

ESHB 3127 - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED AS AMENDED 03/02/06

1 Strike everything 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 further  
9 finds that students and schools benefit from increased parental,  
10 guardian, and community knowledge of and input regarding the delivery  
11 of public education. The legislature further finds that increased  
12 knowledge of and input regarding the public education system is  
13 particularly needed in low-income and ethnic minority communities.

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

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

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

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

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

13 (a) (~~Serve as a clearinghouse for the completed work and~~  
14 ~~activities of the academic achievement and accountability commission;~~

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

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

35 (~~(d)~~ Develop and distribute, in conjunction with the academic  
36 achievement and accountability commission, parental involvement  
37 materials, including instructional guides developed to inform parents  
38 of the essential academic learning requirements. The instructional

1 guides also shall contain actions parents may take to assist their  
2 children in meeting the requirements, and should focus on reaching  
3 parents who have not previously been involved with their children's  
4 education;

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

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

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

14 ~~(h))~~ (d) Work with appropriate organizations to inform teachers,  
15 district and school administrators, and school directors about the  
16 waivers available and the broadened school board powers under RCW  
17 28A.320.015;

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

20 ~~((j) Address methods for improving the success rates of certain~~  
21 ~~ethnic and racial student groups))~~ (f) Identify strategies for  
22 improving the success rates of ethnic and racial student groups with  
23 disproportionate academic achievement;

24 (g) Work with parents, teachers, and school districts in  
25 establishing an absentee notification procedure that will properly  
26 notify parents when their student has not attended a class or has  
27 missed a school day. The office of the superintendent of public  
28 instruction shall consider various types of communication with parents,  
29 including but not limited to, electronic mail, phone, and postal mail;  
30 and

31 ~~((k))~~ (h) Perform other functions consistent with the purpose of  
32 the center as prescribed in subsection (1) of this section.

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

36 (4) The superintendent may enter into contracts with individuals or  
37 organizations including but not limited to: School districts;  
38 educational service districts; educational organizations; teachers;

1 higher education faculty; institutions of higher education; state  
2 agencies; business or community-based organizations; and other  
3 individuals and organizations to accomplish the duties and  
4 responsibilities of the center. In carrying out the duties and  
5 responsibilities of the center, the superintendent, whenever possible,  
6 shall use practitioners to assist agency staff as well as assist  
7 educators and others in schools and districts.

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

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

24 (2)(a) The state board of education shall conduct a request for  
25 proposals process and select the entity that will operate the education  
26 ombudsman's program. Entities eligible to apply for selection include,  
27 but are not limited:

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

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

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

1 the education ombudsman's program. The term of any contract between  
2 the state board of education and the entity selected shall not be  
3 greater than two years and may be renewed for terms of no longer than  
4 two years.

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

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

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

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

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

34 (4) To identify and recommend strategies for improving the success  
35 rates of ethnic and racial student groups with disproportionate  
36 academic achievement;

1 (5) To refer complainants and others to appropriate resources,  
2 agencies, or departments;

3 (6) To facilitate the resolution of complaints made by parents and  
4 students with regard to the state's public elementary and secondary  
5 education system; and

6 (7) To perform such other functions consistent with the purpose of  
7 the education ombudsman.

8 NEW SECTION. **Sec. 5.** (1) The education ombudsman and any regional  
9 education ombudsmen shall have training or experience or both in the  
10 following areas:

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

12 (b) Dispute resolution or problem resolution techniques, including  
13 mediation and negotiation; and

14 (c) Community outreach.

15 (2) The education ombudsman may not be an employee of any school  
16 district, the office of the superintendent of public education or the  
17 state board of education while serving as an education ombudsman.

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

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

31 (3) All communications by the education ombudsman or the  
32 ombudsman's staff or designee, if reasonably related to the education  
33 ombudsman's duties and responsibilities and done in good faith, are  
34 privileged and that privilege shall serve as a defense to any action in  
35 libel or slander.

1        NEW SECTION.    **Sec. 7.** The education ombudsman shall treat all  
2 matters, including the identities of students, complainants, and  
3 individuals from whom information is acquired, as confidential, except  
4 as necessary to enable the education ombudsman to perform the duties of  
5 the office. Upon receipt of information that by law is confidential or  
6 privileged, the ombudsman shall maintain the confidentiality of such  
7 information and shall not further disclose or disseminate the  
8 information except as provided by applicable state or federal law.

9        NEW SECTION.    **Sec. 8.** (1) When developing the request for  
10 proposals under section 3 of this act, the state board of education  
11 shall confer with each of the following:

- 12        (a) The Washington state commission on Hispanic affairs;
- 13        (b) The Washington state commission on African-American affairs;
- 14        (c) The Washington state commission on Asian Pacific American  
15 affairs; and
- 16        (d) The governor's office of Indian affairs.

17        (2) The state board of education may establish subcommittees as it  
18 desires, and may invite nonmembers to serve on these subcommittees to  
19 provide ongoing consultation to the ombudsman.

20        (3) Nonlegislative members of the committee shall be reimbursed for  
21 travel expenses under RCW 43.03.050 and 43.03.060.

22        NEW SECTION.    **Sec. 9.** The state board of education shall advise  
23 and make recommendations to the legislature and the governor  
24 biennially. The state board of education shall provide a preliminary  
25 report to the legislature and the governor by September 1, 2007.  
26 Thereafter, the state board of education shall provide biennial reports  
27 to the legislature and the governor regarding:

- 28        (1) How the education ombudsman's services have been used and by  
29 whom;
- 30        (2) Methods for the education ombudsman to increase and enhance  
31 family and community involvement in public education;
- 32        (3) Recommendations to eliminate barriers and obstacles to  
33 meaningful family and community involvement in public education; and
- 34        (4) Strategies to improve the educational opportunities for all  
35 students in the state.

1        NEW SECTION.    **Sec. 10.**    Sections 3 through 9 of this act are each  
2 added to chapter 28A.305 RCW.

3        NEW SECTION.    **Sec. 11.**    Sections 3 through 9 of this act expire  
4 June 30, 2008.

5        NEW SECTION.    **Sec. 12.**    If specific funding for the purposes of  
6 this act and section 2 of this act, referencing this act and section 2  
7 of this act by bill or chapter number and section number, is not  
8 provided by June 30, 2006, in the omnibus appropriations act, section  
9 2 of this act is null and void."

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**ADOPTED AS AMENDED 03/02/06**

10        On page 1, line 1 of the title, after "education;" strike the  
11 remainder of the title and insert "amending RCW 28A.300.130; adding new  
12 sections to chapter 28A.305 RCW; creating new sections; and providing  
13 an expiration date."

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