
SUBSTITUTE SENATE BILL 5191

State of Washington

62nd Legislature

2011 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Hobbs, King, Hewitt, Haugen, Ranker, Litzow, Kilmer, Hill, McAuliffe, Harper, White, Tom, Rockefeller, Becker, and Parlette)

READ FIRST TIME 02/03/11.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (3)(a) Beginning with sixth grade entry, every public school in the
35 state shall provide parents and guardians with access to information
36 about human papillomavirus disease and its vaccine at the beginning of
37 every school year. Providing online access to the information

1 satisfies the requirements of this section unless a parent or guardian
2 specifically requests information to be provided in written form. The
3 information about human papillomavirus disease shall include:

4 (i) Its causes and symptoms, how human papillomavirus disease is
5 spread, and the places where parents and guardians may obtain
6 additional information and vaccinations for their children; and

7 (ii) Current recommendations from the United States centers for
8 disease control and prevention regarding the receipt of vaccines for
9 human papillomavirus disease and where the vaccination can be received.

10 (b) This subsection shall not be construed to require the
11 department of health or the school to provide human papillomavirus
12 vaccination to students.

13 (c) The department of health shall prepare the informational
14 materials and shall consult with the office of the superintendent of
15 public instruction.

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

17 (4) Private schools are required by state law to notify parents
18 that information on the human papillomavirus disease prepared by the
19 department of health is available.

20 **Sec. 3.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to
21 read as follows:

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

29 (2) Beginning with the ((2000-01)) 2013-14 school year, each senior
30 high school and any other public school that includes ninth grade shall
31 publish annually and deliver to each parent with children enrolled in
32 ninth through twelfth grades, information concerning the entrance
33 requirements and the availability of programs in the local area that
34 lead to college credit, including classes such as advanced placement,
35 running start, tech-prep, skill centers, college in the high school,
36 and international baccalaureate programs. The information may be
37 included with other information the school regularly mails to parents.

1 In addition, each senior high school and any other public school that
2 includes ninth grade shall enclose information of the names and contact
3 information of other public or private entities offering such programs,
4 including online advanced placement programs, to its ninth through
5 twelfth grade students if the school has knowledge of such entities.

6 **Sec. 4.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to
7 read as follows:

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

18 **Sec. 5.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to
19 read as follows:

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

25 (2) In developing the program, consideration shall be given to the
26 following:

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

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

31 (ii) Culturally and linguistically appropriate to the population
32 served;

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

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

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

3 (i) Physical and behavioral indicators of abuse;

4 (ii) Crisis counseling techniques;

5 (iii) Community resources;

6 (iv) Rights and responsibilities regarding reporting;

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

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

10 (c) Training for licensed day care providers and parents that
11 includes:

12 (i) Positive child guidance techniques;

13 (ii) Physical and behavioral indicators of abuse;

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

15 (iv) Community resources;

16 (v) Rights and responsibilities regarding reporting; and

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

18 (d) Training for children that includes:

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

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

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

22 (iv) Child safety training and age-appropriate self-defense
23 techniques; and

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

27 (3) The office of the superintendent of public instruction shall
28 not require annual training under subsection (2) of this section. The
29 office of the superintendent of public instruction may consider
30 offering training every four years, except for new employees who shall
31 receive training within the first year of their hire date. School
32 districts are encouraged to work with private or nonprofit entities
33 that have the ability to provide the appropriate training for staff in
34 accordance with this section.

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

1 (~~(4)~~) (5) Parents shall be given notice of the primary prevention
2 program and may refuse to have their children participate in the
3 program.

4 **Sec. 6.** RCW 28A.300.270 and 1994 sp.s. c 7 s 602 are each amended
5 to read as follows:

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

21 (2) The office of the superintendent of public instruction shall
22 not require annual training sessions. The training may be offered
23 every four years.

24 **Sec. 7.** RCW 28A.300.405 and 2000 c 210 s 4 are each amended to
25 read as follows:

26 (1) Consistent with the legislative findings in RCW 28A.300.390,
27 the legislature shall establish the Washington civil liberties public
28 education program. The program provides grants for the purpose of
29 establishing a legacy of remembrance as part of a continuing process of
30 recovery from the World War II exclusion and detention of individuals
31 of Japanese ancestry. The program is created to do one or both of the
32 following:

33 (~~(1)~~) (a) Educate the public regarding the history and the
34 lessons of the World War II exclusion, removal, and detention of
35 persons of Japanese ancestry through the development, coordination, and

1 distribution of new educational materials and the development of
2 curriculum materials to complement and augment resources currently
3 available on this subject matter; and

4 ((+2)) (b) Develop videos, plays, presentations, speaker bureaus,
5 and exhibitions for presentation to elementary schools, secondary
6 schools, community colleges, and to other interested parties.

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

8 **Sec. 8.** RCW 28A.300.410 and 2000 c 210 s 5 are each amended to
9 read as follows:

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

14 (2) The superintendent of public instruction may contract with
15 independent review panelists and establish an advisory panel to
16 evaluate and make recommendations to the superintendent of public
17 instruction based on grant applications.

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

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

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

25 (c) Projects that relate the Japanese-American exclusion and
26 detention experience with civil rights included in the Declaration of
27 Independence and the Constitution so that this event may be illuminated
28 and understood in order to prevent similar violations of civil rights
29 in the future;

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

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

35 (f) Projects that include the variety of experiences regarding the
36 exclusion and detention of Japanese-Americans and its impact before,

1 during, and after World War II including those Japanese-Americans who
2 served in the military and those who were interned in department of
3 justice camps.

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

6 (a) Involve former detainees, those excluded from the military
7 area, and their descendants in the development and implementation of
8 projects;

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

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

16 (d) Develop local and regional consortia of organizations and
17 individuals engaged in similar educational, research, and development
18 efforts;

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

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

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

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

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

32 (j) Add relevant materials to or catalogue relevant materials in
33 libraries and other repositories for the creation, publication, and
34 distribution of bibliographies, curriculum guides, oral histories, and
35 other resource directories and supporting the continued development of
36 scholarly work on this subject by making a broad range of archival,
37 library, and research materials more accessible to the American public.

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

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

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

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

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

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

21 (8) The office may accept gifts, grants, or endowments from public
22 or private sources for the program and may spend any gifts, grants, or
23 endowments or income from public or private sources according to their
24 terms.

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

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

29 (1) The superintendent of public instruction shall review current
30 policies and assess the adequacy and availability of programs targeted
31 at children who have a parent who is incarcerated in a department of
32 corrections facility. The superintendent of public instruction shall
33 adopt policies that support the children of incarcerated parents and
34 meet their needs with the goal of facilitating normal child
35 development, including maintaining adequate academic progress, while
36 reducing intergenerational incarceration.

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

4 (a) Gather information and data on the students who are the
5 children of inmates incarcerated in department of corrections
6 facilities; and

7 (b) Participate in the children of incarcerated parents advisory
8 committee and report information obtained under this section to the
9 advisory committee.

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

11 **Sec. 10.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to
12 read as follows:

13 Every board of directors, unless otherwise specifically provided by
14 law, shall:

15 (1) Provide for the expenditure of a reasonable amount for suitable
16 commencement exercises;

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

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

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

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

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

15 **Sec. 11.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to
16 read as follows:

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

29 **Sec. 12.** RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are
30 each amended to read as follows:

31 The membership of the school directors' association (~~shall~~) may
32 comprise the members of the boards of directors of the school districts
33 of the state.

34 **Sec. 13.** RCW 28A.345.050 and 1983 c 187 s 2 are each amended to
35 read as follows:

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

14 **Sec. 14.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
15 read as follows:

16 (1) The superintendent of public instruction shall develop
17 (~~regulations~~) rules and guidelines to eliminate sex discrimination as
18 it applies to public school employment, counseling and guidance
19 services to students, recreational and athletic activities for
20 students, access to course offerings, and in textbooks and
21 instructional materials used by students.

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

24 (i) Maintain credential requirements for all personnel without
25 regard to sex;

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

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

30 (iv) Provide the same opportunities for advancement to males and
31 females; and

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

36 (b) Specifically with respect to counseling and guidance services

1 for students, they shall be made available to all students equally.
2 All certificated personnel shall be required to stress access to all
3 career and vocational opportunities to students without regard to sex.

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

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

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

29 (e) Specifically with respect to textbooks and instructional
30 materials, which shall also include, but not be limited to, reference
31 books and audio-visual materials, they shall be required to adhere to
32 the guidelines developed by the superintendent of public instruction to
33 implement the intent of this chapter: PROVIDED, That this subsection
34 shall not be construed to prohibit the introduction of material deemed
35 appropriate by the instructor for educational purposes.

36 (2)(a) By December 31, 1994, the superintendent of public
37 instruction shall develop criteria for use by school districts in
38 developing sexual harassment policies as required under (b) of this

1 subsection. The criteria shall address the subjects of grievance
2 procedures, remedies to victims of sexual harassment, disciplinary
3 actions against violators of the policy, and other subjects at the
4 discretion of the superintendent of public instruction. Disciplinary
5 actions must conform with collective bargaining agreements and state
6 and federal laws. The superintendent of public instruction also shall
7 supply sample policies to school districts upon request.

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

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

16 (d) The school district's sexual harassment policy shall be
17 conspicuously posted throughout each school building, and provided to
18 each employee. Employees may be provided the policy online. A copy of
19 the policy shall appear in any publication of the school or school
20 district setting forth the rules, (~~regulations,~~) procedures, and
21 standards of conduct for the school or school district.

22 (e) Each school shall develop a process for discussing the
23 district's sexual harassment policy. The process shall ensure the
24 discussion addresses the definition of sexual harassment and issues
25 covered in the sexual harassment policy.

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

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

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

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

4 (iii) That conduct or communication has the purpose or effect of
5 substantially interfering with an individual's educational or work
6 performance, or of creating an intimidating, hostile, or offensive
7 educational or work environment.

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

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

20 (2) Subject to the conditions in this section, a certificate of
21 academic achievement shall be obtained by most students at about the
22 age of sixteen, and is evidence that the students have successfully met
23 the state standard in the content areas included in the certificate.
24 With the exception of students satisfying the provisions of RCW
25 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
26 for graduation from a public high school but is not the only
27 requirement for graduation.

28 (3) Beginning with the graduating class of 2008, with the exception
29 of students satisfying the provisions of RCW 28A.155.045, a student who
30 meets the state standards on the reading, writing, and mathematics
31 content areas of the high school Washington assessment of student
32 learning shall earn a certificate of academic achievement. If a
33 student does not successfully meet the state standards in one or more
34 content areas required for the certificate of academic achievement,
35 then the student may retake the assessment in the content area up to
36 four times at no cost to the student. If the student successfully
37 meets the state standards on a retake of the assessment then the

1 student shall earn a certificate of academic achievement. Once
2 objective alternative assessments are authorized pursuant to subsection
3 (10) of this section, a student may use the objective alternative
4 assessments to demonstrate that the student successfully meets the
5 state standards for that content area if the student has taken the
6 Washington assessment of student learning at least once. If the
7 student successfully meets the state standards on the objective
8 alternative assessments then the student shall earn a certificate of
9 academic achievement.

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

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

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

31 (7) School districts must make available to students the following
32 options:

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

36 (b) To retake the Washington assessment of student learning up to
37 four times in the content areas in which the student did not meet the
38 state standards if the student is enrolled in a high school completion

1 program at a community or technical college. The superintendent of
2 public instruction and the state board for community and technical
3 colleges shall jointly identify means by which students in these
4 programs can be assessed.

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

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

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

26 (b)(i) A student's score on the mathematics, reading or English, or
27 writing portion of the SAT or the ACT may be used as an objective
28 alternative assessment under this section for demonstrating that a
29 student has met or exceeded the state standards for the certificate of
30 academic achievement. The state board of education shall identify the
31 scores students must achieve on the relevant portion of the SAT or ACT
32 to meet or exceed the state standard in the relevant content area on
33 the Washington assessment of student learning. The state board of
34 education shall identify the first scores by December 1, 2007. After
35 the first scores are established, the state board may increase but not
36 decrease the scores required for students to meet or exceed the state
37 standards.

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

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

24 (11) By December 15, 2004, the house of representatives and senate
25 education committees shall obtain information and conclusions from
26 recognized, independent, national assessment experts regarding the
27 validity and reliability of the high school Washington assessment of
28 student learning for making individual student high school graduation
29 determinations.

30 ~~((12) To help assure continued progress in academic achievement as
31 a foundation for high school graduation and to assure that students are
32 on track for high school graduation, each school district shall prepare
33 plans for and notify students and their parents or legal guardians as
34 provided in this subsection. Student learning plans are required for
35 eighth grade students who were not successful on any or all of the
36 content areas of the state assessment during the previous school year
37 or who may not be on track to graduate due to credit deficiencies or
38 absences. The parent or legal guardian shall be notified about the~~

1 information in the student learning plan, preferably through a parent
2 conference and at least annually. To the extent feasible, schools
3 serving English language learner students and their parents shall
4 translate the plan into the primary language of the family. The plan
5 shall include the following information as applicable:

6 (a) The student's results on the state assessment;

7 (b) If the student is in the transitional bilingual program, the
8 score on his or her Washington language proficiency test II;

9 (c) Any credit deficiencies;

10 (d) The student's attendance rates over the previous two years;

11 (e) The student's progress toward meeting state and local
12 graduation requirements;

13 (f) The courses, competencies, and other steps needed to be taken
14 by the student to meet state academic standards and stay on track for
15 graduation;

16 (g) Remediation strategies and alternative education options
17 available to students, including informing students of the option to
18 continue to receive instructional services after grade twelve or until
19 the age of twenty-one;

20 (h) The alternative assessment options available to students under
21 this section and RCW 28A.655.065;

22 (i) School district programs, high school courses, and career and
23 technical education options available for students to meet graduation
24 requirements; and

25 (j) Available programs offered through skill centers or community
26 and technical colleges, including the college high school diploma
27 options under RCW 28B.50.535.))

28 **Sec. 16.** RCW 39.35D.040 and 2006 c 263 s 331 are each amended to
29 read as follows:

30 (1) All major facility projects of public school districts
31 receiving any funding in a state capital budget must be designed and
32 constructed to at least the LEED silver standard or the Washington
33 sustainable school design protocol. To the extent appropriate LEED
34 silver or Washington sustainable school design protocol standards exist
35 for the type of building or facility, this subsection applies to major
36 facility projects that have not received project approval from the

1 superintendent of public instruction prior to: (a) July 1, 2006, for
2 volunteering school districts; (b) July 1, 2007, for class one school
3 districts; and (c) July 1, 2008, for class two school districts.

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

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

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

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

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

1 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 28A.210.130 (Immunization program--Superintendent of public
4 instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s
5 4;

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

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

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

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

14 (6) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c
15 7 s 611; and

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

17 NEW SECTION. **Sec. 18.** Sections 7 through 9 of this act expire
18 July 1, 2013.

19 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately.

--- END ---