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**SUBSTITUTE HOUSE BILL 1703**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Education (originally sponsored by Representatives Pollet, Frame, Dolan, Blake, Fitzgibbon, Chapman, Goodman, Ryu, Tarleton, and Stanford)

READ FIRST TIME 01/29/18.

1 AN ACT Relating to comprehensive school safety planning for  
2 public and private K-12 schools; amending RCW 28A.320.125,  
3 28A.195.010, and 28A.710.040; adding a new section to chapter 28A.525  
4 RCW; creating a new section; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that: Students  
7 are susceptible to both natural and man-made disasters; students in  
8 Washington attend school in a state with high natural disaster risks,  
9 on top of modern day man-made disaster risks; and there is a need for  
10 safety plans that require communication, evacuation, and timely  
11 response to disasters. In 2017, the governor's resilient Washington  
12 subcabinet issued a report urging that the legislature restore  
13 mandatory annual earthquake drills and ensure all school buildings  
14 are evaluated for seismic safety.

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

18 (a) Earthquakes. Based on at-risk populations, Washington is  
19 ranked the second most dangerous state for earthquakes, and averages  
20 over one thousand earthquakes per year. Washington sits on the  
21 Cascadia subduction zone, which can produce estimated earthquakes of

1 9.0 on the Richter scale; the Juan de Fuca plate, which has produced  
2 earthquakes of up to 7.1 on the Richter scale; and various crustal  
3 plates, which have produced earthquakes up to 7.5 on the Richter  
4 scale. Experts predict that it is merely a matter of time before a  
5 large earthquake occurs in the state. A significant relationship  
6 between earthquakes and tsunamis exist, as ninety-eight percent of  
7 the world's tsunamis are attributable to earthquakes.

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

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

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

30 (e) Man-made disasters.

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

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

1 (iii) Local hazards. In Washington, local hazards such as grain  
2 elevator explosions, contaminated firefighting runoff, and various  
3 hazards from the manufacturing of fireworks, chemicals, and  
4 pharmaceuticals, and oil refinery activities can occur in individual  
5 jurisdictions. Any one of these local events would expose students to  
6 danger.

7 (3) The legislature finds that students have a right to attend a  
8 school that meets state safety standards, which requires that the  
9 legislature, public schools, school districts, and the public know  
10 which school buildings meet those standards. Thus, the legislature  
11 intends to make the safety status of every public school building  
12 known to the families of students attending the school building, the  
13 public schools and school districts, the legislature, and the public  
14 in general.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.525  
16 RCW to read as follows:

17 (1)(a) The superintendent of public instruction, in consultation  
18 with the state building code council established under chapter 19.27  
19 RCW and the state geologist established under RCW 43.92.010, shall  
20 publish, and update every four years, guidelines and criteria for  
21 school districts, public schools that are not common schools, and  
22 educational service districts to conduct a comprehensive engineering  
23 safety survey of every public school building used by students. The  
24 criteria may include exempting from the survey public school  
25 buildings constructed to state building code standards: (i) In place  
26 at the time of the survey; and (ii) applicable for the risk of  
27 geologic hazard in the region where the building is located.

28 (b)(i) Except as provided in (b)(ii) of this subsection, every  
29 four years beginning in the 2019-20 school year, school districts,  
30 public schools that are not common schools, and educational service  
31 districts shall complete, or update to the degree necessary to  
32 respond to new hazard information, a comprehensive engineering survey  
33 of each public school building used by students using the guidelines  
34 and criteria published by the superintendent of public instruction  
35 under (a) of this subsection, and submit the results to the office of  
36 the superintendent of public instruction according to the deadlines  
37 set by the office.

38 (ii) If between September 1, 2009, and September 1, 2020, a  
39 school district, public school that is not a common school, or an

1 educational service district completed an engineering survey of its  
2 permanent buildings built before 1998 meets the guidelines and  
3 criteria published by the superintendent of public instruction  
4 pursuant to (a) of this subsection, it may satisfy the requirements  
5 of (b)(i) of this subsection by submitting the results of the survey  
6 to the office of the superintendent of public instruction according  
7 to the deadlines set by the office, rather than completing an  
8 engineering survey in the 2019-20 school year.

9 (c) The inventory resulting from the survey required under (b) of  
10 this subsection must be maintained by the office of the  
11 superintendent of public instruction.

12 (2) By December 1, 2020, and by September 1st every four years  
13 thereafter, and in compliance with RCW 43.01.036, the superintendent  
14 of public instruction shall submit a report to the capital budget  
15 committees of the legislature that:

16 (a) Summarizes the safety engineering evaluation for every school  
17 building required under subsection (1) of this section, and ranks  
18 each school building according to safety and risk;

19 (b) Describes the progress made in refurbishing school buildings  
20 since the prior report;

21 (c) Includes a priority ranking of each school building for  
22 safety upgrades, and an engineering evaluation with an estimate of  
23 the costs to upgrade each building to meet the codes appropriate for  
24 the region in which the school building is located, according to the  
25 geological survey of seismic, landslide, and tsunami hazards  
26 conducted required by RCW 43.92.025; and

27 (d) Proposes, in cooperation with school districts and  
28 educational service districts, a schedule of state school  
29 construction assistance and local funding for upgrading high-priority  
30 and high-risk school buildings to meet safety standards.

31 (3)(a) Any award of state school construction assistance by the  
32 superintendent of public instruction to renovate a school building or  
33 portion of a school building must include a requirement that the  
34 renovation meet state building code requirements and include the  
35 safety upgrades identified in the reports required by subsection (2)  
36 of this section. The requirement to meet state building code  
37 requirements can be met using a combination of state and local  
38 funding.

39 (b) The superintendent of public instruction may consider the  
40 following factors when making awards under this section: (i) Renovate

1 school buildings with the highest priority safety risks, as  
2 identified in the report required by subsection (2) of this section;  
3 and (ii) fulfill state requirements for lowering class sizes in  
4 kindergarten through third grade, and reduce existing or projected  
5 overcrowding in order to achieve class size reductions.

6 **Sec. 3.** RCW 28A.320.125 and 2017 c 165 s 1 are each amended to  
7 read as follows:

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

16 (2) Schools and school districts shall consider the guidance  
17 provided by the superintendent of public instruction, including the  
18 comprehensive school safety checklist and the model comprehensive  
19 safe school plans that include prevention, ~~((intervention))~~  
20 mitigation, preparedness, all hazard/crisis response, and postcrisis  
21 recovery, when developing their own individual comprehensive safe  
22 school plans. By September 1, 2019, each school district ~~((shall~~  
23 ~~adopt, no later than September 1, 2008,))~~ must adopt or update and  
24 implement a safe school plan consistent with the school mapping  
25 information system pursuant to RCW 36.28A.060. The plan shall:

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

27 (b) Address emergency prevention, mitigation, preparedness,  
28 response, and recovery;

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

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

37 (e) Require the building principal to be certified on the  
38 incident command system;

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

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

8 (3) School districts, in collaboration with local emergency  
9 response agencies, shall annually review and update their safe school  
10 plans, considering input from families, school staff, and the  
11 community.

12 (4) When adopting and updating safe school plans, school  
13 districts in the explosion, fire, chemical release, or other hazard  
14 zone of a major rail line shall consider input from emergency  
15 response agencies and the community for incorporating appropriate  
16 plan elements, including safety-related drills.

17 (5) To the extent funds are available, school districts shall  
18 annually:

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

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

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

24 (i) Identifying all staff members who are trained on the national  
25 incident management system, trained on the incident command system,  
26 or are certified on the incident command system; and

27 (ii) Identifying school transportation procedures for evacuation,  
28 to include bus staging areas, evacuation routes, communication  
29 systems, parent-student reunification sites, and secondary  
30 transportation agreements consistent with the school mapping  
31 information system; and

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

34 ~~((4))~~) (6) To the extent funds are available, school districts  
35 shall annually record and report on the information and activities  
36 required in subsection ~~((3))~~) (5) of this section to the Washington  
37 association of sheriffs and police chiefs.

38 ~~((5))~~) (7) School districts are encouraged to work with local  
39 emergency management agencies and other emergency responders to

1 conduct one tabletop exercise, one functional exercise, and two full-  
2 scale exercises within a four-year period.

3 ((+6+)) (8)(a) Due to geographic location, schools have unique  
4 safety challenges. It is the responsibility of school principals and  
5 administrators to assess the threats and hazards most likely to  
6 impact their school, and to practice three basic functional drills,  
7 shelter-in-place, lockdown, and evacuation, as these drills relate to  
8 those threats and hazards. Some threats or hazards may require the  
9 use of more than one basic functional drill.

10 (b) Schools shall conduct at least one safety-related drill per  
11 month, including summer months when school is in session with  
12 students. These drills must teach students three basic functional  
13 drill responses:

14 (i) "Shelter-in-place," used to limit the exposure of students  
15 and staff to hazardous materials, such as chemical, biological, or  
16 radiological contaminants, released into the environment by isolating  
17 the inside environment from the outside;

18 (ii) "Lockdown," used to isolate students and staff from threats  
19 of violence, such as suspicious trespassers or armed intruders, that  
20 may occur in a school or in the vicinity of a school; and

21 (iii) "Evacuation," used to move students and staff away from  
22 threats, such as fires, oil train spills, lahars, or tsunamis.

23 (c) The drills described in (b) of this subsection must  
24 incorporate the following requirements:

25 (i) Use of the school mapping information system in at least one  
26 of the safety-related drills; and

27 (ii) A pedestrian evacuation drill for schools in mapped tsunami  
28 or lahar hazard zones.

29 (d) The drills described in (b) of this subsection ((may)) must  
30 incorporate an earthquake drill using the state-approved earthquake  
31 safety technique "drop, cover, and hold."

32 (e)(i) Schools shall document the date, time, and type (shelter-  
33 in-place, lockdown, or evacuate) of each safety-related drill  
34 required or permitted under this subsection ((+6+)) (8), and maintain  
35 the documentation in the school office.

36 (ii) Annually, schools shall submit this documentation to its  
37 governing board and the office of the superintendent of public  
38 instruction, noting whether any mandatory drills were not conducted.

1 (f) This subsection (~~((6))~~) (8) is intended to satisfy all  
2 federal requirements for comprehensive school emergency drills and  
3 evacuations.

4 (~~((7))~~) (9) Schools and school districts shall publish and  
5 communicate emergency procedures applicable to students and staff.  
6 This requirement includes:

7 (a) Publishing the procedures, other than procedures related to  
8 terrorism and school violence, on the applicable web site;

9 (b) Making the procedures available to staff in paper format;

10 (c) Making printed emergency procedures easily accessible at the  
11 school's main office and the main entrance of each school building;  
12 and

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

15 (10) Educational service districts are encouraged to apply for  
16 federal emergency response and crisis management grants with the  
17 assistance of the superintendent of public instruction and the  
18 Washington emergency management division of the state military  
19 department.

20 (~~((8))~~) (11) The superintendent of public instruction may adopt  
21 rules to implement (~~(provisions of)~~) this section(~~(. These rules may~~  
22 ~~include, but are not limited to)~~), for example, provisions for  
23 evacuations, lockdowns, or other components of a comprehensive safe  
24 school plan.

25 (12) Public schools that are not common schools must comply with  
26 the requirements of this section to the same extent as school  
27 districts.

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

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

37 Principals of private schools or superintendents of private  
38 school districts shall file each year with the state superintendent  
39 of public instruction a statement certifying that the minimum



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

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

24 (2) The school day shall be the same as defined in RCW  
25 28A.150.203.

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

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

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

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

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

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

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

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

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

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

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

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

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

33 ~~((8))~~ (9) Each school or school district shall be required to  
34 maintain up-to-date policy statements related to the administration  
35 and operation of the school or school district.

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

1 responsibility of the administration and administrators of the  
2 particular private school involved.

3 **Sec. 5.** RCW 28A.710.040 and 2016 c 241 s 104 are each amended to  
4 read as follows:

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

7 (2) A charter school must:

8 (a) Comply with local, state, and federal health, safety,  
9 parents' rights, civil rights, and nondiscrimination laws applicable  
10 to school districts and to the same extent as school districts,  
11 including but not limited to RCW 28A.320.125 (safe school plans),  
12 section 2 of this act (school building engineering survey), chapter  
13 28A.642 RCW (discrimination prohibition), and chapter 28A.640 RCW  
14 (sexual equality);

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

19 (c) Employ certificated instructional staff as required in RCW  
20 28A.410.025. Charter schools, however, may hire noncertificated  
21 instructional staff of unusual competence and in exceptional cases as  
22 specified in RCW 28A.150.203(7);

23 (d) Comply with the employee record check requirements in RCW  
24 28A.400.303;

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

29 (f) Comply with the annual performance report under RCW  
30 28A.655.110;

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

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

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

38 (3) Charter public schools must comply with all state statutes  
39 and rules made applicable to the charter school in the school's

1 charter contract, and are subject to the specific state statutes and  
2 rules identified in subsection (2) of this section. For the purpose  
3 of allowing flexibility to innovate in areas such as scheduling,  
4 personnel, funding, and educational programs to improve student  
5 outcomes and academic achievement, charter schools are not subject  
6 to, and are exempt from, all other state statutes and rules  
7 applicable to school districts and school district boards of  
8 directors. Except as provided otherwise by this chapter or a charter  
9 contract, charter schools are exempt from all school district  
10 policies.

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

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

18 NEW SECTION. **Sec. 6.** Section 2 of this act is necessary for the  
19 immediate preservation of the public peace, health, or safety, or  
20 support of the state government and its existing public institutions,  
21 and takes effect immediately.

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