

SHB 3127 - H AMD 795

By Representative Santos

WITHDRAWN 2/14/2006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 within the center an educational ombudsman to serve as a resource
22 center for parents and students and as an advocate for students in
23 the public education system.

24 NEW SECTION. **Sec. 2.** (1) To facilitate access to information
25 and materials on educational improvement and research, the state
26 board of education, to the extent funds are appropriated, shall
27 enter into a contract with an entity selected under section 3 of
28 this act to establish and operate the center for the improvement of
29 student learning. The primary purpose of the center is to provide

1 assistance and advice to parents, school board members, educators,
2 and the public regarding strategies for assisting students in
3 learning. The center shall work in conjunction with parents, the
4 superintendent of public instruction, educational service
5 districts, institutions of higher education, educational, parent,
6 and community organizations.

7 (2) The center shall:

8 (a) Administer the education ombudsman program established by
9 section 5 of this act;

10 (b) Serve as a clearinghouse for information, which may include
11 developing and maintaining a website, regarding successful
12 educational improvement and parental involvement programs in
13 schools and districts, and information about efforts within
14 institutions of higher education in the state to support
15 educational improvement initiatives in Washington schools and districts;

16 (c) Provide best practices research and advice that can be used
17 to help schools develop and implement: Programs and practices to
18 improve instruction; comprehensive, school-wide improvement plans;
19 school-based shared decision-making models; programs to promote
20 lifelong learning and community involvement in education;
21 school-to-work transition programs; programs to meet the needs of
22 highly capable students; programs and practices to meet the diverse
23 needs of students based on gender, racial, ethnic, economic, and
24 special needs status; research, information, and technology
25 systems; and other programs and practices that will assist parents,
26 educators, and the public in helping students learn the essential
27 academic learning requirements;

28 (d) Develop parental involvement materials, including
29 instructional guides developed to inform parents of the essential
30 academic learning requirements required by the superintendent of
31 public instruction. The instructional guides also shall contain
32 actions parents may take to assist their children in meeting the
33 requirements, and should focus on reaching parents who have not
34 previously been involved with their children's education;

35 (e) Identify obstacles to greater parent and community
36 involvement in school shared decision-making processes and
37 recommend strategies for helping parents and community members to
38 participate effectively in school shared decision-making processes,
39 including understanding and respecting the roles of school building

1 administrators and staff;

2 (f) Take other actions to increase public awareness of the
3 importance of parental and community involvement in education;

4 (g) Work with appropriate organizations to inform teachers,
5 district and school administrators, and school directors about the
6 waivers available and the broadened school board powers under RCW
7 28A.320.015;

8 (h) Provide training and consultation services;

9 (j) Address methods for improving the success rates of certain
10 ethnic and racial student groups; and

11 (k) Perform other functions consistent with the purpose of the
12 center as prescribed in subsection (1) of this section.

13 (3) The selected entity, after consultation with the state
14 board of education, shall select and employ a director for the
15 center. The selected entity shall also employ such other staff as
16 are necessary to fulfill its obligations under its contract with
17 the state board of education.

18 (4) The center may enter into contracts with individuals or
19 organizations including but not limited to: Educational
20 organizations; community-based organizations; federally recognized
21 Indian tribes, school districts, educational services districts,
22 and other individuals and organizations to accomplish the duties
23 and responsibilities of the center. However, the center may not
24 contract with any school, school district, or current employee of
25 any school, school district, or the office of the superintendent of
26 public instruction to provide ombudsman services. In carrying out
27 the duties and responsibilities of the center, whenever possible
28 the center shall use practitioners to assist agency staff as well
29 as assist educators and others in schools and districts.

30 NEW SECTION. **Sec. 3.** (1) The state board of education, in
31 consultation with the chairs and ranking minority members of the
32 legislative education committees, shall conduct a request for
33 proposals process and select the entity that will establish and
34 operate the center for improvement of student learning and the
35 education ombudsman's office. Entities eligible to apply for
36 selection are:

37 (a) Educational service districts;

38 (b) Institutions of higher education;

- 1 (c) Private, non-profit educational organizations;
- 2 (d) Private, non-profit community-based organizations; and
- 3 (d) Federally approved Indian tribes.

4 (2) The state board of education shall enter into a contract
5 with the entity selected pursuant to subsection (1) of this section
6 to establish and operate the center for improvement of student
7 learning and the education ombudsman's office. The term of any
8 contract between the state board of education and the entity
9 selected shall not be greater than two years and may be renewed for
10 terms of no longer than two years. Upon receiving notification of
11 selection, the entity selected shall promptly retain a qualified
12 director for the center for improvement of student learning.

13
14 NEW SECTION. **Sec. 4.** (1) The center for the improvement of
15 student learning account is hereby established in the custody of
16 the state treasurer. The director of the state board of education
17 shall deposit in the account all moneys received from gifts,
18 grants, or endowments for the center for the improvement of student
19 learning. Moneys in the account may be spent only for activities of
20 the center. Disbursements from the account shall be on
21 authorization of the director of the state board of education or
22 the director's designee. The account is subject to the allotment
23 procedure provided under chapter 43.88 RCW, but no appropriation is
24 required for disbursements.

25 (2) The director of the state board of education may receive
26 such gifts, grants, and endowments from public or private sources
27 as may be made from time to time, in trust or otherwise, for the
28 use and benefit of the purposes of the center for the improvement
29 of student learning and expend the same or any income therefrom
30 according to the terms of the gifts, grants, or endowments.

31 NEW SECTION. **Sec. 5.** The center for the improvement of student
32 learning shall, through a request for proposals process, select and
33 contract with an entity to serve as an education ombudsman for the
34 purpose of providing information to parents, students, teachers,
35 school districts, school administrators, and others regarding their
36 rights and responsibilities with respect to the state's public
37 elementary and secondary education system, monitoring and ensuring
38 compliance with administrative acts, statutes, and policies

1 relating to public elementary and secondary education, and
2 advocating on behalf of elementary and secondary students. The
3 entity selected to act as the education ombudsman may be a non-
4 profit educational or community-based organization, an institution
5 of higher learning, or a federally approved Indian Tribe. The
6 center for improvement of student learning shall not contract for
7 education ombudsman services with a school, school district, or
8 current employee of a school, school district, or the office of the
9 superintendent of public instruction for the provision of ombudsman
10 services. The education ombudsman shall report to the director of
11 the center for improvement of student learning and to the advisory
12 committee established by section 9 of this act.

13 NEW SECTION. **Sec. 6.** (1) The education ombudsman shall have
14 the following powers and duties:

15 (a) To provide information to students, parents, school
16 districts, school administrators, teachers, and interested members
17 of the public regarding this state's public elementary and
18 secondary education system;

19 (b) To investigate, upon the education ombudsman's initiative
20 or upon receipt of a complaint, an administrative act alleged to be
21 contrary to law, rule, or policy; however, the education ombudsman
22 may decline to investigate any complaint;

23 (c) To refer complainants and others to appropriate resources,
24 agencies, or departments;

25 (d) To assist in the resolution of complaints made by parents
26 and students with regard to the state's public elementary and
27 secondary education system; and

28 (e) To carry out such other activities as the director of the
29 center for the improvement of student learning deems appropriate.

30 (2) The education ombudsman may contract with state or local
31 departments, agencies, or nonprofit organizations to provide
32 education ombudsman services throughout the state. The education
33 ombudsman may delegate and certify regional education ombudsmen.
34 The education ombudsman may not contract with a school, school
35 district, or current employee of a school, school district, or the
36 office of the superintendent of public instruction for the
37 provision of ombudsman services.

1 NEW SECTION. Sec. 7. (1) The education ombudsman and any
2 regional education ombudsmen shall have training or demonstrated
3 experience or both in the following areas:

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

5 (b) Dispute resolution or problem resolution techniques,
6 including investigation, mediation, and negotiation; and

7 (c) Community outreach.

8 (2) The education ombudsman may not be employed by any school
9 district, the office of the superintendent of public education or
10 the state board of education while serving as an education ombudsman.

11 NEW SECTION. Sec. 8. (1) Neither the education ombudsman nor
12 any regional educational ombudsmen are liable for good faith
13 performance of responsibilities under this chapter.

14 (a) No discriminatory, disciplinary, or retaliatory action may
15 be taken against any student or employee of any school district,
16 the office of the superintendent of public education, or the state
17 board of education, for any communication made, or information
18 given or disclosed, to aid the education ombudsman in carrying out
19 his or her duties and responsibilities, unless the same was done
20 without good faith or maliciously. This subsection is not intended
21 to infringe upon the rights of a school district to supervise,
22 discipline, or terminate an employee for other reasons or to
23 discipline a student for other reasons.

24 (b) All communications by the education ombudsman or the
25 ombudsman's staff or designee, if reasonably related to the
26 education ombudsman's duties and responsibilities and done in good
27 faith, are privileged and that privilege shall serve as a defense
28 to any action in libel or slander.

29 (2) The education ombudsman shall treat all matters under
30 investigation, including the identities of students, complainants,
31 and individuals from whom information is acquired, as confidential,
32 except as necessary to enable the education ombudsman to perform
33 the duties of the office and to support any recommendations
34 resulting from the investigation. Upon receipt of information that
35 by law is confidential or privileged, the ombudsman shall maintain
36 the confidentiality of such information and shall not further
37 disclose or disseminate the information except as provided by
38 applicable state or federal law. Investigative records of the

1 education ombudsman are confidential and are exempt from public
2 disclosure under chapter 42.56 RCW.

3 (3) When the education ombudsman or a designee of the ombudsman
4 has reasonable cause to believe that any public official, employee,
5 or other person has acted in a manner warranting criminal or
6 disciplinary proceedings, he or she shall report the matter, or
7 cause a report to be made, to the appropriate authorities. For
8 purposes of this section, reasonable cause means the ombudsman or
9 the ombudsman's staff member or designee has direct knowledge of
10 the action warranting criminal or disciplinary proceedings or has
11 determined through an investigation that the allegations or
12 information provided by another person relating to such actions are
13 credible.

14 NEW SECTION. Sec. 9. (1) The governor shall establish an
15 education advisory committee consisting of at least eleven and no
16 more than fifteen members appointed by the governor. The director
17 of the state board of education, or his or her designee, shall serve
18 as a nonvoting ex officio member of the committee and shall act as
19 secretary.

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

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

29 (4) At least one member shall be a commissioner or director, or
30 a designee selected by a commissioner or director, from each of the
31 following:

- 32 (a) The Washington state commission on Hispanic affairs;
- 33 (b) The Washington state commission on African-American affairs;
- 34 (c) The Washington state commission on Asian Pacific American
35 affairs; and
- 36 (d) The governor's office of Indian affairs.

37 (5) The members of the education advisory committee shall be
38 representative of the geographic regions of the state, including

1 eastern and central Washington, as well as representative of the
2 ethnic diversity of the state.

3 (6) Members of the committee shall serve at the pleasure of the
4 governor for three-year terms. Of the initial members appointed,
5 two members shall serve one-year terms, three members shall serve
6 two-year terms, and the remaining members shall serve three-year terms.

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

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

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

17 NEW SECTION. **Sec. 10.** (a) The education advisory committee
18 shall advise and make recommendations to the legislature and the
19 state board of education regarding, but not limited to, the
20 effectiveness of the center for the improvement of student learning
21 and the education ombudsman, methods to increase community
22 involvement in public education, and strategies to improve the
23 educational opportunities for all students in the state.

24 (b) The education advisory committee shall provide a
25 preliminary report to the legislature and the state board of
26 education by September 1, 2007. Thereafter, the education advisory
27 committee shall provide biennial reports to the legislature and the
28 state board of education regarding:

29 (1) The effectiveness of the center for improvement of student
30 learning;

31 (2) How the education ombudsman's services have been used; and

32 (3) Ways, if any, that the center for improvement of student
33 learning and the education ombudsman may increase the scope of
34 their services or their community outreach.

35 **Sec. 11.** RCW 42.56.240 and 2005 c 274 s 404 are each amended
36 to read as follows:

37 The following investigative, law enforcement, and crime victim

1 information is exempt from public inspection and copying under this
2 chapter:

3 (1) Specific intelligence information and specific
4 investigative records compiled by investigative, law enforcement,
5 and penology agencies, and state agencies vested with the
6 responsibility to discipline members of any profession, the
7 nondisclosure of which is essential to effective law enforcement or
8 for the protection of any person's right to privacy;

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

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

25 (4) License applications under RCW 9.41.070; copies of license
26 applications or information on the applications may be released to
27 law enforcement or corrections agencies;

28 (5) Information revealing the identity of child victims of
29 sexual assault who are under age eighteen. Identifying information
30 means the child victim's name, address, location, photograph, and
31 in cases in which the child victim is a relative or stepchild of
32 the alleged perpetrator, identification of the relationship between
33 the child and the alleged perpetrator; and

34 (6) Investigative records of the education ombudsman, as
35 provided in section 8 of this act.

36 NEW SECTION. **Sec. 12.** RCW 28A.300.130, 28A.300.135,
37 28A.300.290, and 28A.300.300 are each repealed.

1 NEW SECTION. Sec. 13. Sections 1 through 10 of this act
2 constitute new sections in chapter 28A.310 RCW.

3 NEW SECTION. Sec. 14. Section 11 of this act takes effect July
4 1, 2006."

EFFECT: Removes all language from the bill. Directs the state board of education, in consultation with the chairs and ranking minority members of the legislative education committees, to select an entity to establish and operate the center for improvement of student learning and the education ombudsman's office. The entity selected may be an educational service district, institution of higher education, federally recognized Indian tribe, non-profit educational organization, or a non-profit community-based organization. The governor shall appoint an education advisory committee that will monitor the effectiveness of the center and the ombudsman's office and report biennially to the legislature and the state board of education.