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HOUSE BILL 1703

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Pollet, Frame, Dolan, Blake, Fitzgibbon, Chapman, Goodman, Ryu, Tarleton, and Stanford

Read first time 01/26/17. Referred to Committee on Education.

1 AN ACT Relating to comprehensive school safety planning for  
2 public and private K-12 schools; amending RCW 28A.320.125,  
3 28A.320.080, 28A.195.010, and 28A.710.040; adding a new section to  
4 chapter 28A.525 RCW; creating a new section; and declaring an  
5 emergency.

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

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

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

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

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

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

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

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

31 (e) Man-made disasters.

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

36 (ii) School violence. The federal bureau of investigation states  
37 that crime in schools is one of the most troublesome social problems  
38 facing the nation. To date, this decade has seen a total of one  
39 hundred forty-seven school deaths, not including recent shootings,

1 such as the ones at Marysville Pilchuck High School and Sandy Hook  
2 Elementary School.

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

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

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

19 (1)(a) The superintendent of public instruction, in consultation  
20 with the state building code council established under chapter 19.27  
21 RCW, shall publish, and update every four years, guidelines and  
22 criteria for school districts, public schools that are not common  
23 schools, and educational service districts to conduct a comprehensive  
24 engineering survey for seismic safety of every public school building  
25 used by students.

26 (b) Every four years beginning in the 2017-18 school year, school  
27 districts, public schools that are not common schools, and  
28 educational service districts shall complete a comprehensive  
29 engineering survey of each public school building used by students  
30 using the guidelines and criteria published by the superintendent of  
31 public instruction under (a) of this subsection, and submit the  
32 results to the office of the superintendent of public instruction  
33 according to the deadlines set by the office.

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

37 (2) By September 1, 2018, and by September 1st every four years  
38 thereafter, and in compliance with RCW 43.01.036, the superintendent

1 of public instruction shall submit a report to the capital budget  
2 committees of the legislature that:

3 (a) Summarizes the seismic safety engineering evaluation for  
4 every school building required under subsection (1) of this section,  
5 and ranks each school building according to seismic safety and risk;

6 (b) Describes the progress made in refurbishing school buildings  
7 since the prior report;

8 (c) Includes a priority ranking of each school building for  
9 seismic upgrades, and an engineering evaluation with an estimate of  
10 the costs to upgrade each building to meet the seismic codes  
11 appropriate for the region in which the school building is located,  
12 according to the geological survey of seismic, landslide, and tsunami  
13 hazards conducted required by RCW 43.92.025; and

14 (d) Proposes, in cooperation with school districts, public  
15 schools that are not common schools, and educational service  
16 districts, a schedule of state school construction assistance and  
17 local funding for upgrading high-priority and high-risk school  
18 buildings to meet seismic safety standards.

19 (3)(a) Any award of state school construction assistance by the  
20 superintendent of public instruction to renovate a school building or  
21 portion of a school building must include a requirement that the  
22 renovation meet state building code requirements and include the  
23 seismic upgrades identified in the reports required by subsection (2)  
24 of this section. The requirement to meet state building code  
25 requirements can be met using a combination of state and local  
26 funding.

27 (b) The superintendent of public instruction must balance two  
28 priorities when making awards under this section: (i) Renovate school  
29 buildings with the highest priority seismic risks, as identified in  
30 the report required by subsection (2) of this section; and (ii)  
31 fulfill state constitutional requirements for lowering class sizes in  
32 kindergarten through third grade, and reduce existing or projected  
33 overcrowding in order to meet class size reductions in all grades on  
34 the schedule established by Initiative Measure No. 1351.

35 **Sec. 3.** RCW 28A.320.125 and 2013 c 14 s 1 are each amended to  
36 read as follows:

37 (1) The legislature considers it to be a matter of public safety  
38 for public schools and staff to have current safe school plans and  
39 procedures in place, fully consistent with federal law. The

1 legislature further finds and intends, by requiring safe school plans  
2 to be in place, that school districts will become eligible for  
3 federal assistance. The legislature further finds that public schools  
4 are in a position to serve the community in the event of an emergency  
5 resulting from natural disasters or man-made disasters.

6 (2) Public schools and school districts shall consider the  
7 guidance provided by the superintendent of public instruction,  
8 including the comprehensive school safety checklist and the model  
9 comprehensive safe school plans that include prevention,  
10 intervention, all hazard/crisis response, and postcrisis recovery,  
11 when developing their own individual comprehensive safe school plans.  
12 Each school district shall adopt or update, no later than September  
13 1, (~~2008~~) 2019, and implement a safe school plan consistent with  
14 the school mapping information system pursuant to RCW 36.28A.060. The  
15 plan shall:

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

17 (b) Address emergency mitigation, preparedness, response, and  
18 recovery;

19 (c) Include provisions for assisting and communicating with  
20 students and staff, including those with special needs or  
21 disabilities;

22 (d) Use the training guidance provided by the Washington  
23 emergency management division of the state military department in  
24 collaboration with the Washington state office of the superintendent  
25 of public instruction school safety center and the school safety  
26 center advisory committee;

27 (e) Require the building principal to be certified on the  
28 incident command system;

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

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

36 (3) School districts, in collaboration with local emergency  
37 response agencies, shall annually review and update their safe school  
38 plans.

39 (4) To the extent funds are available, school districts shall  
40 annually:

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

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

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

6       (i) Identifying all staff members who are trained on the national  
7 incident management system, trained on the incident command system,  
8 or are certified on the incident command system; and

9       (ii) Identifying school transportation procedures for evacuation,  
10 to include bus staging areas, evacuation routes, communication  
11 systems, parent-student reunification sites, and secondary  
12 transportation agreements consistent with the school mapping  
13 information system; and

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

16       ~~((4))~~) (5) To the extent funds are available, school districts  
17 shall annually record and report on the information and activities  
18 required in subsection ~~((3))~~) (4) of this section to the Washington  
19 association of sheriffs and police chiefs.

20       ~~((5))~~) (6) School districts are encouraged to work with local  
21 emergency management agencies and other emergency responders to  
22 conduct one tabletop exercise, one functional exercise, and two full-  
23 scale exercises within a four-year period.

24       ~~((6))~~) (7)(a) Public schools shall conduct ~~((no less than one~~  
25 ~~safety related drill each month that school is in session. Schools~~  
26 ~~shall complete no less than one drill using the school mapping~~  
27 ~~information system, three drills for lockdowns, one drill for~~  
28 ~~shelter-in-place, three drills for fire evacuation in accordance with~~  
29 ~~the state fire code, and one other safety related drill to be~~  
30 ~~determined by the school. Schools should consider drills for~~  
31 ~~earthquakes, tsunamis, or other high-risk local events. Schools shall~~  
32 ~~document the date and time of such drills. This subsection is~~  
33 ~~intended to satisfy all federal requirements for comprehensive school~~  
34 ~~emergency drills and evacuations)), at a minimum, the following~~  
35 ~~drills annually, while school is in session:~~

36       (i) One drill using the school mapping information system;

37       (ii) Two drills for lockdowns, one of which must have school-wide  
38 participation, including students and staff;

39       (iii) One drill for shelter-in-place, which must have school-wide  
40 participation, including students and staff;

1 (iv) Two drills for fire evacuation in accordance with the state  
2 fire code;

3 (v) One earthquake drill;

4 (vi) For schools located in tsunami evacuation zones designated  
5 as such by the Washington department of natural resources, one  
6 tsunami evacuation drill;

7 (vii) For schools located in lahar evacuation areas, one lahar  
8 evacuation drill; and

9 (viii) One other safety-related drill to be determined by the  
10 school, with input from local emergency response agencies. Schools  
11 should consider high-risk local events.

12 (b) Public schools shall document the date and time of the drills  
13 required in this subsection (7).

14 (c) This subsection (7) is intended to satisfy all federal  
15 requirements for comprehensive school emergency drills and  
16 evacuations.

17 (8) Public schools shall publish and communicate emergency  
18 procedures applicable to students and staff. This requirement  
19 includes:

20 (a) Publishing the procedures, other than procedures related to  
21 terrorism and school violence, on the school's web site, where  
22 applicable;

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

24 (c) Making printed emergency procedures easily accessible at the  
25 school's main office and the main entrance of each school building;  
26 and

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

29 ~~((+7))~~ (9) Educational service districts are encouraged to apply  
30 for federal emergency response and crisis management grants with the  
31 assistance of the superintendent of public instruction and the  
32 Washington emergency management division of the state military  
33 department.

34 ~~((+8))~~ (10) The office of the superintendent of public  
35 instruction shall establish a program to provide incentives to  
36 schools that demonstrate a commitment to emergency planning and  
37 preparedness beyond the provisions described in this section. The  
38 office may determine the appropriate incentives, as long as the  
39 incentives encourage creativity and commitment beyond the provisions  
40 described in this section.

1       (11) The superintendent of public instruction may adopt rules to  
2 implement the provisions of this section(~~(. These rules may include,~~  
3 ~~but are not limited to)~~), for example, provisions for evacuations,  
4 lockdowns, or other components of a comprehensive safe school plan.

5       (12) Public schools that are not common schools shall comply with  
6 the requirements of this section to the same extent as school  
7 districts.

8       **Sec. 4.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to  
9 read as follows:

10       Every board of directors, unless otherwise specifically provided  
11 by law, shall:

12       (1) Provide for the expenditure of a reasonable amount for  
13 suitable commencement exercises;

14       (2) In addition to providing free instruction in lip reading for  
15 children disabled by defective hearing, make arrangements for free  
16 instruction in lip reading to adults disabled by defective hearing  
17 whenever in its judgment such instruction appears to be in the best  
18 interests of the school district and adults concerned;

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



1 bond to cover their proportionate share of the costs involved in such  
2 purchases;

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

11 (5) Consider the request of any one or more public schools that  
12 are not common schools or private schools requesting the board of  
13 directors to jointly buy supplies, equipment, and services directly  
14 related to emergency planning and disaster preparedness and, after  
15 considering such request, may provide such joint purchasing services:  
16 PROVIDED, That such schools pay in advance their proportionate share  
17 of the costs or provide a surety bond to cover their proportionate  
18 share of the costs involved in such purchases; and

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

20 **Sec. 5.** RCW 28A.195.010 and 2009 c 548 s 303 are each amended to  
21 read as follows:

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

29 Principals of private schools or superintendents of private  
30 school districts shall file each year with the state superintendent  
31 of public instruction a statement certifying that the minimum  
32 requirements hereinafter set forth are being met, noting any  
33 deviations. After review of the statement, the state superintendent  
34 will notify schools or school districts of those deviations which  
35 must be corrected. In case of major deviations, the school or school  
36 district may request and the state board of education may grant  
37 provisional status for one year in order that the school or school  
38 district may take action to meet the requirements. The state board of  
39 education shall not require private school students to meet the

1 student learning goals, obtain a certificate of academic achievement,  
2 or a certificate of individual achievement to graduate from high  
3 school, to master the essential academic learning requirements, or to  
4 be assessed pursuant to RCW 28A.655.061. However, private schools may  
5 choose, on a voluntary basis, to have their students master these  
6 essential academic learning requirements, take the assessments, and  
7 obtain a certificate of academic achievement or a certificate of  
8 individual achievement. Minimum requirements shall be as follows:

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

16 (2) The school day shall be the same as defined in RCW  
17 28A.150.203.

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

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

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

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

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

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

39 (c) The certified person spend a minimum average each month of  
40 one contact hour per week with each student under his or her

1 supervision who is enrolled in the approved private school extension  
2 program;

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

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

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

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

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

18 (8) Private school curriculum shall include instruction of the  
19 basic skills of occupational education, science, mathematics,  
20 language, social studies, history, health, reading, writing,  
21 spelling, and the development of appreciation of art and music, all  
22 in sufficient units for meeting state board of education graduation  
23 requirements.

24 ((+8)) (9) Each school or school district shall be required to  
25 maintain up-to-date policy statements related to the administration  
26 and operation of the school or school district.

27 All decisions of policy, philosophy, selection of books, teaching  
28 material, curriculum, except as in subsection ((+7)) (8) of this  
29 section provided, school rules and administration, or other matters  
30 not specifically referred to in this section, shall be the  
31 responsibility of the administration and administrators of the  
32 particular private school involved.

33 **Sec. 6.** RCW 28A.710.040 and 2016 c 241 s 104 are each amended to  
34 read as follows:

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

37 (2) A charter school must:

38 (a) Comply with local, state, and federal health, safety,  
39 parents' rights, civil rights, and nondiscrimination laws applicable

1 to school districts and to the same extent as school districts,  
2 including but not limited to RCW 28A.320.125 (safe school plans),  
3 chapter 28A.642 RCW (discrimination prohibition), and chapter 28A.640  
4 RCW (sexual equality);

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

9 (c) Employ certificated instructional staff as required in RCW  
10 28A.410.025. Charter schools, however, may hire noncertificated  
11 instructional staff of unusual competence and in exceptional cases as  
12 specified in RCW 28A.150.203(7);

13 (d) Comply with the employee record check requirements in RCW  
14 28A.400.303;

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

19 (f) Comply with the annual performance report under RCW  
20 28A.655.110;

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

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

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

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

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

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

8 NEW SECTION. **Sec. 7.** Section 2 of this act is necessary for the  
9 immediate preservation of the public peace, health, or safety, or  
10 support of the state government and its existing public institutions,  
11 and takes effect immediately.

--- END ---