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**ENGROSSED SENATE BILL 5834**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Hunt, Wellman, Randall, Pedersen, Wilson, C., Salomon, Frockt, Hasegawa, Kuderer, Nguyen, and Saldaña

AN ACT Relating to providing for educational equity regardless of immigration or citizenship status; amending RCW 28A.710.040 and 28A.715.020; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds:

(1) In June 1982, the United States supreme court issued *Plyler v. Doe*, 457 U.S. 202 (1982), a landmark decision holding that states may not constitutionally deny students a free public education based on immigration status. The United States supreme court found that any resources that might be saved from excluding undocumented children from public schools were far outweighed by the harms imposed on society at large from denying these students an education.

(2) For more than thirty years, *Plyler v. Doe* has ensured equal access to education for children regardless of immigration status. It is important for Washington state to protect its immigrant students and ensure that they have every opportunity to continue their education without fear or undue risk.

(3) A positive school climate is one in which students, educators, and staff feel safe, welcomed, supported, and connected. Studies show that healthy school climates contribute to academic achievement and other positive outcomes for students. In an effort to create a positive school climate, Washington schools must take steps to protect the integrity of their learning environments.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs. School districts must provide meaningful access to this information for families with limited English proficiency.

(b) Except as required by state or federal law or as required to administer a state or federally supported educational program, school district officials and employees may not collect information or documents regarding the citizenship or immigration status of students or their family members.

(c) When a federal immigration officer or law enforcement officer working on behalf of a federal immigration agency requests information or access to school grounds, principals, and other school administrators, must direct the officer to the school district superintendent, or the superintendent's designee. The superintendent, or the superintendent's designee, may only provide information or access to the officer after the officer presents a dated, signed judicial warrant. Following the officer's request for information or access, the superintendent, or the superintendent's designee, must report the request for information or access to the school board of directors in a timely manner and in a manner that ensures the confidentiality and privacy of any potentially identifying information.

(2) In order to keep public schools safe and accessible to all Washington residents, regardless of immigration status, school districts shall adopt and enforce policies and procedures consistent with the model policy described in section 3 of this act, beginning in the 2020-21 school year.

(3) School districts must inform school district employees of the requirements of subsection (1) of this section using the materials developed by the office of the superintendent of public instruction under section 5 of this act, and of the policy and procedures adopted under subsection (2) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.345 RCW to read as follows:

The Washington state school directors' association shall develop, and publish on its web site, a model policy and procedure that complies with section 2 of this act, related to immigrant students. The model policy and procedure must include procedures:

(1) Related to requests for information or access to school grounds for purposes related to immigration enforcement;

(2) For staff to notify the school district superintendent, or the superintendent's designee, if an individual requests, or gains, access to school grounds for purposes related to immigration enforcement; and

(3) For responding to requests for personal information about students or students' family members for purposes of immigration enforcement.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

A school district may include information from a student's education record in the student information directory only after the parent or guardian of the enrolled student has provided prior written consent to include the information.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction must develop, and publish on its web site, a brief presentation, guidance, or other training materials describing the requirements of section 2 of this act.

**Sec.**  RCW 28A.710.040 and 2018 c 75 s 9 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to sections 2 and 4 of this act, chapter 28A.642 RCW (discrimination prohibition), and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under RCW 28A.320.260;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(e) Comply with the employee record check requirements in RCW 28A.400.303;

(f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(g) Comply with the annual performance report under RCW 28A.655.110;

(h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter.

**Sec.**  RCW 28A.715.020 and 2013 c 242 s 3 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must operate according to the terms of its compact executed in accordance with RCW 28A.715.010.

(2) Schools that are the subjects of state-tribal education compacts are exempt from all state statutes and rules applicable to school districts and school district boards of directors, except those statutes and rules made applicable under this chapter and in the state-tribal education compact executed under RCW 28A.715.010.

(3) Each school that is the subject of a state-tribal education compact must:

(a) Provide a curriculum and conduct an educational program that satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and 28A.230.010 through 28A.230.195;

(b) Employ certificated instructional staff as required in RCW 28A.410.010, however such schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(c) Comply with the employee record check requirements in RCW 28A.400.303 and the mandatory termination and notification provisions of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

(d) Comply with nondiscrimination laws, including sections 2 and 4 of this act;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance; and

(f) Be subject to and comply with legislation enacted after July 28, 2013, governing the operation and management of schools that are the subject of a state-tribal education compact.

(4) No such school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Nothing in this chapter may limit or restrict any enrollment or school choice options otherwise available under this title ((~~28A RCW~~)).

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