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**HOUSE BILL 1478**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Timmons, Sandlin, Santos, Ryu, Ramel, and Pollet

AN ACT Relating to a statement of student rights that reaffirms and promotes the constitutional and statutory rights of public school students; adding a new section to chapter 28A.230 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  (1) The legislature finds that public education is a cornerstone of a healthy, diverse, and productive society. Public education is a transformative force that shapes the history and functioning of our nation, including its civic institutions, colleges and universities, and economy. Public education is also instrumental in helping to chart the course of progress for our nation's future.

(2) Article IX of the Washington Constitution requires the state to make ample provision for the education of all children residing within its borders. This requirement recognizes that public schools are foundational to our democracy, working in partnership with families and communities to shape the next generation of leaders into respectful and engaged critical thinkers.

(3) The legislature finds that students, who rightly enjoy privileges and protections under the Constitutions and laws of the United States and the state of Washington, will benefit from a deeper awareness and knowledge of those rights, including their evolution and interpretation, and how they may be subject to extension or elimination through executive, legislative, or judicial actions.

(4) Whether in matters of free speech, privacy, equal protection under the law, or voting rights, the engagement of an active citizenry is critical to our nation and its democratic ideals. Therefore, in recognition of the role that public education can play in providing students with information about their rights and about how to employ their rights for the betterment of education and society, the legislature intends to require each public school to develop student-focused educational and promotional materials, for communication and classroom use, that incorporate the statement of student rights established in section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Each public school shall develop student-focused educational and promotional materials that incorporate the statement of student rights provided by this section. The materials must be made available on school and school district websites and on social media platforms and other communication channels used by students. The materials must also be incorporated into civics education curricula provided to students in accordance with RCW 28A.230.094.

(b) The office of the superintendent of public instruction shall make the statement of student rights available on its website and is encouraged to include the statement in materials provided under RCW 28A.230.150.

(2) The statement of student rights is as follows:

(a)(i) Public school students are subject to the United States Constitution and its privileges and protections, including:

(A) The free exercise of religion;

(B) The freedom of speech;

(C) The right to peaceably assemble;

(D) The right to petition the government for a redress of grievances;

(E) The freedom from unreasonable searches and seizures;

(F) The right to a due process of law; and

(G) The right to equal protection of the laws.

(ii) Public school students are subject to numerous privileges and protections derived from federal statutes, examples of which include:

(A) The right to be free from discrimination with regard to accessing education programs and activities offered by a recipient of federal financial assistance;

(B) The right of students with disabilities to receive special education and related services that address their individual needs; and

(C) The right of students with disabilities to be free from discrimination with regard to accessing education programs and facilities.

(b)(i) Public school students are subject to the state Constitution and its privileges and protections, including:

(A) The right of petition and peaceable assemblage;

(B) The freedom to speak, write, and publish on all subjects;

(C) The right to not be disturbed in private affairs without authority of law;

(D) The right to absolute freedom of conscience in all matters of religious sentiment, belief, and worship;

(E) The right to attend public schools that are funded in a manner that is consistent with the state's paramount duty of making ample provision for the education of all children residing within its borders;

(F) The right to have schools that are maintained wholly or partially by public funds free from sectarian control or influence;

(G) The right for minors to receive an education while residing in a criminal justice facility;

(H) The right of qualified persons to utilize education facilities and services established and funded for the benefit of persons who are deaf, blind, or both; and

(I) The right of qualified persons to vote at all elections, including elections for school directors, members of the legislature, and the superintendent of public instruction.

(ii) Public school students are subject to numerous privileges and protections derived from state statutes, examples of which include:

(A) The right to access, without tuition, a school district's kindergarten through 12th grade basic education program for students of qualifying age;

(B) The right to a basic education that provides students with opportunities to develop the knowledge and skills necessary to meet state-established graduation requirements, which are intended to provide students with the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship; and

(C) Due process rights related to disciplinary measures and education access.

(3) The rights identified in this section are not intended to be a comprehensive delineation of student rights or the manner in which they are derived, nor is this section intended to have any application to rights established in other titles or in other provisions of state and federal law.

NEW SECTION. **Sec.**  This act may be known and cited as the statement of student rights act.

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