H-0615.3

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1245**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**By** Representatives Pollet, Kilduff, Valdez, Tarleton, Thai, and Jinkins

AN ACT Relating to comprehensive school safety planning; amending RCW 28A.320.125, 28A.710.040, and 28A.715.020; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that: Every student has a right to attend school safely; students are susceptible to both natural and human-caused disasters; students in Washington attend school in a state with high natural disaster risks, on top of modern day human-caused disaster risks; and there is a need for safety plans that require communication, evacuation, and timely response to disasters. In 2017, the governor's resilient Washington subcabinet issued a report urging that the legislature restore mandatory annual earthquake drills and ensure all school buildings are evaluated for seismic safety.

(2) The legislature finds that the following natural and human-caused risks have potential to cause death and great injury to health and the economy, which require planning.

(a) Earthquakes. Based on at-risk populations, Washington is ranked the second most dangerous state for earthquakes, and averages over one thousand earthquakes per year. Washington sits on the Cascadia subduction zone, which can produce estimated earthquakes of 9.0 on the Richter scale; the Juan de Fuca plate, which has produced earthquakes of up to 7.1 on the Richter scale; and various crustal plates, which have produced earthquakes up to 7.5 on the Richter scale. Experts predict that it is merely a matter of time before a large earthquake occurs in the state. A significant relationship between earthquakes and tsunamis exist, as ninety-eight percent of the world's tsunamis are attributable to earthquakes.

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

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

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

(e) Human-caused disasters.

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

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

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

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

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

(1) The superintendent of public instruction, in consultation with the state building code council established under chapter 19.27 RCW and the state geologist established under RCW 43.92.010, shall publish, and update every four years, guidelines and criteria for districts conducting comprehensive engineering safety surveys of public school buildings used by students. The criteria may include exempting from the survey public school buildings constructed to state building code standards: (a) In place at the time of the survey; and (b) applicable for the risk of geologic hazard in the region where the building is located.

(2) The inventory resulting from the comprehensive engineering safety survey required under section 3 of this act must be maintained by the office of the superintendent of public instruction.

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

(1) Except as provided in subsection (2) of this section, every four years beginning in the 2020-21 school year, school districts shall complete, or update to the degree necessary to respond to new hazard information, a comprehensive engineering survey of each public school building used by students using the guidelines and criteria published by the superintendent of public instruction under section 2 of this act, and submit the results to the office of the superintendent of public instruction according to the deadlines set by the office.

(2) If between September 1, 2009, and September 1, 2020, a school district completed an engineering survey of its permanent buildings built before 1998 that meets the guidelines and criteria published by the superintendent of public instruction pursuant to section 2 of this act, it may satisfy the requirements of subsection (1) of this section by submitting the results of the survey to the office of the superintendent of public instruction according to the deadlines set by the office, rather than completing an engineering survey in the 2020-21 school year.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts must comply with the provisions of section 3 of this act, related to comprehensive engineering surveys of each public school building, to the same extent as school districts.

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

By December 1, 2021, and by September 1st every four years thereafter, and in compliance with RCW 43.01.036, the superintendent of public instruction shall publish a report that:

(1) Summarizes the comprehensive engineering survey results of every school building completed as required under section 3 of this act, and ranks each school building according to safety and risk;

(2) Describes the progress made in refurbishing school buildings since the prior report;

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

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

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

(1) In making an award of state school construction assistance to renovate a school building or portion of a school building, the superintendent of public instruction must consider whether the renovation will meet state building code requirements and include the safety upgrades identified in the reports required by section 5 of this act. If the superintendent requires a renovation to meet state building code requirements as a condition of an award of state school construction assistance, these requirements may be met using a combination of state and local funding.

(2) The superintendent of public instruction may consider the following factors when making awards under this section: (a) Renovate school buildings with the highest priority safety risks, as identified in the report required by section 5 of this act; and (b) fulfill state requirements for lowering class sizes in kindergarten through third grade, and reduce existing or projected overcrowding in order to achieve class size reductions.

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

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

(2) Schools and school districts shall consider the guidance provided by the superintendent of public instruction, including the comprehensive school safety checklist and the model comprehensive safe school plans that include prevention, intervention, all hazard/crisis response, and postcrisis recovery, when developing their own individual comprehensive safe school plans. Each school district shall adopt, no later than September 1, 2008, and implement a safe school plan consistent with the school mapping information system pursuant to RCW 36.28A.060. The plan shall:

(a) Include required school safety policies and procedures;

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

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

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

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

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

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

(3) To the extent funds are available, school districts shall annually:

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

(b) Conduct an inventory of all hazardous materials;

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A pedestrian evacuation drill for schools in mapped tsunami hazard zones.

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

(e) Schools shall document the date, time, and type (shelter-in-place, lockdown, or evacuate) of each drill required under this subsection (6), and maintain the documentation in the school office.

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

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

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

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

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

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to section 3 of this act (comprehensive engineering surveys of public school buildings), chapter 28A.642 RCW (discrimination prohibition), and chapter 28A.640 RCW (sexual equality);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Comply with nondiscrimination laws;

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

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

(g) Comply with section 3 of this act, related to comprehensive engineering surveys of public school buildings, to the same extent as school districts.

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

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

**--- END ---**