

**SHB 3127 - H AMD 920**

By Representative Santos

**ADOPTED AS AMENDED 2/14/2006**

1           Strike all language after the enacting clause and insert the  
2 following:

3           "NEW SECTION. **Sec. 1.** The legislature finds that expanding  
4 activity in educational research, educational restructuring, and  
5 educational improvement initiatives has produced and continues to  
6 produce much valuable information. The legislature finds that such  
7 information should be shared with the citizens and educational  
8 community of the state as widely as possible. The legislature  
9 further finds that students and schools benefit from increased  
10 parental, guardian, and community knowledge of and input regarding  
11 the delivery of public education. The legislature further finds  
12 that increased knowledge of and input regarding the public  
13 education system is particularly needed in low-income and ethnic  
14 minority communities.

15           The legislature finds that the center for the improvement of  
16 student learning, created by the legislature in 1993 under the  
17 auspices of the superintendent of public instruction, has not been  
18 allocated funding since the 2001-2003 biennium, and in effect no  
19 longer exists. It is the intent of the legislature to reactivate  
20 the center for the improvement of student learning, and to create  
21 an educational ombudsman to serve as a resource for parents and  
22 students and as an advocate for students in the public education system.

23           **Sec. 2.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended  
24 to read as follows:

25           (1) (~~Expanding activity in educational research, educational~~  
26 ~~restructuring, and educational improvement initiatives has produced~~  
27 ~~and continues to produce much valuable information. The legislature~~  
28 ~~finds that such information should be shared with the citizens and~~  
29 ~~educational community of the state as widely as possible.)) To~~

1 facilitate access to information and materials on educational  
2 improvement and research, the superintendent of public instruction,  
3 to the extent funds are appropriated, shall establish the center  
4 for the improvement of student learning. ~~The primary purpose of~~  
5 ~~the center is to provide assistance and advice to parents, school~~  
6 ~~board members, educators, and the public regarding strategies for~~  
7 ~~assisting students in learning the essential academic learning~~  
8 ~~requirements pursuant to RCW 28A.630.885)).~~ The center shall work  
9 in conjunction with ~~((the academic achievement and accountability~~  
10 ~~commission))~~ parents, educational service districts, institutions  
11 of higher education, and education, parent, community, and business  
12 organizations.

13 (2) The center, in conjunction with other staff in the office  
14 of the superintendent of public instruction, shall:

15 ~~(a) ((Serve as a clearinghouse for the completed work and~~  
16 ~~activities of the academic achievement and accountability~~  
17 ~~commission))~~

18 ~~(b))~~ Serve as a clearinghouse for information regarding  
19 successful educational improvement and parental involvement  
20 programs in schools and districts, and information about efforts  
21 within institutions of higher education in the state to support  
22 educational improvement initiatives in Washington schools and districts;

23 ~~(c)~~ (b) Provide best practices research ~~((and advice))~~ that can  
24 be used to help schools develop and implement: Programs and  
25 practices to improve instruction ~~((of the essential academic~~  
26 ~~learning requirements under section 701 of this act))~~; systems to  
27 analyze student assessment data, with an emphasis on systems that  
28 will combine the use of state and local data to monitor the  
29 academic progress of each and every student in the school district;  
30 comprehensive, school-wide improvement plans; school-based shared  
31 decision-making models; programs to promote lifelong learning and  
32 community involvement in education; school-to-work transition  
33 programs; programs to meet the needs of highly capable students;  
34 programs and practices to meet the diverse needs of students based  
35 on gender, racial, ethnic, economic, and special needs status;  
36 research, information, and technology systems; and other programs  
37 and practices that will assist educators in helping students learn  
38 the essential academic learning requirements;

39 ~~((d) Develop ((and distribute, in conjunction with the~~

1 ~~academic achievement and accountability commission,))~~ parental  
2 ~~involvement materials, including instructional guides developed to~~  
3 ~~inform parents of the essential academic learning requirements~~  
4 ~~required by the superintendent of public instruction. The~~  
5 ~~instructional guides also shall contain actions parents may take to~~  
6 ~~assist their children in meeting the requirements, and should focus~~  
7 ~~on reaching parents who have not previously been involved with~~  
8 ~~their children's education;~~

9 ~~(e) Identify obstacles to greater parent and community involvement~~  
10 ~~in school shared decision-making processes and recommend strategies~~  
11 ~~for helping parents and community members to participate~~  
12 ~~effectively in school shared decision-making processes, including~~  
13 ~~understanding and respecting the roles of school building~~  
14 ~~administrators and staff;~~

15 ~~(f))~~ (c) Develop and maintain an internet web site to increase  
16 the availability of information, research, and other materials;

17 ~~((g) Take other actions to increase public awareness of the~~  
18 ~~importance of parental and community involvement in education;~~

19 ~~(h))~~ (d) Work with appropriate organizations to inform  
20 teachers, district and school administrators, and school directors  
21 about the waivers available and the broadened school board powers  
22 under RCW 28A.320.015;

23 ~~(i) (e) Provide training and consultation services, including~~  
24 ~~conducting regional summer institutes;~~

25 ~~(j) Address methods for improving the success rates of certain~~  
26 ~~ethnic and racial student groups))(f) Identify strategies for~~  
27 ~~improving the success rates of ethnic and racial student groups~~  
28 ~~with disproportionate academic achievement; and~~

29 ~~(k) (g) Perform other functions consistent with the purpose of~~  
30 ~~the center as prescribed in subsection (1) of this section.~~

31 (3) The superintendent of public instruction(~~(, after~~  
32 ~~consultation with the academic achievement and accountability~~  
33 ~~commission,)) shall select and employ a director for the center.~~

34 (4) The superintendent may enter into contracts with  
35 individuals or organizations including but not limited to: School  
36 districts; educational service districts; educational  
37 organizations; teachers; higher education faculty; institutions of  
38 higher education; state agencies; business or community-based  
39 organizations; and other individuals and organizations to

1 accomplish the duties and responsibilities of the center. In  
2 carrying out the duties and responsibilities of the center, the  
3 superintendent, whenever possible, shall use practitioners to  
4 assist agency staff as well as assist educators and others in  
5 schools and districts.

6 (5) The office of the superintendent of public instruction  
7 shall report to the legislature by September 1, 2007, and  
8 thereafter biennially, regarding the effectiveness of the center  
9 for improvement of student learning, how the services provided by  
10 the center for improvement of student learning have been used and  
11 by whom, and recommendations to improve the accessibility and  
12 application of knowledge and information that leads to improved  
13 student learning and greater family and community involvement in  
14 the public education system.

15 NEW SECTION. Sec. 3. (1) The state board of education shall  
16 establish an education ombudsman for all common school students in  
17 this state. The purpose of the education ombudsman is to provide  
18 information to parents, students, and others regarding their rights  
19 and responsibilities with respect to the state's public elementary  
20 and secondary education system, to monitor and ensure compliance  
21 with administrative acts, statutes, and policies relating to public  
22 elementary and secondary education, and to advocate on behalf of  
23 elementary and secondary students.

24 (2) (a) The state board of education, in consultation with the  
25 advisory committee established in section 10 of this act, shall  
26 conduct a request for proposals process and select the entity that  
27 will operate the education ombudsman's program. Entities eligible  
28 to apply for selection include, but are not limited:

- 29 (i) Education service districts;
- 30 (ii) Private, non-profit educational organizations;
- 31 (iii) Private, non-profit community-based organizations; and
- 32 (iv) Federally recognized Indian tribes.

33 (b) Entities not eligible to serve as the education ombudsman  
34 are school districts, schools, or the superintendent of public  
35 instruction, or any employee of a school district, school, or the  
36 superintendent of public instruction.

37 (3) The state board of education shall enter into a contract  
38 with the entity selected pursuant to this section to establish and

1 operate the education ombudsman's program. The term of any  
2 contract between the state board of education and the entity  
3 selected shall not be greater than two years and may be renewed for  
4 terms of no longer than two years. Upon receiving notification of  
5 selection, the entity selected shall promptly retain a qualified  
6 director for the education ombudsman's program.

7 (4) The education ombudsman shall contract with educational  
8 service districts, non-profit education or community organizations,  
9 or federally recognized tribes to provide education ombudsman  
10 services throughout the state. The education ombudsman shall  
11 delegate and certify regional education ombudsmen. The education  
12 ombudsman shall ensure that the regional ombudsmen selected are  
13 appropriate to the community in which they serve. The education  
14 ombudsman may not contract with a the superintendent of public  
15 instruction, or any school, school district, or current employee of  
16 a school, school district, or the office of the superintendent of  
17 public instruction for the provision of regional ombudsman services.

18 NEW SECTION. **Sec. 4.** The education ombudsman shall have the  
19 following powers and duties:

20 (1) To develop parental involvement materials, including  
21 instructional guides developed to inform parents of the essential  
22 academic learning requirements required by the superintendent of  
23 public instruction. The instructional guides also shall contain  
24 actions parents may take to assist their children in meeting the  
25 requirements, and should focus on reaching parents who have not  
26 previously been involved with their children's education;

27 (2) To provide information to students, parents, and interested  
28 members of the public regarding this state's public elementary and  
29 secondary education system;

30 (3) To identify obstacles to greater parent and community  
31 involvement in school shared decision-making processes and  
32 recommend strategies for helping parents and community members to  
33 participate effectively in school shared decision-making processes,  
34 including understanding and respecting the roles of school building  
35 administrators and staff;

36 (4) To identify and recommend strategies for improving the  
37 success rates of ethnic and racial student groups with

1 disproportionate academic achievement;

2 (5) To investigate, upon the education ombudsman's initiative  
3 or upon receipt of a complaint, an administrative act alleged to be  
4 contrary to law, rule, or policy; however, the education ombudsman  
5 may decline to investigate any complaint;

6 (6) To refer complainants and others to appropriate resources,  
7 agencies, or departments;

8 (7) To assist in the resolution of complaints made by parents  
9 and students with regard to the state's public elementary and  
10 secondary education system; and

11 (8) To perform such other functions consistent with the purpose  
12 of the education ombudsman.

13 NEW SECTION. Sec. 5. (1) The education ombudsman and any  
14 regional education ombudsmen shall have training or experience or  
15 both in the following areas:

16 (a) Public education law and policy in this state;

17 (b) Dispute resolution or problem resolution techniques,  
18 including investigation, mediation, and negotiation; and

19 (c) Community outreach.

20 (2) The education ombudsman may not be an employee of any  
21 school district, the office of the superintendent of public  
22 education or the state board of education while serving as an  
23 education ombudsman.

24 NEW SECTION. Sec. 6. (1) Neither the education ombudsman nor  
25 any regional educational ombudsmen are liable for good faith  
26 performance of responsibilities under this chapter.

27 (2) No discriminatory, disciplinary, or retaliatory action may  
28 be taken against any student or employee of any school district,  
29 the office of the superintendent of public education, or the state  
30 board of education, for any communication made, or information  
31 given or disclosed, to aid the education ombudsman in carrying out  
32 his or her duties and responsibilities, unless the same was done  
33 without good faith or maliciously. This subsection is not intended  
34 to infringe upon the rights of a school district to supervise,  
35 discipline, or terminate an employee for other reasons or to  
36 discipline a student for other reasons.

37 (3) All communications by the education ombudsman or the

1 ombudsman's staff or designee, if reasonably related to the  
2 education ombudsman's duties and responsibilities and done in good  
3 faith, are privileged and that privilege shall serve as a defense  
4 to any action in libel or slander.

5 NEW SECTION. **Sec. 7.** The education ombudsman shall treat all  
6 matters under investigation, including the identities of students,  
7 complainants, and individuals from whom information is acquired, as  
8 confidential, except as necessary to enable the education ombudsman  
9 to perform the duties of the office and to support any  
10 recommendations resulting from the investigation. Upon receipt of  
11 information that by law is confidential or privileged, the  
12 ombudsman shall maintain the confidentiality of such information  
13 and shall not further disclose or disseminate the information  
14 except as provided by applicable state or federal law.  
15 Investigative records of the education ombudsman are confidential  
16 and are exempt from public disclosure under chapter 42.56 RCW.

17 NEW SECTION. **Sec. 8.** When the education ombudsman or a  
18 designee of the ombudsman has reasonable cause to believe that any  
19 public official, employee, or other person has acted in a manner  
20 warranting criminal or disciplinary proceedings, he or she shall  
21 report the matter, or cause a report to be made, to the appropriate  
22 authorities. For purposes of this section, reasonable cause means  
23 the ombudsman or the ombudsman's staff member or designee has  
24 direct knowledge of the action warranting criminal or disciplinary  
25 proceedings or has determined through an investigation that the  
26 allegations or information provided by another person relating to  
27 such actions are credible. A school district's use of information  
28 gained from the education ombudsman regarding district staff  
29 misconduct shall be subject to the district's policies regarding  
30 confidentiality and discipline.

31 NEW SECTION. **Sec. 9.** (1) The education ombudsman account is  
32 hereby established in the custody of the state treasurer. The  
33 director of the state board of education shall deposit in the  
34 account all moneys received from gifts, grants, or endowments for  
35 the education ombudsman. Moneys in the account may be spent only  
36 for activities of the education ombudsman. Disbursements from the

1 account shall be on authorization of the director of the state  
2 board of education or the director's designee. The account is  
3 subject to the allotment procedure provided under chapter 43.88  
4 RCW, but no appropriation is required for disbursements.

5 (2) The director of the state board of education may receive  
6 such gifts, grants, and endowments from public or private sources  
7 as may be made from time to time, in trust or otherwise, for the  
8 use and benefit of the purposes of the education ombudsman and  
9 expend the same or any income therefrom according to the terms of  
10 the gifts, grants, or endowments.

11 NEW SECTION. **Sec. 10.** (1) The governor shall establish an  
12 education advisory committee consisting of at least eleven and no  
13 more than fifteen members. The superintendent of public education,  
14 or his or her designee, shall serve as a nonvoting ex officio  
15 member of the committee and shall act as secretary.

16 (2) At least five members of the committee shall be parents or  
17 guardians of children enrolled in the public elementary or  
18 secondary education system in this state. At least one of these  
19 members shall be a parent or guardian of a "special education  
20 student" as that term is defined by the superintendent of public  
21 instruction. In addition, at least one of these members shall be a  
22 member of the Washington Congress of Parents and Teachers.

23 (3) At least one member shall be a certificated employee or  
24 administrator in a public elementary or secondary school in this state.

25 (4) At least one member shall be a commissioner or director, or  
26 a designee selected by a commissioner or director, from each of the  
27 following:

- 28 (a) The Washington state commission on Hispanic affairs;
- 29 (b) The Washington state commission on African-American affairs;
- 30 (c) The Washington state commission on Asian Pacific American  
31 affairs; and
- 32 (d) The governor's office of Indian affairs.

33 (5) The members of the education advisory committee shall be  
34 representative of the geographic regions of the state, as well as  
35 representative of the ethnic diversity of the state.

36 (6) Members of the committee shall serve at the pleasure of the  
37 governor for three-year terms. Of the initial members appointed,  
38 two members shall serve one-year terms, three members shall serve

1 two-year terms, and the remaining members shall serve three-year terms.

2 (7) The committee may establish subcommittees as it desires,  
3 and may invite nonmembers to serve on these subcommittees.

4 (8) Nonlegislative members of the committee shall be reimbursed  
5 for travel expenses under RCW 43.03.050 and 43.03.060.

6 (9) As used in this section, "parent or guardian" means (a)  
7 natural, adoptive, or foster parents, (b) guardians, (c)  
8 individuals acting in the place of a parent, with whom the child  
9 lives, and who are legally responsible for the child's welfare, and  
10 (d) surrogates acting at the request of a person named in  
11 subsections (a) through (c) of this subsection (9).

12 NEW SECTION. **Sec. 11.** The education advisory committee shall  
13 advise and make recommendations to the legislature, the governor,  
14 and the state board of education biennially. The education  
15 advisory committee shall provide a preliminary report to the  
16 legislature, the governor, and the state board of education by  
17 September 1, 2007. Thereafter, the education advisory committee  
18 shall provide biennial reports to the legislature and the state  
19 board of education regarding:

20 (a) How the education ombudsman's services have been used and  
21 by whom;

22 (b) Methods for the education ombudsman to increase and enhance  
23 family and community involvement in public education;

24 (c) Recommendations to eliminate barriers and obstacles to  
25 meaningful family and community involvement in public education;  
26 and

27 (d) Strategies to improve the educational opportunities for all  
28 students in the state.

29 **Sec. 12.** RCW 42.56.240 and 2005 c 274 s 404 are each amended  
30 to read as follows:

31 The following investigative, law enforcement, and crime victim  
32 information is exempt from public inspection and copying under this  
33 chapter:

34 (1) Specific intelligence information and specific  
35 investigative records compiled by investigative, law enforcement,  
36 and penology agencies, and state agencies vested with the  
37 responsibility to discipline members of any profession, the

1 nondisclosure of which is essential to effective law enforcement or  
2 for the protection of any person's right to privacy;

3 (2) Information revealing the identity of persons who are  
4 witnesses to or victims of crime or who file complaints with  
5 investigative, law enforcement, or penology agencies, other than  
6 the commission, if disclosure would endanger any person's life,  
7 physical safety, or property. If at the time a complaint is filed  
8 the complainant, victim, or witness indicates a desire for  
9 disclosure or nondisclosure, such desire shall govern. However, all  
10 complaints filed with the commission about any elected official or  
11 candidate for public office must be made in writing and signed by  
12 the complainant under oath;

13 (3) Any records of investigative reports prepared by any state,  
14 county, municipal, or other law enforcement agency pertaining to  
15 sex offenses contained in chapter 9A.44 RCW or sexually violent  
16 offenses as defined in RCW 71.09.020, which have been transferred  
17 to the Washington association of sheriffs and police chiefs for  
18 permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

19 (4) License applications under RCW 9.41.070; copies of license  
20 applications or information on the applications may be released to  
21 law enforcement or corrections agencies; (~~and~~)

22 (5) Information revealing the identity of child victims of  
23 sexual assault who are under age eighteen. Identifying information  
24 means the child victim's name, address, location, photograph, and  
25 in cases in which the child victim is a relative or stepchild of  
26 the alleged perpetrator, identification of the relationship between  
27 the child and the alleged perpetrator; and

28 (6) Investigative records of the education ombudsman, as  
29 provided in section 7 of this act.

30 NEW SECTION. Sec. 13. Sections 3 through 11, inclusive, of  
31 this act are each added to chapter 28A.310 RCW.

32 NEW SECTION. Sec. 14. Section 12 of this act takes effect July  
33 1, 2006."

**EFFECT:** Removes all language from the bill. The center for  
improvement of student learning is reactivated within the  
office of the superintendent of public instruction. The state  
board of education will, through the request for proposals

process, select and contract with an independent entity to establish and operate the education ombudsman program. The governor will appoint members to the education advisory committee. The committee will report to the legislature, governor, and state board of education regarding the education ombudsman.