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**SECOND SUBSTITUTE SENATE BILL 5179**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators C. Wilson, Lovelett, Cortes, Dhingra, Frame, Hasegawa, Liias, Lovick, Nobles, Trudeau, and Wellman)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to establishing a complaint process to address  
2 willful 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 RCW; adding a new section to chapter  
5 28A.410 RCW; adding a new section to chapter 28A.710 RCW; adding a  
6 new section to chapter 28A.715 RCW; creating a new section; and  
7 providing 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 willful 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 willful  
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 willful noncompliance  
17 with the 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 willful noncompliance  
22 with a 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 willful noncompliance with a state law  
26 listed in 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 local school  
38 district superintendent before filing the complaint with the office  
39 of the 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 willful 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 (d) The office of the superintendent of public instruction may  
20 not take action against a school district or local school district  
21 superintendent under the provisions established in section 5 of this  
22 act unless there is evidence that the local school district  
23 superintendent, local school district board of directors, or member  
24 of a board of directors acted in a willful manner.

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

29 (2) (a) If the office of the superintendent of public instruction  
30 finds noncompliance with state law, but determines the noncompliance  
31 is not willful, the local school district superintendent and school  
32 district board of directors must adopt and submit a compliance action  
33 plan to the office of the superintendent of public instruction.  
34 Unless otherwise required by subsection (4) of this section, the plan  
35 must be submitted under a timeline as required by the office of the  
36 superintendent of public instruction.

37 (b) A compliance action plan must be developed in collaboration  
38 with the office of the superintendent of public instruction,  
39 administrators, teachers, and other staff, parents, unions

1 representing any employees within the school district, students,  
2 impacted communities, and other representatives of the local  
3 community.

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

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

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

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

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

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

23 NEW SECTION. **Sec. 5.** (1) If the office of the superintendent of  
24 public instruction investigates a complaint under this act and finds  
25 willful noncompliance with state law, the school district must comply  
26 with all of the requirements in section 4 of this act and conduct at  
27 least two public hearings in addition to the public hearing under  
28 section 4(2)(d) of this act.

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

32 (b) One public hearing must present the progress on the  
33 compliance action plan after it has been submitted to the office of  
34 the superintendent of public instruction and take public comment on  
35 this progress.

36 (c) Additional public hearings with public comment must be  
37 conducted every six months until the office of the superintendent of  
38 public instruction finds that the school district has come into  
39 compliance with state law.

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

5 (3) If the office of the superintendent of public instruction  
6 finds willful noncompliance with state law, the office of the  
7 superintendent of public instruction may impose any of the following  
8 consequences:

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

11 (b) Find that a local school district superintendent committed an  
12 act of unprofessional conduct under section 8 of this act and may be  
13 held accountable for such conduct under rules established under  
14 section 8 of this act; and

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

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

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

36 (6) Any party to a complaint may file a notice of appeal with the  
37 office of the superintendent of public instruction within 30 days of  
38 the final decision. An administrative law judge of the office of  
39 administrative hearings will hear and determine the appeal. Appeal  
40 proceedings must be conducted pursuant to chapter 34.05 RCW. An

1 appeal of the administrative law judge's determination or order shall  
2 be to the superior court. The superior court's decision is subject  
3 only to discretionary review under the rules of appellate procedure.

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

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

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

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

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

26 (ii) Link to all existing relevant complaint and investigative  
27 processes, such as the special education community complaint process,  
28 the discrimination complaint process, the process for reporting  
29 complaints related to harassment, intimidation, and bullying, the  
30 complaint process established under section 3 of this act, and the  
31 complaint and investigation provisions under RCW 28A.410.090 and  
32 28A.410.095; and

33 (iii) Discourage frivolous complaints and complaints made in bad  
34 faith.

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

38 (4) The office of the education ombuds, in collaboration with the  
39 office of the superintendent of public instruction, must develop

1 protocols for the receipt, resolution, and referral of complaints and  
2 must design a communications plan to inform individuals who report  
3 complaints through the access point about the steps in the complaint  
4 resolution and referral process, including when to expect a response  
5 from the individual or entity charged with resolving the complaint.

6 (5) For the purposes of this section, "employee" or "contractor"  
7 means employees and contractors of the state educational agencies,  
8 educational service districts, public schools as defined in RCW  
9 28A.150.010, the state school for the blind, and the center for deaf  
10 and hard of hearing youth.

11 **Sec. 7.** RCW 28A.300.286 and 2023 c 242 s 1 are each amended to  
12 read as follows:

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

16 (a) Policies and complaint procedures related to discrimination,  
17 including sexual harassment and addressing transgender students, and  
18 information about policies and complaint procedures related to  
19 harassment, intimidation, and bullying, as well as the overlap  
20 between the policies and complaint procedures ~~((The model student  
21 handbook language must also include a))~~;

22 (b) A description of the services available through the office of  
23 the education ombuds and the contact information for the office of  
24 the education ombuds; and

25 (c) The complaint process established under section 3 of this  
26 act.

27 (2) The model student handbook language must be aligned with  
28 existing requirements in state law including chapters 28A.640 and  
29 28A.642 RCW and RCW 28A.600.477 and 28A.600.510. The model student  
30 handbook language must be jointly developed with the Washington state  
31 school directors' association, and in consultation with the office of  
32 the education ombuds. The model student handbook language must be  
33 posted publicly on the office of the superintendent of public  
34 instruction's website beginning July 1, 2024.

35 ~~((+2))~~ (3) Beginning with the 2024-25 school year, each school  
36 district must include the model student handbook language developed  
37 under subsection (1) of this section in any student, parent,  
38 employee, and volunteer handbook that it or one of its schools  
39 publishes and on the school district's website, and any school's



1 website, if a school or the school district maintains a website. If a  
2 school district neither publishes a handbook nor maintains a website,  
3 it must provide the model student handbook language developed under  
4 subsection (1) of this section to each student, parent, employee, and  
5 volunteer at least annually.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.410  
7 RCW to read as follows:

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

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

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

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

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

1 (1) (a) By November 1, 2023, the commission shall establish and  
2 maintain on its website an online system for students who attend  
3 charter schools, and the parents of those students, to submit  
4 complaints about the operation and administration of one or more  
5 charter schools, including complaints about the provision of  
6 education services and complaints alleging noncompliance with the  
7 requirements of this chapter or other provisions governing charter  
8 schools.

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

15 (ii) After determining that a person has exhausted any existing  
16 complaint procedures in accordance with section 3(3)(c) of this act,  
17 the commission shall forward any complaints alleging willful  
18 noncompliance with state law as defined in section 2 of this act to  
19 the office of the superintendent of public instruction and these  
20 complaints must follow the process established under sections 3  
21 through 5 of this act.

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 14.**    Section 7 of this act takes effect August  
2    1, 2025.

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