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HOUSE BILL 2257

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State of Washington                      64th Legislature      2015 1st Special Session

By Representative Pollet

Read first time 05/08/15. Referred to Committee on Education.

1            AN ACT Relating to comprehensive safe school plans for public and  
2 private K-12 schools; amending RCW 28A.320.125, 28A.320.080, and  
3 28A.195.010; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.**    (1) The legislature finds that: Students  
6 are susceptible to both natural and man-made disasters; students in  
7 Washington attend school in a state with high natural disaster risks,  
8 on top of modern day man-made disaster risks; and there is a need for  
9 safety plans that require communication, evacuation, and timely  
10 response to disasters.

11            (2) The legislature finds that the following natural and man-made  
12 risks have potential to cause death and great injury to health and  
13 the economy, which require planning.

14            (a) Earthquakes. Based on at-risk populations, Washington is  
15 ranked the second most dangerous state for earthquakes, and averages  
16 over one thousand earthquakes a year. Washington sits on the Cascadia  
17 subduction zone, which can produce estimated earthquakes of 9.0 on  
18 the Richter scale; the Juan de Fuca plate, which has produced  
19 earthquakes of up to 7.1 on the Richter scale; and various crustal  
20 plates, which have produced earthquakes up to 7.5 on the Richter  
21 scale. Experts predict it is merely a matter of time before a large

1 earthquake occurs in the state. A significant relationship between  
2 earthquakes and tsunamis exist, as ninety-eight percent of the  
3 world's tsunamis are attributable to earthquakes.

4 (b) Tsunamis. Over seventy-three percent of the world's tsunamis  
5 have been observed along the Pacific ring of fire. The coast of  
6 Washington is located in the ring of fire. A local earthquake from  
7 the Cascadia subduction zone would cause tsunami waves to reach the  
8 outer coastal communities within thirty minutes or less. It is  
9 imperative to note that the Cascadia subduction zone can produce  
10 estimated earthquakes up to 9.0 on the Richter scale. Both the 2004  
11 Indonesian tsunami and the 2011 Japanese tsunami resulted from 9.0  
12 magnitude earthquakes.

13 (c) Volcanoes. Washington has five major volcanoes: Mount Baker,  
14 Glacier Peak, Mount Rainier, Mount Saint Helens, and Mount Adams.  
15 Mount Adams is the nineteenth most dangerous volcano in the nation,  
16 Glacier Peak is the twelfth most dangerous, Mount Baker is the  
17 eleventh most dangerous, and Mount Rainier is the third most  
18 dangerous. In 1980, the eruption of Mount Saint Helens created the  
19 largest debris avalanche in recorded history, with five hundred  
20 twenty million tons of ash spread across the United States. An  
21 eruption of Mount Rainier, the highest peak in the Cascade mountain  
22 range, would produce lava, ash, glacial outburst floods, and lahars.  
23 This would cause upwards of six billion dollars in damages.

24 (d) Other natural disasters. The Washington military emergency  
25 management division lists avalanches, drought, floods, landslides,  
26 severe storms, and wildland fires as prominent natural disasters  
27 affecting Washington. Any one of these events could occur during  
28 school hours, putting Washington students at risk.

29 (e) Man-made disasters.

30 (i) Terrorism. Washington is home to local, national, and  
31 international businesses, prominent tourist attractions, and  
32 governmental targets. As such, there will always be a risk to the  
33 state and its students.

34 (ii) On-school shooters. The federal bureau of investigation  
35 states that crime in schools is one of the most troublesome social  
36 problems facing the nation. To date, this decade has seen a total of  
37 one hundred forty-seven school deaths, not including recent  
38 shootings, such as the one at Sandy Hook Elementary School.

39 (iii) Local hazards. In Washington, local hazards such as grain  
40 elevator explosions, contaminated firefighting runoff, and various

1 hazards from the manufacturing of fireworks, chemicals, and  
2 pharmaceuticals, and oil refinery activities can occur in individual  
3 jurisdictions. Any one of these local events would expose students to  
4 danger.

5 **Sec. 2.** RCW 28A.320.125 and 2013 c 14 s 1 are each amended to  
6 read as follows:

7 (1) The legislature considers it to be a matter of public safety  
8 for public schools and staff to have current safe school plans and  
9 procedures in place, fully consistent with federal law. The  
10 legislature further finds and intends, by requiring safe school plans  
11 to be in place, that school districts will become eligible for  
12 federal assistance. The legislature further finds that schools are in  
13 a position to serve the community in the event of an emergency  
14 resulting from natural disasters or man-made disasters.

15 (2) Schools and school districts shall consider the guidance  
16 provided by the superintendent of public instruction, including the  
17 comprehensive school safety checklist and the model comprehensive  
18 safe school plans that include prevention, intervention, all hazard/  
19 crisis response, and postcrisis recovery, when developing their own  
20 individual comprehensive safe school plans. Each school district  
21 shall adopt, no later than September 1, 2008, and implement a safe  
22 school plan consistent with the school mapping information system  
23 pursuant to RCW 36.28A.060. The plan shall:

24 (a) Include required school safety policies and procedures;

25 (b) Address emergency mitigation, preparedness, response, and  
26 recovery;

27 (c) Include provisions for assisting and communicating with  
28 students and staff, including those with special needs or  
29 disabilities;

30 (d) Use the training guidance provided by the Washington  
31 emergency management division of the state military department in  
32 collaboration with the Washington state office of the superintendent  
33 of public instruction school safety center and the school safety  
34 center advisory committee;

35 (e) Require the building principal to be certified on the  
36 incident command system;

37 (f) Take into account the manner in which the school facilities  
38 may be used as a community asset in the event of a community-wide  
39 emergency; and

1 (g) Set guidelines for requesting city or county law enforcement  
2 agencies, local fire departments, emergency service providers, and  
3 county emergency management agencies to meet with school districts  
4 and participate in safety-related drills.

5 (3) School districts, in collaboration with local emergency  
6 response agencies, shall annually review and update their safe school  
7 plans.

8 (4) To the extent funds are available, school districts shall  
9 annually:

10 (a) ~~((Review and update safe school plans in collaboration with~~  
11 ~~local emergency response agencies;~~

12 ~~(b))~~ Conduct an inventory of all hazardous materials;

13 ~~((c))~~ (b) Update information on the school mapping information  
14 system to reflect current staffing and updated plans, including:

15 (i) Identifying all staff members who are trained on the national  
16 incident management system, trained on the incident command system,  
17 or are certified on the incident command system; and

18 (ii) Identifying school transportation procedures for evacuation,  
19 to include bus staging areas, evacuation routes, communication  
20 systems, parent-student reunification sites, and secondary  
21 transportation agreements consistent with the school mapping  
22 information system; and

23 ~~((d))~~ (c) Provide information to all staff on the use of  
24 emergency supplies and notification and alert procedures.

25 ~~((4))~~ (5) To the extent funds are available, school districts  
26 shall annually record and report on the information and activities  
27 required in subsection ~~((3))~~ (4) of this section to the Washington  
28 association of sheriffs and police chiefs.

29 ~~((5))~~ (6) School districts are encouraged to work with local  
30 emergency management agencies and other emergency responders to  
31 conduct one tabletop exercise, one functional exercise, and two full-  
32 scale exercises within a four-year period.

33 ~~((6))~~ (7)(a) Schools shall conduct ~~((no less than one safety-~~  
34 ~~related drill each month that school is in session. Schools shall~~  
35 ~~complete no less than one drill using the school mapping information~~  
36 ~~system, three drills for lockdowns, one drill for shelter-in-place,~~  
37 ~~three drills for fire evacuation in accordance with the state fire~~  
38 ~~code, and one other safety-related drill to be determined by the~~  
39 ~~school. Schools should consider drills for earthquakes, tsunamis, or~~  
40 ~~other high-risk local events. Schools shall document the date and~~

1 ~~time of such drills. This subsection is intended to satisfy all~~  
2 ~~federal requirements for comprehensive school emergency drills and~~  
3 ~~evacuations)) the following drills annually, while school is in~~  
4 ~~session:~~

5 (i) No less than one drill using the school mapping information  
6 system;

7 (ii) No less than two drills for lockdowns, one of which must  
8 have school-wide participation, including students and staff;

9 (iii) No less than one drill for shelter-in-place, which must  
10 have school-wide participation, including students and staff;

11 (iv) No less than two drills for fire evacuation in accordance  
12 with the state fire code;

13 (v) No less than one earthquake drill;

14 (vi) For schools located in tsunami evacuation zones designated  
15 as such by the Washington department of natural resources, no less  
16 than one tsunami evacuation drill;

17 (vii) For schools located in lahar evacuation areas, no less than  
18 one lahar evacuation drill; and

19 (viii) No less than one other safety-related drill to be  
20 determined by the school, with input from a local emergency  
21 organization or law enforcement. Schools should consider high-risk  
22 local events.

23 (b) Schools shall document the date and time of the drills  
24 required in this subsection (7).

25 (c) This subsection (7) is intended to satisfy all federal  
26 requirements for comprehensive school emergency drills and  
27 evacuations.

28 (8) Schools shall publish and communicate emergency procedures  
29 applicable to all students and staff. This requirement includes:

30 (a) Publishing procedures on the school's web site, where  
31 applicable;

32 (b) Making procedures available in paper format to all staff;

33 (c) Making printed emergency procedures easily accessible at the  
34 school's main office and the main entry of each school building; and

35 (d) Making emergency procedures available in any additional  
36 locations that the school deems beneficial.

37 ~~((7))~~ (9) Educational service districts are encouraged to apply  
38 for federal emergency response and crisis management grants with the  
39 assistance of the superintendent of public instruction and the

1 Washington emergency management division of the state military  
2 department.

3 ~~((8))~~ (10) The office of the superintendent of public  
4 instruction shall establish a program to provide incentives to  
5 schools that demonstrate a commitment to emergency planning and  
6 preparedness beyond the provisions in this section. The office may  
7 determine the appropriate incentives, as long as the incentives  
8 encourage creativity and commitment beyond the provisions required in  
9 this section.

10 (11) The superintendent of public instruction may adopt rules to  
11 implement provisions of this section. These rules may include, but  
12 are not limited to, provisions for evacuations, lockdowns, or other  
13 components of a comprehensive safe school plan.

14 **Sec. 3.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to  
15 read as follows:

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

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

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

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

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

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

16 (5) Consider the request of any one or more private schools  
17 requesting the board of directors to jointly buy supplies, equipment,  
18 and services directly related to emergency planning and disaster  
19 preparedness and, after considering such request, may provide such  
20 joint purchasing services: PROVIDED, That such private schools pay in  
21 advance their proportionate share of the costs or provide a surety  
22 bond to cover their proportionate share of the costs involved in such  
23 purchases; and

24 (6) Prepare budgets as provided for in chapter 28A.505 RCW.

25 **Sec. 4.** RCW 28A.195.010 and 2009 c 548 s 303 are each amended to  
26 read as follows:

27 The legislature hereby recognizes that private schools should be  
28 subject only to those minimum state controls necessary to insure the  
29 health and safety of all the students in the state and to insure a  
30 sufficient basic education to meet usual graduation requirements. The  
31 state, any agency or official thereof, shall not restrict or dictate  
32 any specific educational or other programs for private schools except  
33 as hereinafter in this section provided.

34 Principals of private schools or superintendents of private  
35 school districts shall file each year with the state superintendent  
36 of public instruction a statement certifying that the minimum  
37 requirements hereinafter set forth are being met, noting any  
38 deviations. After review of the statement, the state superintendent  
39 will notify schools or school districts of those deviations which

1 must be corrected. In case of major deviations, the school or school  
2 district may request and the state board of education may grant  
3 provisional status for one year in order that the school or school  
4 district may take action to meet the requirements. The state board of  
5 education shall not require private school students to meet the  
6 student learning goals, obtain a certificate of academic achievement,  
7 or a certificate of individual achievement to graduate from high  
8 school, to master the essential academic learning requirements, or to  
9 be assessed pursuant to RCW 28A.655.061. However, private schools may  
10 choose, on a voluntary basis, to have their students master these  
11 essential academic learning requirements, take the assessments, and  
12 obtain a certificate of academic achievement or a certificate of  
13 individual achievement. Minimum requirements shall be as follows:

14 (1) The minimum school year for instructional purposes shall  
15 consist of no less than one hundred eighty school days or the  
16 equivalent in annual minimum instructional hour offerings, with a  
17 school-wide annual average total instructional hour offering of one  
18 thousand hours for students enrolled in grades one through twelve,  
19 and at least four hundred fifty hours for students enrolled in  
20 kindergarten.

21 (2) The school day shall be the same as defined in RCW  
22 28A.150.203.

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

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

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

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

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

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

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

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

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

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

15 (6) The physical facilities of the school or district shall be  
16 adequate to meet the program offered by the school or district:  
17 PROVIDED, That each school building shall meet reasonable health and  
18 fire safety requirements. A residential dwelling of the parent,  
19 guardian, or custodian shall be deemed to be an adequate physical  
20 facility when a parent, guardian, or person having legal custody is  
21 instructing his or her child under subsection (4) of this section.

22 (7) The school or district shall comply with the requirements of  
23 RCW 28A.320.125 relating to safe school plans.

24 (8) Private school curriculum shall include instruction of the  
25 basic skills of occupational education, science, mathematics,  
26 language, social studies, history, health, reading, writing,  
27 spelling, and the development of appreciation of art and music, all  
28 in sufficient units for meeting state board of education graduation  
29 requirements.

30 ~~((8))~~ (9) Each school or school district shall be required to  
31 maintain up-to-date policy statements related to the administration  
32 and operation of the school or school district.

33 All decisions of policy, philosophy, selection of books, teaching  
34 material, curriculum, except as in subsection ~~((7))~~ (8) of this  
35 section provided, school rules and administration, or other matters  
36 not specifically referred to in this section, shall be the  
37 responsibility of the administration and administrators of the  
38 particular private school involved.

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