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**THIRD SUBSTITUTE HOUSE BILL 1239**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Education (originally sponsored by Representatives Santos, Kloba, Morgan, Ramel, and Pollet)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to establishing a simple and uniform system for  
2 complaints related to, and instituting a code of educator ethics for,  
3 conduct within or involving public elementary and secondary schools;  
4 amending RCW 28A.600.510 and 9A.16.100; adding a new section to  
5 chapter 43.06B RCW; adding a new section to chapter 28A.300 RCW;  
6 adding a new section to chapter 28A.310 RCW; creating a new section;  
7 and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06B  
10 RCW to read as follows:

11 (1) By July 1, 2025, and in compliance with this section, the  
12 office of the education ombuds shall create a simple and uniform  
13 access point for the receipt of complaints involving the elementary  
14 and secondary education system. The purpose of the access point is to  
15 provide a single point of entry for complaints to be reported and  
16 then referred to the most appropriate individual or entity for  
17 dispute resolution at the lowest level of intercession.

18 (2) Any individual who has firsthand knowledge of a violation of  
19 federal, state, or local laws, policies or procedures, or of improper  
20 or illegal actions related to elementary or secondary education and  
21 performed by an employee, contractor, student, parent or legal

1 guardian of a student, or member of the public may submit a complaint  
2 to the office of the education ombuds.

3 (3) (a) The office shall delineate a complaint resolution and  
4 referral process for reports received through the access point. The  
5 process must:

6 (i) Require that the office of the education ombuds assign a  
7 unique identifier to a complaint upon receipt before referring the  
8 complaint to the appropriate individual or entity for dispute  
9 resolution at the lowest level of intercession;

10 (ii) Link to all existing relevant complaint and investigative  
11 processes, such as the special education community complaint process,  
12 the discrimination complaint process, the process for reporting  
13 complaints related to harassment, intimidation, and bullying, and the  
14 complaint and investigation provisions under RCW 28A.410.090 and  
15 28A.410.095; and

16 (iii) Discourage frivolous complaints and complaints made in bad  
17 faith.

18 (b) The establishment of a process as required in this section  
19 does not confer additional authority to the office of the education  
20 ombuds to mitigate or oversee disputes.

21 (4) The office of the education ombuds, in collaboration with the  
22 office of the superintendent of public instruction, must develop  
23 protocols for the receipt, resolution, and referral of complaints and  
24 must design a communications plan to inform individuals who report  
25 complaints through the access point about the steps in the complaint  
26 resolution and referral process, including when to expect a response  
27 from the individual or entity charged with resolving the complaint.

28 (5) For the purposes of this section, "employee" or "contractor"  
29 means employees and contractors of the state educational agencies,  
30 educational service districts, public schools as defined in RCW  
31 28A.150.010, the state school for the blind, and the center for deaf  
32 and hard of hearing youth.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300  
34 RCW to read as follows:

35 The office of the superintendent of public instruction shall post  
36 on its website a prominent link to the complaint resolution and  
37 referral access point maintained by the office of the education  
38 ombuds, described in section 1 of this act.



1 educator ethics can provide a common statewide framework for  
2 supporting Washington educators in the practice of their profession.  
3 The legislature does not intend a code of educator ethics to  
4 substitute for or replace an enforceable code of educator conduct.

5 (2) By September 1, 2025, and in accordance with RCW 43.01.036,  
6 the Washington professional educator standards board and the  
7 paraeducator board shall jointly report to the appropriate committees  
8 of the legislature a summary of their activities under this section,  
9 any planned activities by either board related to adopting a code of  
10 educator ethics, and any recommendations for legislative action, if  
11 necessary, related to state adoption of a code of ethics.

12 (3) The report must advise the legislature on the following  
13 topics:

14 (a) How a code of educator ethics will support the development of  
15 an effective and comprehensive professional educator workforce;

16 (b) Whether a model code of educator ethics will be adopted or  
17 adapted for Washington state, or whether a code of educator ethics  
18 unique to Washington state will be developed; and

19 (c) Any challenges that are anticipated with state adoption of a  
20 code of educator ethics.

21 (4) In meeting the requirements of this section, the Washington  
22 professional educator standards board and the paraeducator board  
23 must:

24 (a) Engage with their stakeholders across the professional  
25 educator spectrum; and

26 (b) Review the model code of ethics for educators, second  
27 edition, developed by the national association of state directors of  
28 teacher education and certification.

29 (5) As used in this section, "educator" refers to certificated  
30 administrative staff, certificated instructional staff, and  
31 paraeducators.

32 (6) This section expires June 30, 2026.

33 **Sec. 6.** RCW 9A.16.100 and 1986 c 149 s 1 are each amended to  
34 read as follows:

35 (1) It is the policy of this state to protect children from  
36 assault and abuse and to encourage parents(~~(, teachers,)~~) and their  
37 authorized agents to use methods of correction and restraint of  
38 children that are not dangerous to the children. However, the  
39 physical discipline of a child is not unlawful when it is reasonable

1 and moderate and is inflicted by a parent(~~(, teacher,)~~) or guardian  
2 for purposes of restraining or correcting the child. Any use of force  
3 on a child by any other person is unlawful unless it (~~(is)~~) either:  
4 (a) Is reasonable and moderate and is authorized in advance by the  
5 child's parent or guardian for purposes of restraining or correcting  
6 the child; or (b) complies with limitations on the use of student  
7 isolation and restraint under RCW 28A.600.485 including that it is  
8 used only when a student's behavior poses an imminent likelihood of  
9 serious harm.

10 (2) The following actions are presumed unreasonable when used to  
11 correct or restrain a child: (~~(1)~~) (a) Throwing, kicking, burning,  
12 or cutting a child; (~~(2)~~) (b) striking a child with a closed fist;  
13 (~~(3)~~) (c) shaking a child under age three; (~~(4)~~) (d) interfering  
14 with a child's breathing; (~~(5)~~) (e) threatening a child with a  
15 deadly weapon; or (~~(6)~~) (f) doing any other act that is likely to  
16 cause and which does cause bodily harm greater than transient pain or  
17 minor temporary marks. The age, size, and condition of the child and  
18 the location of the injury shall be considered when determining  
19 whether the bodily harm is reasonable or moderate. This list is  
20 illustrative of unreasonable actions and is not intended to be  
21 exclusive.

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