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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)

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

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

NEW SECTION. **Sec.**  (1) The legislature finds that: Students are susceptible to both natural and man-made disasters; students in Washington attend school in a state with high natural disaster risks, on top of modern day man-made 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 man-made 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) Man-made 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.525 RCW to read as follows:

(1)(a) 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 school districts, public schools that are not common schools, and educational service districts to conduct a comprehensive engineering safety survey of every public school building used by students. The criteria may include exempting from the survey public school buildings constructed to state building code standards: (i) In place at the time of the survey; and (ii) applicable for the risk of geologic hazard in the region where the building is located.

(b)(i) Except as provided in (b)(ii) of this subsection, every four years beginning in the 2019-20 school year, school districts, public schools that are not common schools, and educational service 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 (a) of this subsection, and submit the results to the office of the superintendent of public instruction according to the deadlines set by the office.

(ii) If between September 1, 2009, and September 1, 2020, a school district, public school that is not a common school, or an educational service district completed an engineering survey of its permanent buildings built before 1998 meets the guidelines and criteria published by the superintendent of public instruction pursuant to (a) of this subsection, it may satisfy the requirements of (b)(i) of this subsection 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 2019-20 school year.

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

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

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

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

(c) 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

(d) 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.

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

(b) The superintendent of public instruction may consider the following factors when making awards under this section: (i) Renovate school buildings with the highest priority safety risks, as identified in the report required by subsection (2) of this section; and (ii) 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 public schools are in a position to serve the community in the event of an emergency resulting from natural disasters or man-made 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~~)) mitigation, preparedness, all hazard/crisis response, and postcrisis recovery, when developing their own individual comprehensive safe school plans. By September 1, 2019, each school district ((~~shall adopt, no later than September 1, 2008,~~)) must adopt or update 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 prevention, 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) School districts, in collaboration with local emergency response agencies, shall annually review and update their safe school plans, considering input from families, school staff, and the community.

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

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

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

((~~(5)~~)) (7) 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)~~)) (8)(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, lahars, 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 or lahar 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)(i) Schools shall document the date, time, and type (shelter-in-place, lockdown, or evacuate) of each safety-related drill required or permitted under this subsection ((~~(6)~~)) (8), and maintain the documentation in the school office.

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

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

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

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

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

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

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

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

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

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

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

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 28A.710.040 and 2016 c 241 s 104 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 RCW 28A.320.125 (safe school plans), section 2 of this act (school building engineering survey), 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) 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);

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

(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;

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

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

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

(i) 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.

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

**--- END ---**