to any other
31 equipment or distinctive markings required by this chapter, shall bear
32 upon the front and rear thereof, above the windows thereof, plainly
33 visible signs containing only the words "school bus" on a school bus
34 and only the words "private carrier bus" on a private carrier bus in
35 letters not less than eight inches in height, and in addition shall be
36 equipped with visual signals meeting the requirements of RCW 46.37.190.

1 School districts may affix signs designed according to RCW 46.61.380
2 informing motorists of the monetary penalty for failure to stop for a
3 school bus when the visual signals are activated.

4 However, a private carrier bus that regularly transports children
5 to and from a ((private)) nonpublic school or in connection with school
6 activities may display the words "school bus" in a manner provided in
7 this section and need not comply with the requirements set forth in the
8 most recent edition of "Specifications for School Buses" published by
9 the superintendent of public instruction.

10 **Sec. 63.** RCW 46.37.630 and 1995 c 141 s 3 are each amended to read
11 as follows:

12 A ((private)) nonpublic school bus is subject to the requirements
13 set forth in the National Standards for School Buses established by the
14 national safety council in effect at the time of the bus manufacture,
15 as adopted by rule by reference by the chief of the Washington state
16 patrol. A ((private)) nonpublic school bus manufactured before 1980
17 must meet the minimum standards set forth in the 1980 edition of the
18 National Standards for School Buses.

19 **Sec. 64.** RCW 46.61.385 and 1990 c 33 s 585 are each amended to
20 read as follows:

21 The superintendent of public instruction, through the
22 superintendent of schools of any school district, or other officer or
23 board performing like functions with respect to the schools of any
24 other educational administrative district, may cause to be appointed
25 voluntary adult recruits as supervisors and, from the student body of
26 any public or ((private)) nonpublic school or institution of learning,
27 students, who shall be known as members of the "school patrol" and who
28 shall serve without compensation and at the pleasure of the authority
29 making the appointment.

30 The members of such school patrol shall wear an appropriate
31 designation or insignia identifying them as members of the school
32 patrol when in performance of their duties, and they may display "stop"
33 or other proper traffic directional signs or signals at school
34 crossings or other points where school children are crossing or about
35 to cross a public highway, but members of the school patrol and their
36 supervisors shall be subordinate to and obey the orders of any peace
37 officer present and having jurisdiction.

1 School districts, at their discretion, may hire sufficient numbers
2 of adults to serve as supervisors. Such adults shall be subordinate to
3 and obey the orders of any peace officer present and having
4 jurisdiction.

5 Any school district having a school patrol may purchase uniforms
6 and other appropriate insignia, traffic signs and other appropriate
7 materials, all to be used by members of such school patrol while in
8 performance of their duties, and may pay for the same out of the
9 general fund of the district.

10 It shall be unlawful for the operator of any vehicle to fail to
11 stop his vehicle when directed to do so by a school patrol sign or
12 signal displayed by a member of the school patrol engaged in the
13 performance of his duty and wearing or displaying appropriate insignia,
14 and it shall further be unlawful for the operator of a vehicle to
15 disregard any other reasonable directions of a member of the school
16 patrol when acting in performance of his duties as such.

17 School districts may expend funds from the general fund of the
18 district to pay premiums for life and accident policies covering the
19 members of the school patrol in their district while engaged in the
20 performance of their school patrol duties.

21 Members of the school patrol shall be considered as employees for
22 the purposes of RCW 28A.400.370.

23 **Sec. 65.** RCW 66.24.010 and 1998 c 126 s 2 are each amended to read
24 as follows:

25 (1) Every license shall be issued in the name of the applicant, and
26 the holder thereof shall not allow any other person to use the license.

27 (2) For the purpose of considering any application for a license,
28 the board may cause an inspection of the premises to be made, and may
29 inquire into all matters in connection with the construction and
30 operation of the premises. For the purpose of reviewing any
31 application for a license and for considering the denial, suspension or
32 revocation of any license, the liquor control board may consider any
33 prior criminal conduct of the applicant and the provisions of RCW
34 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
35 board may, in its discretion, grant or refuse the license applied for.
36 Authority to approve an uncontested or unopposed license may be granted
37 by the board to any staff member the board designates in writing.

1 Conditions for granting such authority shall be adopted by rule. No
2 retail license of any kind may be issued to:

3 (a) A person who has not resided in the state for at least one
4 month prior to making application, except in cases of licenses issued
5 to dining places on railroads, boats, or aircraft;

6 (b) A copartnership, unless all of the members thereof are
7 qualified to obtain a license, as provided in this section;

8 (c) A person whose place of business is conducted by a manager or
9 agent, unless such manager or agent possesses the same qualifications
10 required of the licensee;

11 (d) A corporation or a limited liability company, unless it was
12 created under the laws of the state of Washington or holds a
13 certificate of authority to transact business in the state of
14 Washington.

15 (3)(a) The board may, in its discretion, subject to the provisions
16 of RCW 66.08.150, suspend or cancel any license; and all rights of the
17 licensee to keep or sell liquor thereunder shall be suspended or
18 terminated, as the case may be.

19 (b) The board shall immediately suspend the license or certificate
20 of a person who has been certified pursuant to RCW 74.20A.320 by the
21 department of social and health services as a person who is not in
22 compliance with a support order. If the person has continued to meet
23 all other requirements for reinstatement during the suspension,
24 reissuance of the license or certificate shall be automatic upon the
25 board's receipt of a release issued by the department of social and
26 health services stating that the licensee is in compliance with the
27 order.

28 (c) The board may request the appointment of administrative law
29 judges under chapter 34.12 RCW who shall have power to administer
30 oaths, issue subpoenas for the attendance of witnesses and the
31 production of papers, books, accounts, documents, and testimony,
32 examine witnesses, and to receive testimony in any inquiry,
33 investigation, hearing, or proceeding in any part of the state, under
34 such rules ((and regulations)) as the board may adopt.

35 (d) Witnesses shall be allowed fees and mileage each way to and
36 from any such inquiry, investigation, hearing, or proceeding at the
37 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
38 need not be paid in advance of appearance of witnesses to testify or to
39 produce books, records, or other legal evidence.

1 (e) In case of disobedience of any person to comply with the order
2 of the board or a subpoena issued by the board, or any of its members,
3 or administrative law judges, or on the refusal of a witness to testify
4 to any matter regarding which he or she may be lawfully interrogated,
5 the judge of the superior court of the county in which the person
6 resides, on application of any member of the board or administrative
7 law judge, shall compel obedience by contempt proceedings, as in the
8 case of disobedience of the requirements of a subpoena issued from said
9 court or a refusal to testify therein.

10 (4) Upon receipt of notice of the suspension or cancellation of a
11 license, the licensee shall forthwith deliver up the license to the
12 board. Where the license has been suspended only, the board shall
13 return the license to the licensee at the expiration or termination of
14 the period of suspension. The board shall notify all vendors in the
15 city or place where the licensee has its premises of the suspension or
16 cancellation of the license; and no employee may allow or cause any
17 liquor to be delivered to or for any person at the premises of that
18 licensee.

19 (5)(a) At the time of the original issuance of a spirits, beer, and
20 wine restaurant license, the board shall prorate the license fee
21 charged to the new licensee according to the number of calendar
22 quarters, or portion thereof, remaining until the first renewal of that
23 license is required.

24 (b) Unless sooner canceled, every license issued by the board shall
25 expire at midnight of the thirtieth day of June of the fiscal year for
26 which it was issued. However, if the board deems it feasible and
27 desirable to do so, it may establish, by rule pursuant to chapter 34.05
28 RCW, a system for staggering the annual renewal dates for any and all
29 licenses authorized by this chapter. If such a system of staggered
30 annual renewal dates is established by the board, the license fees
31 provided by this chapter shall be appropriately prorated during the
32 first year that the system is in effect.

33 (6) Every license issued under this section shall be subject to all
34 conditions and restrictions imposed by this title or by the
35 ((regulations)) rules in force from time to time. All conditions and
36 restrictions imposed by the board in the issuance of an individual
37 license shall be listed on the face of the individual license along
38 with the trade name, address, and expiration date.

1 (7) Every licensee shall post and keep posted its license, or
2 licenses, in a conspicuous place on the premises.

3 (8) Before the board shall issue a license to an applicant it shall
4 give notice of such application to the chief executive officer of the
5 incorporated city or town, if the application be for a license within
6 an incorporated city or town, or to the county legislative authority,
7 if the application be for a license outside the boundaries of
8 incorporated cities or towns; and such incorporated city or town,
9 through the official or employee selected by it, or the county
10 legislative authority or the official or employee selected by it, shall
11 have the right to file with the board within twenty days after date of
12 transmittal of such notice, written objections against the applicant or
13 against the premises for which the license is asked, and shall include
14 with such objections a statement of all facts upon which such
15 objections are based, and in case written objections are filed, may
16 request and the liquor control board may in its discretion hold a
17 formal hearing subject to the applicable provisions of Title 34 RCW.
18 Upon the granting of a license under this title the board shall send a
19 duplicate of the license or written notification to the chief executive
20 officer of the incorporated city or town in which the license is
21 granted, or to the county legislative authority if the license is
22 granted outside the boundaries of incorporated cities or towns.

23 (9) Before the board issues any license to any applicant, it shall
24 give (a) due consideration to the location of the business to be
25 conducted under such license with respect to the proximity of churches,
26 schools, and public institutions and (b) written notice by certified
27 mail of the application to churches, schools, and public institutions
28 within five hundred feet of the premises to be licensed. The board
29 shall issue no beer retailer license for either on-premises or off-
30 premises consumption or wine retailer license for either on-premises or
31 off-premises consumption or spirits, beer, and wine restaurant license
32 covering any premises not now licensed, if such premises are within
33 five hundred feet of the premises of any tax-supported public
34 elementary or secondary school measured along the most direct route
35 over or across established public walks, streets, or other public
36 passageway from the outer property line of the school grounds to the
37 nearest public entrance of the premises proposed for license, and if,
38 after receipt by the school or public institution of the notice as
39 provided in this subsection, the board receives written notice, within

1 twenty days after posting such notice, from an official representative
2 or representatives of the school within five hundred feet of said
3 proposed licensed premises, indicating to the board that there is an
4 objection to the issuance of such license because of proximity to a
5 school. For the purpose of this section, church shall mean a building
6 erected for and used exclusively for religious worship and schooling or
7 other activity in connection therewith. No liquor license may be
8 issued or reissued by the board to any motor sports facility or
9 licensee operating within the motor sports facility unless the motor
10 sports facility enforces a program reasonably calculated to prevent
11 alcohol or alcoholic beverages not purchased within the facility from
12 entering the facility and such program is approved by local law
13 enforcement agencies. It is the intent under this subsection that a
14 retail license shall not be issued by the board where doing so would,
15 in the judgment of the board, adversely affect a ((private)) nonpublic
16 school meeting the requirements for ((private)) nonpublic schools under
17 Title 28A RCW, which school is within five hundred feet of the proposed
18 licensee. The board shall fully consider and give substantial weight
19 to objections filed by ((private)) nonpublic schools. If a license is
20 issued despite the proximity of a ((private)) nonpublic school, the
21 board shall state in a letter addressed to the ((private)) nonpublic
22 school the board's reasons for issuing the license.

23 (10) The restrictions set forth in subsection (9) of this section
24 shall not prohibit the board from authorizing the assumption of
25 existing licenses now located within the restricted area by other
26 persons or licenses or relocations of existing licensed premises within
27 the restricted area. In no case may the licensed premises be moved
28 closer to a church or school than it was before the assumption or
29 relocation.

30 (11) Nothing in this section prohibits the board, in its
31 discretion, from issuing a temporary retail or distributor license to
32 an applicant assuming an existing retail or distributor license to
33 continue the operation of the retail or distributor premises during the
34 period the application for the license is pending and when the
35 following conditions exist:

36 (a) The licensed premises has been operated under a retail or
37 distributor license within ninety days of the date of filing the
38 application for a temporary license;

1 (b) The retail or distributor license for the premises has been
2 surrendered pursuant to issuance of a temporary operating license;

3 (c) The applicant for the temporary license has filed with the
4 board an application to assume the retail or distributor license at
5 such premises to himself or herself; and

6 (d) The application for a temporary license is accompanied by a
7 temporary license fee established by the board by rule.

8 A temporary license issued by the board under this section shall be
9 for a period not to exceed sixty days. A temporary license may be
10 extended at the discretion of the board for an additional sixty-day
11 period upon payment of an additional fee and upon compliance with all
12 conditions required in this section.

13 Refusal by the board to issue or extend a temporary license shall
14 not entitle the applicant to request a hearing. A temporary license
15 may be canceled or suspended summarily at any time if the board
16 determines that good cause for cancellation or suspension exists. RCW
17 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

18 Application for a temporary license shall be on such form as the
19 board shall prescribe. If an application for a temporary license is
20 withdrawn before issuance or is refused by the board, the fee which
21 accompanied such application shall be refunded in full.

22 **Sec. 66.** RCW 69.50.435 and 1997 c 30 s 2 and 1997 c 23 s 1 are
23 each reenacted and amended to read as follows:

24 (a) Any person who violates RCW 69.50.401(a) by manufacturing,
25 selling, delivering, or possessing with the intent to manufacture,
26 sell, or deliver a controlled substance listed under that subsection or
27 who violates RCW 69.50.410 by selling for profit any controlled
28 substance or counterfeit substance classified in schedule I, RCW
29 69.50.204, except leaves and flowering tops of marihuana to a person:

30 (1) In a school;

31 (2) On a school bus;

32 (3) Within one thousand feet of a school bus route stop designated
33 by the school district;

34 (4) Within one thousand feet of the perimeter of the school
35 grounds;

36 (5) In a public park;

37 (6) In a public housing project designated by a local governing
38 authority as a drug-free zone;

1 (7) On a public transit vehicle;
2 (8) In a public transit stop shelter;
3 (9) At a civic center designated as a drug-free zone by the local
4 governing authority; or

5 (10) Within one thousand feet of the perimeter of a facility
6 designated under (9) of this subsection, if the local governing
7 authority specifically designates the one thousand foot perimeter
8 may be punished by a fine of up to twice the fine otherwise authorized
9 by this chapter, but not including twice the fine authorized by RCW
10 69.50.406, or by imprisonment of up to twice the imprisonment otherwise
11 authorized by this chapter, but not including twice the imprisonment
12 authorized by RCW 69.50.406, or by both such fine and imprisonment.
13 The provisions of this section shall not operate to more than double
14 the fine or imprisonment otherwise authorized by this chapter for an
15 offense.

16 (b) It is not a defense to a prosecution for a violation of this
17 section that the person was unaware that the prohibited conduct took
18 place while in a school or school bus or within one thousand feet of
19 the school or school bus route stop, in a public park, in a public
20 housing project designated by a local governing authority as a drug-
21 free zone, on a public transit vehicle, in a public transit stop
22 shelter, at a civic center designated as a drug-free zone by the local
23 governing authority, or within one thousand feet of the perimeter of a
24 facility designated under subsection (a)(9) of this section, if the
25 local governing authority specifically designates the one thousand foot
26 perimeter.

27 (c) It is not a defense to a prosecution for a violation of this
28 section or any other prosecution under this chapter that persons under
29 the age of eighteen were not present in the school, the school bus, the
30 public park, the public housing project designated by a local governing
31 authority as a drug-free zone, or the public transit vehicle, or at the
32 school bus route stop, the public transit vehicle stop shelter, at a
33 civic center designated as a drug-free zone by the local governing
34 authority, or within one thousand feet of the perimeter of a facility
35 designated under subsection (a)(9) of this section, if the local
36 governing authority specifically designates the one thousand foot
37 perimeter at the time of the offense or that school was not in session.

38 (d) It is an affirmative defense to a prosecution for a violation
39 of this section that the prohibited conduct took place entirely within

1 a private residence, that no person under eighteen years of age or
2 younger was present in such private residence at any time during the
3 commission of the offense, and that the prohibited conduct did not
4 involve delivering, manufacturing, selling, or possessing with the
5 intent to manufacture, sell, or deliver any controlled substance in RCW
6 69.50.401(a) for profit. The affirmative defense established in this
7 section shall be proved by the defendant by a preponderance of the
8 evidence. This section shall not be construed to establish an
9 affirmative defense with respect to a prosecution for an offense
10 defined in any other section of this chapter.

11 (e) In a prosecution under this section, a map produced or
12 reproduced by any municipality, school district, county, transit
13 authority engineer, or public housing authority for the purpose of
14 depicting the location and boundaries of the area on or within one
15 thousand feet of any property used for a school, school bus route stop,
16 public park, public housing project designated by a local governing
17 authority as a drug-free zone, public transit vehicle stop shelter, or
18 a civic center designated as a drug-free zone by a local governing
19 authority, or a true copy of such a map, shall under proper
20 authentication, be admissible and shall constitute prima facie evidence
21 of the location and boundaries of those areas if the governing body of
22 the municipality, school district, county, or transit authority has
23 adopted a resolution or ordinance approving the map as the official
24 location and record of the location and boundaries of the area on or
25 within one thousand feet of the school, school bus route stop, public
26 park, public housing project designated by a local governing authority
27 as a drug-free zone, public transit vehicle stop shelter, or civic
28 center designated as a drug-free zone by a local governing authority.
29 Any map approved under this section or a true copy of the map shall be
30 filed with the clerk of the municipality or county, and shall be
31 maintained as an official record of the municipality or county. This
32 section shall not be construed as precluding the prosecution from
33 introducing or relying upon any other evidence or testimony to
34 establish any element of the offense. This section shall not be
35 construed as precluding the use or admissibility of any map or diagram
36 other than the one which has been approved by the governing body of a
37 municipality, school district, county, transit authority, or public
38 housing authority if the map or diagram is otherwise admissible under
39 court rule.

1 (f) As used in this section the following terms have the meanings
2 indicated unless the context clearly requires otherwise:

3 (1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020.
4 The term "school" also includes a (~~private~~) nonpublic school approved
5 under RCW 28A.195.010;

6 (2) "School bus" means a school bus as defined by the
7 superintendent of public instruction by rule which is owned and
8 operated by any school district and all school buses which are
9 privately owned and operated under contract or otherwise with any
10 school district in the state for the transportation of students. The
11 term does not include buses operated by common carriers in the urban
12 transportation of students such as transportation of students through
13 a municipal transportation system;

14 (3) "School bus route stop" means a school bus stop as designated
15 by a school district;

16 (4) "Public park" means land, including any facilities or
17 improvements on the land, that is operated as a park by the state or a
18 local government;

19 (5) "Public transit vehicle" means any motor vehicle, street car,
20 train, trolley vehicle, or any other device, vessel, or vehicle which
21 is owned or operated by a transit authority and which is used for the
22 purpose of carrying passengers on a regular schedule;

23 (6) "Transit authority" means a city, county, or state
24 transportation system, transportation authority, public transportation
25 benefit area, public transit authority, or metropolitan municipal
26 corporation within the state that operates public transit vehicles;

27 (7) "Stop shelter" means a passenger shelter designated by a
28 transit authority;

29 (8) "Civic center" means a publicly owned or publicly operated
30 place or facility used for recreational, educational, or cultural
31 activities;

32 (9) "Public housing project" means the same as "housing project" as
33 defined in RCW 35.82.020.

34 **Sec. 67.** RCW 71A.14.070 and 1988 c 176 s 307 are each amended to
35 read as follows:

36 In order for the developmental disability board to plan,
37 coordinate, and provide required services for persons with
38 developmental disabilities, the county governing authority and the

1 board shall be eligible to obtain such confidential information from
2 public or ((private)) nonpublic schools and the department as is
3 necessary to accomplish the purposes of this chapter. Such information
4 shall be kept in accordance with state law and rules promulgated by the
5 secretary under chapter 34.05 RCW to permit the use of the information
6 to coordinate and plan services. All persons permitted to have access
7 to or to use such information shall sign an oath of confidentiality,
8 substantially as follows:

9 "As a condition of obtaining information from (fill in facility,
10 agency, or person) I,, agree not to divulge, publish, or
11 otherwise make known to unauthorized persons or the public any
12 information obtained in the course of using such confidential
13 information, where release of such information may possibly make the
14 person who received such services identifiable. I recognize that
15 unauthorized release of confidential information may subject me to
16 civil liability under state law."

17 **Sec. 68.** RCW 72.05.430 and 1998 c 269 s 14 are each amended to
18 read as follows:

19 (1) Whenever the department operates, or the secretary enters a
20 contract to operate, a community facility, the placement and
21 supervision of juveniles must be accomplished in accordance with this
22 section.

23 (2) The secretary shall require that any juvenile placed in a
24 community facility and who is employed or assigned as a volunteer be
25 subject to monitoring for compliance with requirements for attendance
26 at his or her job or assignment. The monitoring requirements shall be
27 included in a written agreement between the employer or supervisor, the
28 secretary or chief operating officer of the contracting agency, and the
29 juvenile. The requirements shall include, at a minimum, the following:

- 30 (a) Acknowledgment of the juvenile's offender status;
- 31 (b) The name, address, and telephone number of the community
32 facility at which the juvenile resides;
- 33 (c) The twenty-four-hour telephone number required under RCW
34 72.05.410;
- 35 (d) The name and work telephone number of all persons responsible
36 for the supervision of the juvenile;

1 (e) A prohibition on the juvenile's departure from the work or
2 volunteer site without prior approval of the person in charge of the
3 community facility;

4 (f) A prohibition on personal telephone calls except to the
5 community facility;

6 (g) A prohibition on receiving compensation in any form other than
7 a negotiable instrument;

8 (h) A requirement that rest breaks during work hours be taken only
9 in those areas at the location which are designated for such breaks;

10 (i) A prohibition on visits from persons not approved in advance by
11 the person in charge of the community facility;

12 (j) A requirement that any unexcused absence, tardiness, or
13 departure by the juvenile be reported immediately upon discovery to the
14 person in charge of the community facility;

15 (k) A requirement that any notice from the juvenile that he or she
16 will not report to the work or volunteer site be verified as legitimate
17 by contacting the person in charge of the community facility; and

18 (l) An agreement that the community facility will conduct and
19 document random visits to determine compliance by the juvenile with the
20 terms of this section.

21 (3) The secretary shall require that any juvenile placed in a
22 community facility and who is enrolled in a public or ((private))
23 nonpublic school be subject to monitoring for compliance with
24 requirements for attendance at his or her school. The monitoring
25 requirements shall be included in a written agreement between the
26 school district or appropriate administrative officer, the secretary or
27 chief operating officer of the contracting agency, and the juvenile.
28 The requirements shall include, at a minimum, the following:

29 (a) Acknowledgment of the juvenile's offender status;

30 (b) The name, address, and telephone number of the community
31 facility at which the juvenile resides;

32 (c) The twenty-four-hour telephone number required under RCW
33 72.05.410;

34 (d) The name and work telephone number of at least two persons at
35 the school to contact if issues arise concerning the juvenile's
36 compliance with the terms of his or her attendance at school;

37 (e) A prohibition on the juvenile's departure from the school
38 without prior approval of the appropriate person at the school;

1 (f) A prohibition on personal telephone calls except to the
2 community facility;

3 (g) A requirement that the juvenile remain on school grounds except
4 for authorized and supervised school activities;

5 (h) A prohibition on visits from persons not approved in advance by
6 the person in charge of the community facility;

7 (i) A requirement that any unexcused absence or departure by the
8 juvenile be reported immediately upon discovery to the person in charge
9 of the community facility;

10 (j) A requirement that any notice from the juvenile that he or she
11 will not attend school be verified as legitimate by contacting the
12 person in charge of the community facility; and

13 (k) An agreement that the community facility will conduct and
14 document random visits to determine compliance by the juvenile with the
15 terms of this section.

16 (4) The secretary shall require that when any juvenile placed in a
17 community facility is employed, assigned as a volunteer, or enrolled in
18 a public or (~~private~~) nonpublic school:

19 (a) Program staff members shall make and document periodic and
20 random accountability checks while the juvenile is at the school or
21 work facility;

22 (b) A program counselor assigned to the juvenile shall contact the
23 juvenile's employer, teacher, or school counselor regularly to discuss
24 school or job performance-related issues.

25 (5) The department shall maintain a copy of all agreements executed
26 under this section. The department shall also provide each affected
27 juvenile with a copy of every agreement to which he or she is a party.
28 The service provider shall maintain a copy of every agreement it
29 executes under this section.

30 **Sec. 69.** RCW 72.65.220 and 1997 c 348 s 1 are each amended to read
31 as follows:

32 (1) The department or a private or public entity under contract
33 with the department may establish or relocate for the operation of a
34 work release or other community-based facility only after public
35 notifications and local public meetings have been completed consistent
36 with this section.

37 (2) The department and other state agencies responsible for siting
38 department-owned, operated, or contracted facilities shall establish a

1 process for early and continuous public participation in establishing
2 or relocating work release or other community-based facilities. This
3 process shall include public meetings in the local communities
4 affected, opportunities for written and oral comments, and wide
5 dissemination of proposals and alternatives, including at least the
6 following:

7 (a) When the department or a private or public entity under
8 contract with the department has selected three or fewer sites for
9 final consideration of a department-owned, operated, or contracted work
10 release or other community-based facility, the department or
11 contracting organization shall make public notification and conduct
12 public hearings in the local communities of the final three or fewer
13 proposed sites. An additional public hearing after public notification
14 shall also be conducted in the local community selected as the final
15 proposed site.

16 (b) Notifications required under this section shall be provided to
17 the following:

18 (i) All newspapers of general circulation in the local area and all
19 local radio stations, television stations, and cable networks;

20 (ii) Appropriate school districts, (~~private~~) nonpublic schools,
21 kindergartens, city and county libraries, and all other local
22 government offices within a one-half mile radius of the proposed site
23 or sites;

24 (iii) The local chamber of commerce, local economic development
25 agencies, and any other local organizations that request such
26 notification from the department; and

27 (iv) In writing to all residents and/or property owners within a
28 one-half mile radius of the proposed site or sites.

29 (3) When the department contracts for the operation of a work
30 release or other community-based facility that is not owned or operated
31 by the department, the department shall require as part of its contract
32 that the contracting entity comply with all the public notification and
33 public hearing requirements as provided in this section for each
34 located and relocated work release or other community-based facility.

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