

SENATE BILL REPORT

SB 5179

As of January 20, 2025

Title: An act relating to establishing a complaint process to address noncompliance with certain state education laws.

Brief Description: Establishing a complaint process to address noncompliance with certain state education laws.

Sponsors: Senators Wilson, C., Lovelett, Cortes, Dhingra, Frame, Hasegawa, Lias, Lovick, Nobles, Trudeau and Wellman.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/21/25.

Brief Summary of Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to establish a process to investigate and address complaints alleging noncompliance with state laws concerning civil rights; harassment, intimidation, and bullying; certain curriculum requirements; the use of restraint or isolation on a student; and student discipline.
- Requires school districts, charter schools, and state-tribal education compact schools to submit compliance action plans if OSPI finds noncompliance with any of these state laws and allows OSPI to impose certain consequences.
- Directs the Professional Educator Standards Board to adopt rules that make a school district superintendent's willful noncompliance with state law an act of unprofessional conduct.
- Amends the oath that elected or appointed school directors take to include that they must support Washington laws.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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Background: Existing Complaint Procedures. Current state law includes certain complaint procedures regarding issues related to:

- school safety and security staff;
- instructional materials used by school districts;
- physical abuse or sexual misconduct by a certificated employee;
- harassment, intimidation, or bullying; and
- discrimination.

Other state and federal agencies also address discrimination complaints, and local school district policies and procedures may also include complaint procedures.

In 2023, the Office of the Superintendent of Public Instruction (OSPI) developed model student handbook language that includes information about complaint procedures related to nondiscrimination; information about policies and procedures related to harassment, intimidation, and bullying; and a description of services available through Office of the Education Ombuds (OEO).

By July 1, 2025, OEO must create a simple and uniform access point for the receipt of complaints involving the elementary and secondary school system.

Basic Education Compliance. The State Board of Education (SBE) must adopt rules to implement and ensure compliance with basic education requirements and related supplemental program approval requirements as SBE may establish.

School Board Member's Oath of Office and Recall. Every school director must take an oath or affirmation to support the federal and state constitutions and faithfully discharge the duties of the office according to the best of their ability.

A voter may demand the recall of an elected public official by preparing a written charge that the official has committed an act of malfeasance, an act of malfeasance while in office, violated the oath of the office, or has been guilty of any two or more acts specified in the constitution as grounds for a recall.

Summary of Bill: Complaint Process. OSPI must establish a process to investigate and address two types of complaints alleging noncompliance with state law:

- limited complaints—which impacts one or more individual students; and
- broad complaints—which impacts an entire student body, an entire subgroup of students within a student body, an entire school, or an entire school district.

The purpose of the complaint process is to secure equitable resolutions to complaints related

to alleged noncompliance with state laws concerning:

- civil rights including discrimination and sexual harassment;
- harassment, intimidation, and bullying;
- curriculum requirements, including comprehensive sexual health education and tribal history, and the policies and procedures related to the selection or deletion of instructional materials and the review and removal of supplemental instructional materials;
- the use of restraint or isolation on a student; or
- student discipline.

Any student who is enrolled in the school district or any parent or legal guardian who has a student enrolled in the school district may file a limited or broad complaint with OSPI against a local superintendent, school board, or school board member. Anyone residing within the boundaries of the school district may file a broad complaint.

Before a person may file a complaint with OSPI, the person must exhaust existing complaint procedures. If there are not existing complaint procedures, a person must provide notice of the complaint to the school district superintendent before filing the complaint.

Upon receipt of the complaint, OSPI must conduct a prompt and thorough investigation into the allegations in the complaint.

Compliance Action Plans. If OSPI finds noncompliance with state law, the local superintendent and school board must adopt and submit a compliance action plan to OSPI. The plan must include:

- a description of the changes in existing policies, structures, agreements, processes, and practices needed to come into compliance with state law; and
- the timeline for coming into compliance.

Compliance action plans must be developed in collaboration with OSPI, school staff, parents, unions, students, impacted communities, and other representatives of the local community. Before adopting and submitting a plan, the local school board must conduct a public hearing to allow public comment. OSPI must provide assistance as needed, and plans must be developed in accordance with state collective bargaining laws.

For complaints in which individual students may be identified, the public hearing and materials must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

Consequences for Willful Noncompliance with State Law. If OSPI finds willful noncompliance with state law, the school district must conduct at least two additional public hearings, and OSPI may impose any of the following consequences:

- require the school district to adopt or readopt policies and procedures to come into compliance;

- find that a superintendent committed an act of unprofessional conduct and may be held accountable under rules adopted by the Professional Educator Standards Board; and
- withhold up to 20 percent of state funds for the basic education allocation, with prior written notice, and redirect those funds to support the compliance action plan, as a last resort.

A member of a board of directors may be subject to recall and discharge for willful or negligent noncompliance with state law.

Appeals. Any party to a complaint may file a notice of appeal with OSPI within 30 days of the final decision. An administrative law judge of the Office of Administrative Hearings will hear and determine the appeal. An appeal of the administrative law judge's determination or order shall be to the superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure.

Office of the Superintendent of Public Instruction Rules. OSPI must adopt rules that ensure due process regarding the complaint process, timelines, compliance action plans, and consequences. OSPI must consult with SBE to build a connection between the rules adopted and SBE rules on basic education compliance for complaints regarding noncompliance with curriculum requirements. OSPI may adopt rules to allow for an expedited process when the complaint relates to an immediate health or safety concern.

This complaint process does not restrict any existing authority OSPI has to enforce compliance with state law including health and safety requirements.

Applicability. The complaint process applies to charter schools and state-tribal education compact schools.

Notification of Compliant Process. OEO must include this complaint process in the access point for the receipt of complaints. OSPI must update existing model student handbook language that includes information about this complaint process.

School Board Member's Oath of Office. In addition to supporting the federal and state constitutions, the school board member's oath or affirmation must include that they support the laws of the state of Washington.

Appropriation: None.

Fiscal Note: Requested on January 11, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.