

ESHB 1296 - S COMM AMD

By Committee on Early Learning & K-12 Education

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

3 "PART ONE

4 PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, AND PRIVACY

5 NEW SECTION. Sec. 101. A new section is added to chapter
6 28A.320 RCW to read as follows:

7 (1) It is the policy of the state of Washington that policies and
8 procedures adopted by school districts under this title must
9 prioritize the protection of every student's safety, access to an
10 academic environment free of discrimination, access to the state's
11 statutory program of basic education established pursuant to Article
12 IX of the Constitution of the state of Washington, and privacy, to
13 the fullest extent possible, except as required by state or federal
14 law. This policy serves as a supplement to school district policies
15 and procedures established under this title, both before and after
16 the effective date of this section, and must be considered an
17 integral part of those school district policies and procedures.

18 (2) The office of the superintendent of public instruction shall
19 develop technical assistance and related materials to assist school
20 districts with the implementation of subsection (1) of this section.
21 The assistance and related materials must include a summary of: The
22 privacy rights of minors; and the licensure or other professional
23 requirements for school district employment classifications, if any,
24 related to protecting student privacy.

25 (3) The office of the superintendent of public instruction may
26 enforce and obtain compliance with subsection (1) of this section by
27 utilizing the process established in section 303 of this act if there
28 is a valid complaint and subsequent finding of willful noncompliance
29 with state law as defined in section 302 of this act.

1 (4) This section governs school operation and management under
2 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
3 established under chapter 28A.710 RCW and state-tribal education
4 compact schools subject to chapter 28A.715 RCW to the same extent as
5 it applies to school districts.

6 **PART TWO**

7 **THE STATEMENT OF STUDENT RIGHTS**

8 NEW SECTION. **Sec. 201.** (1) The legislature finds that public
9 education is a cornerstone of a healthy, diverse, and productive
10 society.

11 (2) Article IX of the state Constitution requires the state to
12 make ample provision for the education of all children residing
13 within its borders. This requirement recognizes that public schools
14 are foundational to our democracy, working in partnership with
15 families and communities to shape the next generation of leaders into
16 respectful and engaged critical thinkers, resulting in economic
17 prosperity and innovation for the state and its residents.

18 (3) In recognition of the role that public education can play in
19 providing students with information about their rights and about how
20 to employ their rights for the betterment of education and society,
21 the legislature intends to require each school district, charter
22 school, and state-tribal education compact school to develop student-
23 focused educational and promotional materials, for communication and
24 classroom use, that incorporate the statement of student rights
25 established in section 202 of this act.

26 NEW SECTION. **Sec. 202.** A new section is added to chapter
27 28A.230 RCW to read as follows:

28 (1)(a)(i) Each school district, charter school, and state-tribal
29 education compact school shall develop student-focused educational
30 and promotional materials that incorporate the statement of student
31 rights provided by this section. A link to the materials must be made
32 available on school district, charter school, and state-tribal
33 compact school websites, social media platforms, and other
34 communication channels used by students.

35 (ii) The materials described in this subsection must also be
36 incorporated into civics education materials and resources provided
37 to students in accordance with RCW 28A.230.094.

1 (b) The office of the superintendent of public instruction shall
2 make the statement of student rights available on its website and is
3 encouraged to include the statement in materials provided under RCW
4 28A.230.150.

5 (2) The statement of student rights is as follows:

6 (a) Public school students are the beneficiaries of the
7 foundational principles of individual liberty and equality, as
8 established in the Declaration of Independence, and are entitled to
9 numerous rights and protections under the Constitution of the United
10 States, the Constitution of the state of Washington, and federal and
11 state laws and regulations.

12 (b) These rights and protections include, but are not limited to,
13 the following:

14 (i) The right to access an amply funded program of basic
15 education, established pursuant to Article IX of the Constitution of
16 the state of Washington, that provides an opportunity to develop the
17 knowledge and skills necessary to meet state-established graduation
18 requirements, which are intended to provide students with the
19 opportunity to graduate with a meaningful diploma that prepares them
20 for postsecondary education, gainful employment, and citizenship as
21 established in RCW 28A.150.200;

22 (ii) The right to learn in a safe, supportive learning
23 environment, free from harassment, intimidation, or bullying and the
24 right to file a complaint under RCW 28A.600.477 if they are subject
25 to this behavior;

26 (iii) The right to access an academic environment free of
27 discrimination according to the provisions established in chapters
28 28A.642, 28A.640, and 49.60 RCW;

29 (iv) The right to exercise constitutionally protected freedoms as
30 established in the United States and Washington state Constitutions
31 and as further interpreted in applicable case law including, but not
32 limited to, the freedoms of speech, assembly, and exercise of
33 religion;

34 (v) The right to receive copies of all school policies and
35 procedures related to students including, but not limited to: Student
36 conduct; antidiscrimination rules; antiharassment, intimidation, and
37 bullying rules; discipline rules and rules related to due process
38 rights for disciplinary measures; and access to educational programs
39 in accordance with RCW 28A.300.286 and 28A.600.010;

1 (vi) The right of students with qualifying disabilities to
2 receive special education and related services that address their
3 individual needs in accordance with federal law and chapter 28A.155
4 RCW;

5 (vii) The right for youth to access education programs while
6 residing in institutional education facilities, including adult
7 correctional facilities, in accordance with RCW 28A.150.200 and
8 chapters 28A.190 and 28A.193 RCW;

9 (viii) The right of qualified persons to utilize education
10 facilities and services established under chapter 72.40 RCW and
11 funded for the benefit of persons who are deaf, blind, or both; and

12 (ix) The right to access academic courses and instructional
13 materials with historically and scientifically accurate information
14 that includes the histories, contributions, and perspectives of
15 historically marginalized and underrepresented groups in accordance
16 with RCW 28A.345.130.

17 (3) The rights identified in this section are not intended to be
18 a comprehensive delineation of student rights, the manner in which
19 they are derived, or the associated legal limits, nor is this section
20 intended to have any application to rights established in other
21 titles or in other provisions of state and federal law.

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

24 (5) Nothing in this section creates a private right of action.

25 **Sec. 203.** RCW 28A.230.094 and 2020 c 208 s 9 are each amended to
26 read as follows:

27 (1)(a) Beginning with or before the 2020-21 school year, each
28 school district that operates a high school must provide a mandatory
29 one-half credit stand-alone course in civics for each high school
30 student. Except as provided by (c) of this subsection, civics content
31 and instruction embedded in other social studies courses do not
32 satisfy the requirements of this subsection.

33 (b) Credit awarded to students who complete the civics course
34 must be applied to course credit requirements in social studies that
35 are required for high school graduation.

36 (c) Civics content and instruction required by this section may
37 be embedded in social studies courses that offer students the
38 opportunity to earn both high school and postsecondary credit.

1 (2) The content of the civics course must include, but is not
2 limited to:

3 (a) Federal, state, tribal, and local government organization and
4 procedures;

5 (b) Rights and responsibilities of citizens addressed in the
6 Washington state and United States Constitutions, including the
7 statement of student rights and materials delineated in section 202
8 of this act;

9 (c) Current issues addressed at each level of government;

10 (d) Electoral issues, including elections, ballot measures,
11 initiatives, and referenda;

12 (e) The study and completion of the civics component of the
13 federally administered naturalization test required of persons
14 seeking to become naturalized United States citizens; and

15 (f) The importance in a free society of living the basic values
16 and character traits specified in RCW 28A.150.211.

17 (3) By September 1, 2020, the office of the superintendent of
18 public instruction, in collaboration with the Washington state
19 association of county auditors and a 501(c)(3) nonprofit organization
20 engaged in voter outreach and increasing voter participation, shall
21 identify and make available civics materials and resources for use in
22 courses under this section. The materials and resources must be
23 posted on the office of the superintendent of public instruction's
24 website.

25 NEW SECTION. **Sec. 204.** Sections 201 through 203 of this act may
26 be known and cited as the statement of student rights act.

27 **PART THREE**

28 **ENSURING PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, CIVIL** 29 **RIGHTS, AND PRIVACY**

30 NEW SECTION. **Sec. 301.** (1) The legislature acknowledges and
31 supports the importance of local control for school district
32 governance. Local school boards and superintendents are in the best
33 position to effectively and quickly respond to the needs of their
34 communities. However, local control is not absolute and must also be
35 balanced against the need to ensure all students have access to a
36 healthy, safe learning environment that celebrates and protects their
37 diversity and civil rights. There are certain areas of state law

1 which are critically important to ensuring every student has equal
2 access to this type of supportive and responsive learning
3 environment.

4 (2) The legislature is aware that some school districts are
5 intentionally not complying with certain requirements in state law
6 and that this noncompliance is negatively impacting students. School
7 board members and superintendents are uniquely responsible for
8 ensuring that their school district is in compliance with those state
9 laws and members of the school district should have a mechanism to
10 hold those individuals accountable if state laws are not followed.

11 (3) The legislature therefore intends to establish a complaint
12 process for students, parents, and community members to address
13 willful noncompliance with certain state laws that are necessary for
14 protecting the health, safety, and civil rights of students in order
15 to ensure every student has access to a positive learning
16 environment.

17 NEW SECTION. **Sec. 302.** Unless the context clearly requires
18 otherwise, the definitions in this section apply throughout sections
19 303 through 305 of this act.

20 (1) "Broad complaint" means a complaint that impacts an entire
21 student body, an entire subgroup of students within a student body,
22 an entire school, or an entire school district.

23 (2) "Limited complaint" means a complaint that impacts one or
24 more individual students.

25 (3) "Negligent" means the failure to exercise ordinary care by a
26 local school district superintendent, a local school district board
27 of directors, or an individual member or members of a board of
28 directors, and the actor knew or reasonably should have known that
29 the failure to exercise ordinary care would result in noncompliance
30 with state law as defined in this section.

31 (4) "Noncompliance with state law" means action or inaction by a
32 local school district superintendent, a local school district board
33 of directors, or an individual member or members of a board of
34 directors, that results in noncompliance with the following state
35 laws, which are intended to ensure academic rights and protections
36 for students in the educational environment:

37 (a) State civil rights and nondiscrimination, including the
38 antidiscrimination and sexual equality laws and model policy and

1 procedure requirements related to protecting students' rights as
2 established in chapters 28A.640 and 28A.642 RCW;

3 (b) "Harassment, intimidation, or bullying" as defined in RCW
4 28A.600.477;

5 (c) Curriculum requirements as described in RCW 28A.150.230,
6 28A.300.475, and 28A.320.170; the policies and procedures related to
7 the selection or deletion of instructional materials required in RCW
8 28A.320.230; and the review and removal of supplemental instructional
9 materials required in RCW 28A.320.235;

10 (d) The use of restraint or isolation on a student as described
11 in RCW 28A.600.485; or

12 (e) Student discipline as described in chapter 28A.600 RCW.

13 (5) "Willful" means nonaccidental action or inaction by a local
14 school district superintendent, a local school district board of
15 directors, or an individual member or members of a board of
16 directors, that the actor knew or reasonably should have known would
17 result in noncompliance with state law.

18 NEW SECTION. **Sec. 303.** (1) By July 1, 2026, the office of the
19 superintendent of public instruction must establish a process to
20 investigate and address two types of complaints alleging willful
21 noncompliance with state law:

22 (a) Limited complaints; and

23 (b) Broad complaints.

24 (2) The purpose of the complaint process is to secure equitable
25 resolutions to complaints relating to alleged willful noncompliance
26 with the state laws listed in section 302(4) of this act.

27 (3) (a) (i) Any student who is enrolled in the school district or
28 any parent or legal guardian who has a student enrolled in the school
29 district may file a limited or broad complaint with the office of the
30 superintendent of public instruction alleging willful noncompliance
31 with a state law listed in section 302(4) of this act.

32 (ii) Anyone residing within the boundaries of the school district
33 may file a broad complaint with the office of the superintendent of
34 public instruction alleging willful noncompliance with a state law
35 listed in section 302(4) of this act.

36 (b) Limited and broad complaints may be filed against a local
37 school district superintendent, a local school district board of
38 directors, or an individual member or members of a board of
39 directors.

1 (c) Before a person may file a complaint with the office of the
2 superintendent of public instruction, the person must exhaust
3 available complaint procedures, if such procedures exist, including
4 procedures established under state law including, but not limited to,
5 RCW 28A.320.124, 28A.320.230, 28A.410.090, 28A.600.477, 28A.640.020,
6 and 28A.642.030, and local policy and procedure. If there are no
7 existing complaint procedures available, the person who intends to
8 file the complaint must provide notice of the complaint to the local
9 school district superintendent before filing the complaint with the
10 office of the superintendent of public instruction.

11 (4)(a) The office of the superintendent of public instruction
12 must adopt rules that ensure due process regarding the complaint
13 process, timelines, compliance action plans, and consequences
14 established under this section and sections 304 and 305 of this act.

15 (b)(i) The office of the superintendent of public instruction
16 must consult with the state board of education to build a connection
17 between the rules adopted under this subsection and the state board
18 of education's rules on basic education compliance established under
19 RCW 28A.150.220 for complaints regarding willful noncompliance with
20 curriculum requirements as described in section 302(4)(c) of this
21 act.

22 (ii) The office of the superintendent of public instruction must
23 consult with the office of the education ombuds about how to include
24 the complaint process established under this section into the simple
25 and uniform access point for the receipt of complaints created under
26 RCW 43.06B.070.

27 (c) The office of the superintendent of public instruction may
28 adopt rules to expedite the investigation of complaints related to an
29 immediate health or safety concern.

30 (d) The office of the superintendent of public instruction may
31 not take action against a school district or local school district
32 superintendent under the provisions established in section 305 of
33 this act unless there is evidence that the local school district
34 superintendent, local school district board of directors, or
35 individual member or members of a board of directors acted in a
36 willful manner or if after the first notice of noncompliance as
37 described in section 304 of this act the school district continues to
38 fail to remedy the noncompliance and receives a second notice of
39 continued noncompliance.

1 NEW SECTION. **Sec. 304.** (1) (a) Upon receipt of a complaint filed
2 under section 303 of this act, the office of the superintendent of
3 public instruction must make an initial determination as to whether
4 the complaint reasonably contains enough facts to allege that a
5 school district is in noncompliance with state law as defined in
6 section 302 of this act and whether other existing complaint
7 procedures have been exhausted as required by section 303 of this
8 act.

9 (b) If the requirements in (a) of this subsection are met, the
10 office of the superintendent of public instruction shall conduct a
11 full investigation of the allegations in the complaint.

12 (c) If the requirements in (a) of this subsection are not met,
13 the office of the superintendent of public instruction shall notify
14 the complainant of that finding and is not required to investigate
15 further.

16 (2) (a) If, after a full investigation as required under
17 subsection (1) (b) of this section, the office of the superintendent
18 of public instruction finds noncompliance with state law, but
19 determines the noncompliance is not willful, the office of the
20 superintendent of public instruction shall provide the school
21 district with a first notice stating its determination of
22 noncompliance and identify corrective actions and a timeline that the
23 school district may take to come into compliance.

24 (b) If the school district fails to comply with the corrective
25 actions identified in the first notice within the prescribed
26 timeline, the office of the superintendent of public instruction
27 shall provide the school district a second notice stating that
28 continued failure to comply with corrective actions may result in
29 consequences as established in section 305 of this act. Upon receipt
30 of a second notice, the local school district superintendent and
31 school district board of directors must adopt and submit a compliance
32 action plan to the office of the superintendent of public instruction
33 for approval. The compliance action plan must establish how the
34 school district will implement the corrective actions identified by
35 the office of the superintendent of public instruction. Unless
36 otherwise required by subsection (4) of this section, the compliance
37 action plan must be submitted under a timeline as required by the
38 office of the superintendent of public instruction.

39 (c) Before submitting the compliance action plan to the office of
40 the superintendent of public instruction for approval, the school

1 district board of directors must hold a public meeting to present the
2 proposed compliance action plan to the community and allow for public
3 comment on the proposed plan. For all such public meetings,
4 individual students may not be identified, and the public meetings
5 and materials prepared for such meetings must adhere to nondisclosure
6 of personally identifiable information consistent with state and
7 federal student privacy laws.

8 (3) (a) If, after a full investigation as required under
9 subsection (1) (b) of this section, the office of the superintendent
10 of public instruction finds willful noncompliance with state law, the
11 office of the superintendent of public instruction shall provide the
12 school district with a first notice stating its determination of
13 willful noncompliance and identify corrective actions and a timeline
14 that the school district may take to come into compliance. Upon
15 receipt of the first notice, the school district board of directors
16 shall hold a public meeting to present the finding of willful
17 noncompliance with state law, the identified corrective actions and
18 timeline for those actions, and take public comment on what
19 additional actions the public thinks may be needed to come into
20 compliance with state law.

21 (b) If the school district fails to comply with the corrective
22 actions identified in the first notice within the prescribed
23 timeline, the office of the superintendent of public instruction
24 shall provide the school district a second notice stating that
25 continued failure to comply with corrective actions may result in
26 consequences as established in section 305 of this act. Upon receipt
27 of a second notice, the local school district superintendent and
28 school district board of directors must adopt and submit a compliance
29 action plan to the office of the superintendent of public instruction
30 for approval. The compliance action plan must establish how the
31 school district will implement the corrective actions identified by
32 the office of the superintendent of public instruction. Unless
33 otherwise required by subsection (4) of this section, the compliance
34 action plan must be submitted under a timeline as required by the
35 office of the superintendent of public instruction. The compliance
36 action plan must be developed in collaboration with the office of the
37 superintendent of public instruction. In developing the compliance
38 action plan, the school district must provide school district
39 administrators, teachers, and other staff, parents of children
40 attending a school within the school district, unions representing

1 employees within the school district, students from the school
2 district, and other impacted communities as appropriate with an
3 opportunity to provide input on the development of the plan.

4 (c) Before submitting the compliance action plan to the office of
5 the superintendent of public instruction for approval, the school
6 district board of directors must hold a public meeting to present the
7 proposed compliance action plan to the community and allow for public
8 comment on the proposed plan. For all such public meetings,
9 individual students may not be identified, and the public meetings
10 and materials prepared for such meetings must adhere to nondisclosure
11 of personally identifiable information consistent with state and
12 federal student privacy laws.

13 (d) After submission and approval of the compliance action plan,
14 the school district shall conduct additional public meetings with an
15 opportunity for public comment at least once every six months to
16 present school district progress on implementation of the compliance
17 action plan until the superintendent of public instruction finds that
18 the school district has come into compliance with state law.

19 (4) A compliance action plan developed under this section must,
20 at a minimum, include the following:

21 (a) A description of the changes in the school district's or
22 school's existing policies, structures, agreements, processes, and
23 practices needed to come into compliance with state law; and

24 (b) The timeline for coming into compliance with state law.

25 (5) Compliance action plans must be developed in accordance with
26 chapters 41.56 and 41.59 RCW where applicable.

27 (6) The office of the superintendent of public instruction may
28 develop and publish additional guidelines for the development of
29 compliance action plans as required by this section for use by school
30 districts.

31 NEW SECTION. **Sec. 305.** (1) The office of the superintendent of
32 public instruction may impose any of the following consequences on a
33 school district if the district has been sent a second notice under
34 the provisions of section 304 of this act:

35 (a) Require the school district to adopt or readopt policies and
36 procedures to come into compliance with state law;

37 (b) Find that a local school district superintendent committed an
38 act of unprofessional conduct under section 309 of this act and may

1 be held accountable for such conduct under rules established under
2 section 309 of this act; and

3 (c) As a last resort, withhold and redirect up to 20 percent of
4 state funds allocated to the school district for basic education to
5 support the compliance action plan required in section 304 of this
6 act until the office of the superintendent of public instruction
7 finds that the school district has come into compliance with state
8 law. The office of the superintendent of public instruction must
9 consider the school district's overall financial health when
10 determining the amount of funds to withhold and redirect under this
11 subsection. Written notice of the intent to withhold and redirect
12 state funds, with reasons stated for this action, must be made to the
13 school district by the office of the superintendent of public
14 instruction before any portion of the state allocation is withheld
15 and redirected.

16 (2) Willful or negligent noncompliance with state law constitutes
17 a violation of the oath of office under RCW 29A.56.110, and a member
18 of a board of directors may be subject to recall and discharge under
19 chapter 29A.56 RCW.

20 (3) Sections 303 and 304 of this act and this section do not
21 restrict any existing authority the office of the superintendent of
22 public instruction has to enforce compliance with state law,
23 including health and safety requirements.

24 (4) Any party to a complaint may file a notice of appeal with the
25 office of the superintendent of public instruction within 30 days of
26 the final decision. An administrative law judge of the office of
27 administrative hearings will hear and determine the appeal. Appeal
28 proceedings must be conducted pursuant to chapter 34.05 RCW. An
29 appeal of the administrative law judge's determination or order shall
30 be to the superior court. The superior court's decision is subject
31 only to discretionary review under the rules of appellate procedure.

32 NEW SECTION. **Sec. 306.** The office of the superintendent of
33 public instruction may enact rules for implementation of sections 302
34 through 305, 312, and 313 of this act.

35 **Sec. 307.** RCW 43.06B.070 and 2024 c 219 s 1 are each amended to
36 read as follows:

37 (1) By July 1, 2025, and in compliance with this section, the
38 office of the education ombuds shall create a simple and uniform

1 access point for the receipt of complaints involving the elementary
2 and secondary education system. The purpose of the access point is to
3 provide a single point of entry for complaints to be reported and
4 then referred to the most appropriate individual or entity for
5 dispute resolution at the lowest level of intercession.

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

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

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

19 (ii) Link to all existing relevant complaint and investigative
20 processes, such as the special education community complaint process,
21 the discrimination complaint process, the process for reporting
22 complaints related to harassment, intimidation, and bullying, the
23 complaint process established under section 303 of this act, and the
24 complaint and investigation provisions under RCW 28A.410.090 and
25 28A.410.095; and

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

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

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

38 (5) For the purposes of this section, "employee" or "contractor"
39 means employees and contractors of the state educational agencies,
40 educational service districts, public schools as defined in RCW

1 28A.150.010, the state school for the blind, and the center for deaf
2 and hard of hearing youth.

3 **Sec. 308.** RCW 28A.300.286 and 2023 c 242 s 1 are each amended to
4 read as follows:

5 (1) The office of the superintendent of public instruction shall
6 develop, and periodically update, model student handbook language
7 that includes information about ~~((policies))~~:

8 (a) Policies and complaint procedures related to discrimination,
9 including sexual harassment and addressing transgender students, and
10 information about policies and complaint procedures related to
11 harassment, intimidation, and bullying, as well as the overlap
12 between the policies and complaint procedures ~~((The model student
13 handbook language must also include a))~~;

14 (b) A description of the services available through the office of
15 the education ombuds and the contact information for the office of
16 the education ombuds; and

17 (c) The complaint process established under section 303 of this
18 act.

19 (2) The model student handbook language must be aligned with
20 existing requirements in state law including chapters 28A.640 and
21 28A.642 RCW and RCW 28A.600.477 and 28A.600.510. The model student
22 handbook language must be jointly developed with the Washington state
23 school directors' association, and in consultation with the office of
24 the education ombuds. The model student handbook language must be
25 posted publicly on the office of the superintendent of public
26 instruction's website beginning July 1, 2024.

27 ~~((+2))~~ (3) Beginning with the 2024-25 school year, each school
28 district must include the model student handbook language developed
29 under subsection (1) of this section in any student, parent,
30 employee, and volunteer handbook that it or one of its schools
31 publishes and on the school district's website, and any school's
32 website, if a school or the school district maintains a website. If a
33 school district neither publishes a handbook nor maintains a website,
34 it must provide the model student handbook language developed under
35 subsection (1) of this section to each student, parent, employee, and
36 volunteer at least annually.

37 NEW SECTION. **Sec. 309.** A new section is added to chapter
38 28A.410 RCW to read as follows:

1 (1) The Washington professional educator standards board must
2 adopt rules that make a local school district superintendent's or
3 chief administrator's willful noncompliance with state law an act of
4 unprofessional conduct and provide that a superintendent, whether
5 certificated or not, may be held accountable for such conduct under
6 rules established under this section. It is a defense to a finding of
7 willful noncompliance with state law if the superintendent or chief
8 administrator can show that they were actively attempting to bring
9 the school district, charter school, or state-tribal education
10 compact school into compliance with the applicable state law.

11 (2) For the purposes of this section, "willful" and
12 "noncompliance with state law" have the same meaning as in section
13 302 of this act.

14 **Sec. 310.** RCW 28A.343.360 and 1990 c 33 s 314 are each amended
15 to read as follows:

16 Every person elected or appointed to the office of school
17 director, before entering upon the discharge of the duties thereof,
18 shall take an oath or affirmation to support the Constitution of the
19 United States and the state of Washington and the laws of the state
20 of Washington and to faithfully discharge the duties of the office
21 according to the best of his or her ability. In case any official has
22 a written appointment or commission, the official's oath or
23 affirmation shall be endorsed thereon and sworn to before any officer
24 authorized to administer oaths. School officials are hereby
25 authorized to administer all oaths or affirmations pertaining to
26 their respective offices without charge or fee. All oaths of office,
27 when properly made, shall be filed with the county auditor. Every
28 person elected to the office of school director shall begin his or
29 her term of office at the first official meeting of the board of
30 directors following certification of the election results.

31 **Sec. 311.** RCW 28A.710.185 and 2023 c 356 s 11 are each amended
32 to read as follows:

33 (1)(a) By November 1, 2023, the commission shall establish and
34 maintain on its website an online system for students who attend
35 charter schools, and the parents of those students, to submit
36 complaints about the operation and administration of one or more
37 charter schools, including complaints about the provision of
38 education services and complaints alleging noncompliance with the

1 requirements of this chapter or other provisions governing charter
2 schools.

3 (b) (i) The commission shall acknowledge the receipt of each
4 received complaint within 10 business days and shall, in a timely
5 manner, perform any inquiries or other actions it deems necessary and
6 appropriate to respond to each received complaint, unless the
7 complaint is alleging willful noncompliance with state law as defined
8 in section 302 of this act.

9 (ii) After determining that a person has exhausted any existing
10 complaint procedures in accordance with section 303(3)(c) of this
11 act, the commission shall forward any complaints alleging willful
12 noncompliance with state law as defined in section 302 of this act to
13 the office of the superintendent of public instruction and these
14 complaints must follow the process established under sections 303
15 through 305 of this act.

16 (2) The commission shall adopt and revise as necessary rules to
17 implement this section.

18 NEW SECTION. Sec. 312. A new section is added to chapter
19 28A.710 RCW to read as follows:

20 Sections 302 through 305 of this act govern school operation and
21 management under RCW 28A.710.040 and apply to charter schools
22 established under this chapter, but only to the extent the statute or
23 chapter listed in section 302(4) of this act is included in the list
24 of state laws that a charter school must comply with under RCW
25 28A.710.040.

26 NEW SECTION. Sec. 313. A new section is added to chapter
27 28A.715 RCW to read as follows:

28 Sections 302 through 305 of this act govern school operation and
29 management under RCW 28A.715.020 and apply to state-tribal education
30 compact schools subject to this chapter, but only to the extent the
31 statute or chapter listed in section 302(4) of this act is included
32 in the list of state laws that a state-tribal education compact
33 school must comply with under RCW 28A.715.020.

34 NEW SECTION. Sec. 314. Sections 302 through 305 of this act are
35 each added to chapter 28A.300 RCW.

1 established under chapter 28A.710 RCW and state-tribal education
2 compact schools subject to chapter 28A.715 RCW to the same extent as
3 it applies to school districts.

4 **PART FIVE**

5 **MISCELLANEOUS PROVISIONS**

6 **Sec. 501.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended
7 to read as follows:

8 ~~((School districts must, at the first opportunity but in all
9 cases within forty-eight hours of receiving a report alleging sexual
10 misconduct by a school employee, notify the parents of a student
11 alleged to be the victim, target, or recipient of the misconduct.))~~

12 (1) After receiving a report of an allegation that a student is a
13 victim, target, or recipient of physical or sexual abuse, sexual
14 misconduct, or assault by a school employee or school contractor, the
15 school district must immediately notify the parents or legal
16 guardians of that student.

17 (2) School districts shall provide parents and legal guardians
18 with information regarding their rights under the public records act,
19 chapter 42.56 RCW, to request the public records regarding school
20 employee discipline. This information (~~shall~~) must be provided to
21 all parents and legal guardians on an annual basis.

22 **Sec. 502.** RCW 28A.400.317 and 2013 c 10 s 4 are each amended to
23 read as follows:

24 (1) A certificated or classified school employee or school
25 contractor who has knowledge or reasonable cause to believe that a
26 student has been a victim, target, or recipient of physical or sexual
27 abuse (~~or~~), sexual misconduct, or assault by another school
28 employee or contractor, shall report such abuse (~~or~~), misconduct,
29 or assault to the appropriate school administrator. The school
30 administrator shall cause a report to be made to the proper law
31 enforcement agency if he or she has reasonable cause to believe that
32 the sexual misconduct (~~or~~), physical or sexual abuse, or assault
33 has occurred as required under RCW 26.44.030. During the process of
34 making a reasonable cause determination, the school administrator
35 shall contact all parties involved in the complaint and immediately
36 notify parents and legal guardians as required by RCW 28A.320.160.

1 (2) Certificated and classified school employees shall receive
2 training regarding their reporting obligations under state law in
3 their orientation training when hired and then every three years
4 thereafter. The training required under this subsection may be
5 incorporated within existing training programs and related resources.

6 (3) Nothing in this section changes any of the duties established
7 under RCW 26.44.030.

8 NEW SECTION. **Sec. 503.** Except for section 308 of this act, this
9 act is necessary for the immediate preservation of the public peace,
10 health, or safety, or support of the state government and its
11 existing public institutions, and takes effect immediately."

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By Committee on Early Learning & K-12 Education

12 On page 1, line 4 of the title, after "entities;" strike the
13 remainder of the title and insert "amending RCW 28A.230.094,
14 43.06B.070, 28A.300.286, 28A.343.360, 28A.710.185, 28A.320.160, and
15 28A.400.317; adding a new section to chapter 28A.320 RCW; adding a
16 new section to chapter 28A.230 RCW; adding new sections to chapter
17 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a
18 new section to chapter 28A.710 RCW; adding a new section to chapter
19 28A.715 RCW; adding a new section to chapter 28A.400 RCW; creating
20 new sections; providing an effective date; and declaring an
21 emergency."

EFFECT: (1) Revises the state policy language to refer to
students' access to the "state's statutory program of basic
education" instead of a "free public education" and adds access to an
academic environment free of discrimination.

(2) Replaces provisions related to the Office of the
Superintendent of Public Instruction (OSPI) enforcement and
compliance with this state policy with a complaint process with the
following components:

(a) Directs OSPI to establish a process to investigate and
address limited and broad complaints alleging willful noncompliance
with state laws concerning civil rights and nondiscrimination;
harassment, intimidation, and bullying; certain curriculum
requirements; the use of restraint or isolation on a student; and
student discipline;

(b) Requires school districts, charter schools, and state-tribal
education compact schools to take certain actions if OSPI finds

noncompliance with any of these state laws and allows OSPI to impose certain consequences for willful noncompliance;

(c) Directs the Washington Professional Educator Standards Board to adopt rules that make a school district superintendent's willful noncompliance with state law an act of unprofessional conduct;

(d) Amends the oath that elected or appointed school directors take to include that they must support Washington state laws; and

(e) Includes intent language.

(3) Removes provisions regarding school district policies and procedures relating to gender inclusive schools and OSPI adopting rules to ensure compliance with those provisions.

(4) Revises reporting and notification requirements as follows:

(a) Requires school districts to immediately notify the parents or legal guardians after receiving a report of an allegation that a student is a victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or school contractor; and

(b) Adds a cross-reference to this requirement in the statute requiring reporting of such abuse, misconduct, or assault.

(5) Makes the following changes regarding the statement of student rights:

(a) Provides that public school students are the beneficiaries of the foundational principles of individual liberty and equality, as established in the Declaration of Independence, and are entitled to numerous rights and protections under the federal and state Constitutions and federal and state laws and regulations;

(b) Includes a nonexhaustive list of these rights and protections;

(c) Adds that this section does not create a private right of action; and

(d) Amends the statute requiring a one-half credit stand-alone civics course to include the statement of student rights and corresponding materials.

(6) Removes provisions amending the rights of parents and legal guardians.

--- END ---