

CERTIFICATION OF ENROLLMENT
ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1239

68th Legislature
2024 Regular Session

Passed by the House March 6, 2024
Yeas 94 Nays 2

**Speaker of the House of
Representatives**

Passed by the Senate February 29,
2024
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1239** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1239

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

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

READ FIRST TIME 02/05/24.

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

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

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 5.** (1) The legislature finds that a code of
36 educator ethics is a statement of the values, ethical principles, and
37 ethical standards to which every educator, regardless of role or
38 rank, can aspire. As such, the legislature finds that a code of

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) when occurring in an educational setting and
7 involving an educator, actually or substantially complies with
8 limitations on the use of student isolation and restraint under RCW
9 28A.600.485 including that it is used only when a student's behavior
10 poses an imminent likelihood of serious harm.

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

23 NEW SECTION. Sec. 7. If specific funding for the purposes of
24 this act, referencing this act by bill or chapter number, is not
25 provided by June 30, 2024, in the omnibus appropriations act, this
26 act is null and void.

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