

**E4SHB 1239** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED 02/29/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

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

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

25 (ii) Link to all existing relevant complaint and investigative  
26 processes, such as the special education community complaint process,  
27 the discrimination complaint process, the process for reporting  
28 complaints related to harassment, intimidation, and bullying, and the  
29 complaint and investigation provisions under RCW 28A.410.090 and  
30 28A.410.095; and

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

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

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

11 (5) For the purposes of this section, "employee" or "contractor"  
12 means employees and contractors of the state educational agencies,  
13 educational service districts, public schools as defined in RCW  
14 28A.150.010, the state school for the blind, and the center for deaf  
15 and hard of hearing youth.

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

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

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.310  
23 RCW to read as follows:

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

28 **Sec. 4.** RCW 28A.600.510 and 2023 c 242 s 6 are each amended to  
29 read as follows:

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

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

35 (b) Either: (i) Include on their website a description of the  
36 services available through the office of the education ombuds and a  
37 prominent link to the ((website of)) complaint resolution and

1 referral access point maintained by the office of the education  
2 ombuds, described in section 1 of this act; or (ii) provide a  
3 description of the services available through the office of the  
4 education ombuds and the contact information for the office of the  
5 education ombuds in existing materials that are shared annually with  
6 families, students, and school employees, such as welcome packets,  
7 orientation guides, and newsletters. This requirement as it relates  
8 to students and families may be satisfied by using the model student  
9 handbook language in RCW 28A.300.286.

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

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

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

19 NEW SECTION. **Sec. 5.** (1) The legislature finds that a code of  
20 educator ethics is a statement of the values, ethical principles, and  
21 ethical standards to which every educator, regardless of role or  
22 rank, can aspire. As such, the legislature finds that a code of  
23 educator ethics can provide a common statewide framework for  
24 supporting Washington educators in the practice of their profession.  
25 The legislature does not intend a code of educator ethics to  
26 substitute for or replace an enforceable code of educator conduct.

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

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

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

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

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

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

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

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

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

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

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

20 (1) It is the policy of this state to protect children from  
21 assault and abuse and to encourage parents(~~(, teachers,)~~) and their  
22 authorized agents to use methods of correction and restraint of  
23 children that are not dangerous to the children. However, the  
24 physical discipline of a child is not unlawful when it is reasonable  
25 and moderate and is inflicted by a parent(~~(, teacher,)~~) or guardian  
26 for purposes of restraining or correcting the child. Any use of force  
27 on a child by any other person is unlawful unless it (~~(is)~~) either:  
28 (a) Is reasonable and moderate and is authorized in advance by the  
29 child's parent or guardian for purposes of restraining or correcting  
30 the child; or (b) when occurring in an educational setting and  
31 involving an educator, actually or substantially complies with  
32 limitations on the use of student isolation and restraint under RCW  
33 28A.600.485 including that it is used only when a student's behavior  
34 poses an imminent likelihood of serious harm.

35 (2) The following actions are presumed unreasonable when used to  
36 correct or restrain a child: (~~(1)~~) (a) Throwing, kicking, burning,  
37 or cutting a child; (~~(2)~~) (b) striking a child with a closed fist;  
38 (~~(3)~~) (c) shaking a child under age three; (~~(4)~~) (d) interfering  
39 with a child's breathing; (~~(5)~~) (e) threatening a child with a

1 deadly weapon; or ((+6+)) (f) doing any other act that is likely to  
2 cause and which does cause bodily harm greater than transient pain or  
3 minor temporary marks. The age, size, and condition of the child and  
4 the location of the injury shall be considered when determining  
5 whether the bodily harm is reasonable or moderate. This list is  
6 illustrative of unreasonable actions and is not intended to be  
7 exclusive.

8 NEW SECTION. **Sec. 7.** If specific funding for the purposes of  
9 this act, referencing this act by bill or chapter number, is not  
10 provided by June 30, 2024, in the omnibus appropriations act, this  
11 act is null and void."

**E4SHB 1239** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED 02/29/2024**

12 On page 1, line 3 of the title, after "schools;" strike the  
13 remainder of the title and insert "amending RCW 28A.600.510 and  
14 9A.16.100; adding a new section to chapter 43.06B RCW; adding a new  
15 section to chapter 28A.300 RCW; adding a new section to chapter  
16 28A.310 RCW; creating new sections; and providing an expiration  
17 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.

--- END ---