**1239-S4.E AMS EDU S5374.1 - NOT FOR FLOOR USE**

**E4SHB 1239** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED 02/29/2024**

Strike everything after the enacting clause and insert the following:

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

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

(2) Any individual who has firsthand knowledge of a violation of federal, state, or local laws, policies or procedures, or of improper or illegal actions related to elementary or secondary education and performed by an employee, contractor, student, parent or legal guardian of a student, or member of the public may submit a complaint to the office of the education ombuds.

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

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

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

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

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

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

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

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

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

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

Each educational service district shall post on its website a prominent link to the complaint resolution and referral access point maintained by the office of the education ombuds, described in section 1 of this act.

**Sec.**  RCW 28A.600.510 and 2023 c 242 s 6 are each amended to read as follows:

(1) Beginning August 1, 2023, public schools must:

(a) Provide students and their parents or guardians with a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds at the time of initial enrollment or admission; and

(b) Either: (i) Include on their website a description of the services available through the office of the education ombuds and a prominent link to the ((~~website of~~)) complaint resolution and referral access point maintained by the office of the education ombuds, described in section 1 of this act; or (ii) provide a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters. This requirement as it relates to students and families may be satisfied by using the model student handbook language in RCW 28A.300.286.

(2) Public schools are encouraged to comply with both subsection (1)(b)(i) and (ii) of this section.

(3) By July 1, 2022, the office of the education ombuds must develop a template of the information described in subsection (1) of this section. The template must be translated into Spanish and into other languages as resources allow. The template must be made available upon request and updated as needed.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

NEW SECTION. **Sec.**  (1) The legislature finds that a code of educator ethics is a statement of the values, ethical principles, and ethical standards to which every educator, regardless of role or rank, can aspire. As such, the legislature finds that a code of educator ethics can provide a common statewide framework for supporting Washington educators in the practice of their profession. The legislature does not intend a code of educator ethics to substitute for or replace an enforceable code of educator conduct.

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

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

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

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

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

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

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

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

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

(6) This section expires June 30, 2026.

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

(1) It is the policy of this state to protect children from assault and abuse and to encourage parents((~~, teachers,~~)) and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent((~~, teacher,~~)) or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it ((~~is~~)) either: (a) Is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child; or (b) when occurring in an educational setting and involving an educator, actually or substantially complies with limitations on the use of student isolation and restraint under RCW 28A.600.485 including that it is used only when a student's behavior poses an imminent likelihood of serious harm.

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

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

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On page 1, line 3 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.600.510 and 9A.16.100; adding a new section to chapter 43.06B RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; creating new sections; and providing an expiration date."

EFFECT: Specifies that the exception for unlawful use of force on a child relating to complying with limitations on the use of student isolation and restraint applies when occurring in an educational setting and involves an educator.