
SUBSTITUTE SENATE BILL 5179

State of Washington

69th Legislature

2025 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators C. Wilson, Lovelett, Cortes, Dhingra, Frame, Hasegawa, Lias, Lovick, Nobles, Trudeau, and Wellman)

READ FIRST TIME 02/07/25.

1 AN ACT Relating to establishing a complaint process to address
2 noncompliance with certain state education laws; amending RCW
3 43.06B.070, 28A.300.286, 28A.343.360, and 28A.710.185; adding new
4 sections to chapter 28A.300; adding a new section to chapter 28A.410
5 RCW; adding a new section to chapter 28A.710 RCW; adding a new
6 section to chapter 28A.715 RCW; creating a new section; and providing
7 an effective date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges and
10 supports the importance of local control for school district
11 governance. Local school boards and superintendents are in the best
12 position to effectively and quickly respond to the needs of their
13 communities. However, local control is not absolute and must also be
14 balanced against the need to ensure all students have access to a
15 healthy, safe learning environment that celebrates and protects their
16 diversity and civil rights. There are certain areas of state law
17 which are critically important to ensuring every student has equal
18 access to this type of supportive and responsive learning
19 environment.

20 (2) The legislature is aware that some school districts are
21 intentionally not complying with certain requirements in state law

1 and that this noncompliance is negatively impacting students. School
2 board members and superintendents are uniquely responsible for
3 ensuring that their school district is in compliance with those state
4 laws and members of the school district should have a mechanism to
5 hold those individuals accountable if state laws are not followed.

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

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires
13 otherwise, the definitions in this section apply throughout sections
14 3 through 5 of this act.

15 (1) "Broad complaint" means a complaint that impacts an entire
16 student body, an entire subgroup of students within a student body,
17 an entire school, or an entire school district.

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

20 (3) "Negligent" means the failure to exercise ordinary care by a
21 local school district superintendent, a local school district board
22 of directors, or a member of a board of directors and the actor knew
23 or reasonably should have known that the failure to exercise ordinary
24 care would result in noncompliance with state law as defined in this
25 section.

26 (4) "Noncompliance with state law" means action or inaction by a
27 local school district superintendent, a local school district board
28 of directors, or a member of a board of directors that results in
29 noncompliance with state laws concerning:

30 (a) Local, state, and federal civil rights and nondiscrimination
31 laws including discrimination as described in RCW 28A.640.010 and
32 28A.642.010 and "sexual harassment" as defined in RCW 28A.640.020;

33 (b) "Harassment, intimidation, or bullying" as defined in RCW
34 28A.600.477;

35 (c) Curriculum requirements as described in RCW 28A.150.230,
36 28A.300.475, and 28A.320.170; the policies and procedures related to
37 the selection or deletion of instructional materials required in RCW
38 28A.320.230; and the review and removal of supplemental instructional
39 materials required in RCW 28A.320.235;

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

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

4 (5) "Willful" means nonaccidental action or inaction by a local
5 school district superintendent, a local school district board of
6 directors, or a member of a board of directors that the actor knew or
7 reasonably should have known would result in noncompliance with state
8 law.

9 NEW SECTION. **Sec. 3.** (1) By July 1, 2026, the office of the
10 superintendent of public instruction must establish a process to
11 investigate and address two types of complaints alleging
12 noncompliance with state law:

13 (a) Limited complaints; and

14 (b) Broad complaints.

15 (2) The purpose of the complaint process is to secure equitable
16 resolutions to complaints relating to alleged noncompliance with the
17 state laws listed in section 2(4) of this act.

18 (3) (a) (i) Any student who is enrolled in the school district or
19 any parent or legal guardian who has a student enrolled in the school
20 district may file a limited or broad complaint with the office of the
21 superintendent of public instruction alleging noncompliance with a
22 state law listed in section 2(4) of this act.

23 (ii) Anyone residing within the boundaries of the school district
24 may file a broad complaint with the office of the superintendent of
25 public instruction alleging noncompliance with a state law listed in
26 section 2(4) of this act.

27 (b) Limited and broad complaints may be filed against a local
28 school district superintendent, a local school district board of
29 directors, or a member of a board of directors.

30 (c) Before a person may file a complaint with the office of the
31 superintendent of public instruction, the person must exhaust
32 existing complaint procedures, if procedures exist, including
33 procedures established under state law including, but not limited to,
34 RCW 28A.320.124, 28A.320.230, 28A.410.090, 28A.600.477, 28A.640.020,
35 and 28A.642.030, and local policy and procedure. If there are not
36 existing complaint procedures, the person who intends to file the
37 complaint must provide notice of the complaint to the school district
38 superintendent before filing the complaint with the office of the
39 superintendent of public instruction.

1 (4) (a) The office of the superintendent of public instruction
2 must adopt rules that ensure due process regarding the complaint
3 process, timelines, compliance action plans, and consequences
4 established under this section and sections 4 and 5 of this act.

5 (b) (i) The office of the superintendent of public instruction
6 must consult with the state board of education to build a connection
7 between the rules adopted under this subsection and the state board
8 of education's rules on basic education compliance established under
9 RCW 28A.150.220 for complaints regarding noncompliance with
10 curriculum requirements as described in section 2(4)(c) of this act.

11 (ii) The office of the superintendent of public instruction must
12 consult with the office of the education ombuds to include the
13 complaint process established under this section into the simple and
14 uniform access point for the receipt of complaints created under RCW
15 43.06B.070.

16 (c) The office of the superintendent of public instruction may
17 adopt rules to allow for an expedited process when the complaint
18 relates to an immediate health or safety concern.

19 NEW SECTION. **Sec. 4.** (1) Upon receipt of a complaint filed
20 under section 3 of this act, the office of the superintendent of
21 public instruction must conduct a prompt and thorough investigation
22 into the allegations in the complaint.

23 (2) (a) If the office of the superintendent of public instruction
24 finds noncompliance with state law, the school district
25 superintendent and school district board of directors must adopt and
26 submit a compliance action plan to the office of the superintendent
27 of public instruction. Unless otherwise required by subsection (4) of
28 this section, the plan must be submitted under a timeline as required
29 by the office of the superintendent of public instruction.

30 (b) A compliance action plan must be developed in collaboration
31 with the office of the superintendent of public instruction,
32 administrators, teachers, and other staff, parents, unions
33 representing any employees within the school district, students,
34 impacted communities, and other representatives of the local
35 community.

36 (c) The office of the superintendent of public instruction must
37 provide a school district with assistance in developing its plan and
38 must develop and publish guidelines for the development of compliance
39 action plans as needed.

1 (d) Before adopting and submitting a compliance action plan to
2 the office of the superintendent of public instruction, the school
3 district board of directors must conduct a public hearing to allow
4 for public comment on the proposed compliance action plan. For
5 complaints in which individual students may be identified, the public
6 hearing and materials prepared for such hearing must adhere to
7 nondisclosure of personally identifiable information consistent with
8 state and federal student privacy laws.

9 (3) A compliance action plan must include the following:

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

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

14 (4) Compliance action plans must be developed in accordance with
15 chapters 41.56 and 41.59 RCW where applicable.

16 NEW SECTION. **Sec. 5.** (1) If the office of the superintendent of
17 public instruction investigates a complaint under this act and finds
18 willful noncompliance with state law, the school district must
19 conduct at least two public hearings in addition to the public
20 hearing under section 4(2)(d) of this act.

21 (a) One public hearing must take public comment on the willful
22 noncompliance with state law and the actions the public thinks are
23 needed to come into compliance.

24 (b) One public hearing must present the progress on the
25 compliance action plan after it has been submitted to the office of
26 the superintendent of public instruction and take public comment on
27 this progress.

28 (c) Additional public hearings with public comment must be
29 conducted every six months until the office of the superintendent of
30 public instruction finds that the school district has come into
31 compliance with state law.

32 (2) For complaints in which individual students may be
33 identified, the public hearings and materials prepared for such
34 hearings must adhere to nondisclosure of personally identifiable
35 information consistent with state and federal student privacy laws.

36 (3) If the office of the superintendent of public instruction
37 finds willful noncompliance with state law, the office of the
38 superintendent of public instruction may impose any of the following
39 consequences:

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

3 (b) Find that a school district superintendent committed an act
4 of unprofessional conduct under section 8 of this act and may be held
5 accountable for such conduct under rules established under section 8
6 of this act; and

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

20 (4) Willful or negligent noncompliance with state law constitutes
21 a violation of the oath of office under RCW 29A.56.110, and a member
22 of a board of directors may be subject to recall and discharge under
23 chapter 29A.56 RCW.

24 (5) Sections 3 and 4 of this act and this section do not restrict
25 any existing authority the office of the superintendent of public
26 instruction has to enforce compliance with state law, including
27 health and safety requirements.

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

36 **Sec. 6.** RCW 43.06B.070 and 2024 c 219 s 1 are each amended to
37 read as follows:

38 (1) By July 1, 2025, and in compliance with this section, the
39 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 3 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. 7.** 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 3 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. 8.** A new section is added to chapter 28A.410
38 RCW to read as follows:

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

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

12 **Sec. 9.** RCW 28A.343.360 and 1990 c 33 s 314 are each amended to
13 read as follows:

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

29 **Sec. 10.** RCW 28A.710.185 and 2023 c 356 s 11 are each amended to
30 read as follows:

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

1 (b) (i) The commission shall acknowledge the receipt of each
2 received complaint within 10 business days and shall, in a timely
3 manner, perform any inquiries or other actions it deems necessary and
4 appropriate to respond to each received complaint, unless the
5 complaint is alleging noncompliance with state law as defined in
6 section 2 of this act.

7 (ii) After determining that a person has exhausted any existing
8 complaint procedures in accordance with section 3(3)(c) of this act,
9 the commission shall forward any complaints alleging noncompliance
10 with state law as defined in section 2 of this act to the office of
11 the superintendent of public instruction and these complaints must
12 follow the process established under sections 3 through 5 of this
13 act.

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

16 NEW SECTION. Sec. 11. A new section is added to chapter 28A.710
17 RCW to read as follows:

18 Sections 2 through 5 of this act govern school operation and
19 management under RCW 28A.710.040 and apply to charter schools
20 established under this chapter.

21 NEW SECTION. Sec. 12. A new section is added to chapter 28A.715
22 RCW to read as follows:

23 Sections 2 through 5 of this act govern school operation and
24 management under RCW 28A.715.020 and apply to state-tribal education
25 compact schools subject to this chapter.

26 NEW SECTION. Sec. 13. Sections 2 through 5 of this act are each
27 added to chapter 28A.300 RCW.

28 NEW SECTION. Sec. 14. Section 7 of this act takes effect August
29 1, 2025.

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