

Title 28A

COMMON SCHOOL PROVISIONS

Chapters

- 28A.150 General provisions.
- 28A.155 Special education.
- 28A.160 Student transportation.
- 28A.165 Learning assistance program.
- 28A.170 Substance abuse awareness program.
- 28A.175 Dropout prevention, intervention, and retrieval system.
- 28A.180 Transitional bilingual instruction program.
- 28A.185 Highly capable students.
- 28A.188 Science, technology, engineering, and mathematics (STEM) education.
- 28A.190 Residential education programs.
- 28A.193 Education programs for juvenile inmates.
- 28A.194 Education programs for juveniles in adult jails.
- 28A.195 Private schools.
- 28A.200 Home-based instruction.
- 28A.205 Education centers.
- 28A.210 Health—Screening and requirements.
- 28A.215 Early childhood, preschools, and before-and-after school care.
- 28A.220 Traffic safety.
- 28A.225 Compulsory school attendance and admission.
- 28A.230 Compulsory coursework and activities.
- 28A.232 Alternative learning experience courses.
- 28A.235 Food services.
- 28A.245 Skill centers.
- 28A.250 Online learning.
- 28A.300 Superintendent of public instruction.
- 28A.305 State board of education.
- 28A.310 Educational service districts.
- 28A.315 Organization and reorganization of school districts.
- 28A.320 Provisions applicable to all districts.
- 28A.323 Joint school districts—School districts in two or more educational service districts.
- 28A.325 Associated student bodies.
- 28A.330 Provisions applicable to school districts.
- 28A.335 School districts' property.
- 28A.340 Small high school cooperative projects.
- 28A.343 School director districts.
- 28A.345 Washington state school directors' association.
- 28A.400 Employees.
- 28A.405 Certificated employees.
- 28A.410 Certification.
- 28A.413 Paraeducators.
- 28A.415 Institutes, workshops, and training.
- 28A.500 Local effort assistance.
- 28A.505 School districts' budgets.
- 28A.510 Apportionment to district—District accounting.
- 28A.515 Common school construction fund.
- 28A.520 Forest reserve funds distribution.
- 28A.525 Bond issues.
- 28A.527 School facilities—2008 bond issue.
- 28A.530 District bonds for land, buildings, and equipment.
- 28A.535 Validating indebtedness.
- 28A.540 Capital fund aid by nonhigh school districts.
- 28A.545 Payment to high school districts.
- 28A.600 Students.
- 28A.604 Student user privacy in education rights.
- 28A.605 Parent access.
- 28A.620 Community education programs.
- 28A.623 Meal programs.
- 28A.625 Awards.
- 28A.630 Temporary provisions—Special projects.
- 28A.635 Offenses relating to school property and personnel.
- 28A.640 Sexual equality.
- 28A.642 Discrimination prohibition.
- 28A.645 Appeals from board.
- 28A.650 Education technology.
- 28A.655 Academic achievement and accountability.
- 28A.657 Accountability system.
- 28A.660 Alternative route teacher certification.
- 28A.690 Agreement on qualifications of personnel.
- 28A.700 Secondary career and technical education.
- 28A.705 Interstate compact on educational opportunity for military children.
- 28A.710 Charter schools.
- 28A.715 State-tribal education compacts authority.
- 28A.900 Construction.

Actions against school districts: RCW 4.08.120.

Actions by school district in corporate name: RCW 4.08.110.

Armories, use of by school children: RCW 38.20.010.

Attorney general, supervision of prosecuting attorney: RCW 36.27.020(3).

Bankruptcy readjustment and relief from debts: Chapter 39.64 RCW.

Blind, school for: Chapter 72.40 RCW.

Blind made products, purchase of authorized: RCW 19.06.020.

Bomb threats, penalty: RCW 9.61.160.

Bond issues

declaratory judgments: Chapter 7.25 RCW.

general provisions applicable to

declaratory judgments: Chapter 7.25 RCW.

facsimile signatures, legal sufficiency: RCW 39.44.100.

interest, payment of: RCW 39.44.120.

maturity of bonds: RCW 39.44.070.

registered bonds, statements and signatures: RCW 39.44.102.

registration of bonds, coupon interest payments: RCW 39.44.120.

registration of bonds, designation of fiscal agent to register bonds, fee: RCW 39.44.130.

mutual savings banks, authorized investment for: RCW 32.20.070, 32.20.090.

refunding bond issues, bankruptcy readjustment and relief from debts: Chapter 39.64 RCW.

registration of bonds, principal payable to payee or assignee: RCW 39.44.110.

savings and loan associations, investment in: RCW 33.24.050 through 33.24.070.

United States, sale of bonds to at private sale: Chapter 39.48 RCW.

Boxing, kickboxing, martial arts, and wrestling events

exemptions for: RCW 67.08.015.

physical examination of contestants, urinalysis: RCW 67.08.090.

Buildings, earthquake standards for construction: RCW 70.86.020, 70.86.030.

Cities and towns operating generating utilities in another county

notice of loss: RCW 35.21.426.

- payment formulas: RCW 35.21.427.
reimbursement: RCW 35.21.425.
- Clerk of districts, agent to receive summons: RCW 4.28.080.
- Common schools
general and uniform system to be established: State Constitution Art. 9 § 2.
special legislation affecting prohibited: State Constitution Art. 2 § 28.
superintendent of public instruction to supervise: State Constitution Art. 3 § 22.
- Condemnation: Chapter 8.16 RCW.
- Contracts made in violation of indebtedness limitations void: RCW 39.36.040.
- Conveyance of real property by public bodies—Recording: RCW 65.08.095.
- Crimes relating to
bomb threats to: RCW 9.61.160.
discrimination to deny public accommodations because of race, color or creed: RCW 9.91.010.
generally: Chapter 28A.635 RCW.
school buses
design, marking of, mode of operation, regulations for, violating: RCW 46.61.380.
stopped, failure to stop on approaching: RCW 46.61.370.
- Deaf, mute, or blind youth in districts, clerks of school districts to make report of: RCW 72.40.060.
- Debts, authority to contract: State Constitution Art. 8 § 6 (Amendment 27).
- Declaratory judgments, bond issues: Chapter 7.25 RCW.
- Discrimination—Separation of sexes in dormitories, residence halls, etc.: RCW 49.60.222.
- Discrimination to deny public accommodations because of race, color or creed, penalty: RCW 9.91.010.
- Diverse cultures and languages encouraged—State policy: RCW 1.20.100.
- Drivers' training schools, generally: Chapter 46.82 RCW.
- Earthquake standards for construction: RCW 70.86.020, 70.86.030.
- Education: State Constitution Art. 9.
- Educational employment relations act: Chapter 41.59 RCW.
- Educational facilities and programs for state schools for the deaf and blind: RCW 72.40.028.
- Educational service districts
deaf, mute, blind youth, reports of: RCW 72.40.070, 72.40.080.
teachers' retirement system, employer reports: RCW 41.50.230.
- Elections
expenses of consolidated elections, sharing of costs: RCW 29A.04.410.
times for holding, in all other counties: RCW 29A.04.330.
- Elementary or secondary school activities, admission tax exclusion: RCW 36.38.010.
- Eminent domain by school districts: Chapter 8.16 RCW.
- Employees, qualifications to hold school office: RCW 42.04.020.
- Enrollment forecasts: RCW 43.62.050.
- Escheats
bank dividends unclaimed after liquidation and winding up escheat to permanent school fund: RCW 30A.44.150, 30A.44.180.
estate escheats for support of schools: RCW 11.08.160.
permanent school fund, deposited in: RCW 11.08.160.
trust company dividends unclaimed after liquidation and winding up: RCW 30A.44.150, 30A.44.180.
- Establishment and maintenance of schools guaranteed: State Constitution Art. 26 § 4.
- Fiscal year defined: RCW 1.16.030.
- Free from sectarian control: State Constitution Art. 9 § 4, Art. 26 § 4.
- Funds
apportionment by special act forbidden: State Constitution Art. 2 § 28(7).
county school fund, stock on highway, limitations, proceeds of sale to county school fund: RCW 16.24.070.
general school fund, school patrol uniforms, traffic signs and signals, insurance for, may be paid from: RCW 46.61.385.
permanent common school fund
applied exclusively to common schools: State Constitution Art. 9 § 2.
apportionment by special act forbidden: State Constitution Art. 2 § 28(7).
banks and trust companies, liquidation and winding up
dividends unclaimed deposited in: RCW 30A.44.150, 30A.44.180.
personal property, proceeds deposited in: RCW 30A.44.220.
enlargement of, legislature may provide: State Constitution Art. 9 § 3.
escheated estates deposited in: RCW 11.08.160.
game and game fish lands, payments to in lieu of property taxes: RCW 77.12.201.
game and game fish lands, withdrawn from lease, payment of amount of lease into: RCW 77.12.360.
income from, to be applied to common schools: State Constitution Art. 9 § 2.
interest in deposited in current state school fund, used for current expenses: State Constitution Art. 9 § 3.
investment generally: State Constitution Art. 16 § 5.
losses occasioned by default, fraud, etc., to become permanent debt against state: State Constitution Art. 9 § 5.
permanent and irreducible: State Constitution Art. 9 § 3.
safe deposit box contents, unclaimed after liquidation and winding up of bank or trust company, proceeds from sale deposited in: RCW 30A.44.220.
sources of: State Constitution Art. 9 § 3.
state land
acquired, lease and sale of, disposition of proceeds: RCW 79.10.030.
withdrawn for game purposes, payment of amount of lease into: RCW 77.12.360.
school fund, fines and forfeitures paid into: RCW 4.24.180.
- Garnishment: Chapter 6.27 RCW.
- Hearing, reports of deaf, mute, or blind youths in districts: RCW 72.40.060.
- High school athletic eligibility, penalty for violating: RCW 67.04.140.
- High schools included in public school system: State Constitution Art. 9 § 2.
- Hospitalization and medical aid for public employees and dependents—Premiums, governmental contributions authorized: RCW 41.04.180.
- Indebtedness
authority to contract: State Constitution Art. 8 § 6 (Amendment 27).
bankruptcy readjustment and relief from debts: Chapter 39.64 RCW.
computation of indebtedness: RCW 39.36.030.
exceeding limitations upon, capital outlays: State Constitution Art. 8 § 6 (Amendment 27).
limitation on levies: State Constitution Art. 7 § 2 (Amendment 59), RCW 84.52.050.
limitations upon
contracts made in violation of void: RCW 39.36.040.
definitions: RCW 39.36.010.
exceeding limitations, capital outlays: RCW 39.36.020.
liabilities incurred in violation void: RCW 39.36.040.
limitations prescribed: State Constitution Art. 8 § 6 (Amendment 27), RCW 39.36.020.
- Intoxicating liquor, retail licenses, proximity limitations: RCW 66.24.010.
- Labor relations consultants: RCW 43.09.230.
- Lands
adverse possession against: RCW 7.28.090.
defined: RCW 79.02.010.
eminent domain
by cities against: RCW 8.12.030.
by corporations, service of notice: RCW 8.20.020.
by railroads and canal companies against: RCW 81.36.010.
by school districts: Chapter 8.16 RCW.
by state, service of notice: RCW 8.04.020.
parks and recreation commission, relinquishment of control over school lands: RCW 79A.05.175.
sale of
educational lands, board of natural resources to fix value: RCW 79.11.080.
generally: State Constitution Art. 16 §§ 2-4.
school district purchases of, maximum and minimum areas, preference right to purchase: RCW 79.11.010.
sale or lease of land and valuable materials, supervision and control of natural resources department over: RCW 79.11.020.
state lands, included in: RCW 79.02.010.

state parks and recreation, relinquishment of control over state lands: RCW 79A.05.175.

Legal adviser, prosecuting attorney as: RCW 36.27.020(2), (3).

Libraries, contracts for library service: RCW 27.12.180.

Medical schools, requisites for accreditation and approval: RCW 18.71.055.

Meetings, minutes of governmental bodies: RCW 42.30.035.

Motor vehicles, speed regulations when passing public school or playground cross walk: RCW 46.61.440.

Open to all children of state: State Constitution Art. 9 § 1, Art. 26 § 4.

Parental responsibility for children with disabilities: Chapter 26.40 RCW.

Parental schools personnel: RCW 72.05.310.

Parks and recreation
authority to acquire and operate: RCW 67.20.010.
parks, beaches and camps, authority generally: Chapter 67.20 RCW.

Periodicals, purchase of, manner of payment: RCW 42.24.035.

Port and other district dissolution, disposal of funds: RCW 53.48.050, 53.49.010, 53.49.020.

Printing
contracts for outside state work, labor requirements: RCW 43.19.754.
must be done within state, exception: RCW 43.19.748, 43.19.751.

Public bodies may retain collection agencies to collect public debts—Fees: RCW 19.16.500.

Public employment—Evidence of educational competence: RCW 41.04.015.

Public lands: Title 79 RCW.

Public libraries: Chapter 27.12 RCW.

Public school system, what included in: State Constitution Art. 9 § 2.

Public utility districts and operating agencies
construction projects causing burden to school districts, reimbursement of districts: Chapter 54.36 RCW.
privilege tax for school districts: RCW 54.28.080, 54.28.090.

Pupils, residence or absence does not affect right to vote: State Constitution Art. 6 § 4.

Purchases, periodicals, postage, manner of payment: RCW 42.24.035.

Religion, control of schools by, free from: State Constitution Art. 9 § 4, Art. 26 § 4.

Savings and loan associations, school savings accounts, priority in liquidation distribution: RCW 33.40.050.

School directors' association to furnish information to legislature and governor: RCW 44.04.170.

School districts
clerks
agent to receive service of summons: RCW 4.28.080.
deaf, mute, or blind youth in district, report of: RCW 72.40.060.
contracts, indebtedness limitations, contracts made in violation of void: RCW 39.36.040.
fiscal year defined: RCW 1.16.030.
indebtedness
computation of indebtedness: RCW 39.36.030.
exceeding limitations upon, capital outlays: State Constitution Art. 8 § 6 (Amendment 27).
limitation on levies: State Constitution Art. 7 § 2 (Amendment 59), RCW 84.52.050.
limitations upon
contracts made in violation of void: RCW 39.36.040.
definitions: RCW 39.36.010.
exceeding limitations, capital outlays: RCW 39.36.020.
liabilities incurred in violation void: RCW 39.36.040.
limitations prescribed: State Constitution Art. 8 § 6 (Amendment 27), RCW 39.36.020.
printing must be done within state: RCW 43.19.748.
service of summons to, personal service: RCW 4.28.080.
teachers' retirement system, employer reports: RCW 41.50.230.

School patrol: RCW 46.61.385.

Secarian control, free from: State Constitution Art. 9 § 4.

State otologists, duties of: RCW 70.50.010, 70.50.020.

State school for blind: Chapter 72.40 RCW.

State school for deaf: Chapter 72.40 RCW.

State toxicological laboratories: RCW 68.50.107.

Superintendents, duties: State Constitution Art. 3 § 22.

System of schools to be established by state: State Constitution Art. 9 § 2.

Taxation, property taxes, exemptions: State Constitution Art. 7 § 1 (Amendment 14).

Taxing district relief act: Chapter 39.64 RCW.

Teachers' retirement and pensions: Chapter 41.32 RCW.

Technical schools, included in public school system: State Constitution Art. 9 § 2.

Traffic school of city or town and county: Chapter 46.83 RCW.

Transportation
school buses
automated traffic safety cameras: RCW 46.63.180.
crossing arms: RCW 46.37.620.
defined for motor vehicle law: RCW 46.04.521.
design, marking and mode of operation, motor vehicle regulations: RCW 46.61.380.
highway-railroad grade crossings, to stop at: RCW 46.61.350.
lighting and safety devices: RCW 46.37.290.
seat and load capacity fees, exempt from: RCW 46.16A.455(7).
signal lamps, displaying alternately flashing red lights, to have: RCW 46.37.190.
special lighting equipment on: RCW 46.37.290.
stop signals and flasher signal lamps: RCW 46.61.370(1).
stopped school bus, vehicle must stop on approaching: RCW 46.61.370(1).
vehicle license and plates, inspection requisite: RCW 46.16A.170.
special warning equipment and lighting regulated by the Washington state patrol: RCW 46.37.290.

Warrants
interest rate: RCW 39.56.020.
rate fixed by issuing officer: RCW 39.56.030.

Year, fiscal year defined: RCW 1.16.030.

Chapter 28A.150 RCW GENERAL PROVISIONS

Sections

28A.150.010 Public schools.

28A.150.020 Common schools.

28A.150.050 School holidays.

28A.150.070 General public school system—Administration.

28A.150.080 Superintendent of the school district.

28A.150.100 Basic education certificated instructional staff—Definition—Ratio to students.

28A.150.198 Finding—Intent—2009 c 548.

28A.150.1981 Intent—2009 c 548.

28A.150.200 Program of basic education.

28A.150.203 Definitions.

28A.150.205 Instructional hours.

28A.150.210 Basic education—Goals of school districts.

28A.150.211 Values and traits recognized.

28A.150.220 Basic education—Minimum instructional requirements—Program accessibility—Rules.

28A.150.222 School days per year waiver.

28A.150.230 District school directors' responsibilities.

28A.150.240 Certificated teaching and administrative staff as accountable for classroom teaching—Scope—Responsibilities—Penalty.

28A.150.250 Annual basic education allocation—Full funding—Withholding of funds for noncompliance.

28A.150.260 Allocation of state funding to support instructional program of basic education—Distribution formula—Per-pupil allocations reporting by the superintendent of public instruction and in legislative budget documents—Prototypical schools—Enhancements and adjustments—Review and approval—Enrollment calculation.

28A.150.265 Career and technical education funding allocations.

28A.150.270 Annual basic education allocation of funds according to average FTE student enrollment—Procedure for crediting portion for school building purposes.

28A.150.275 Annual basic education allocation for students in technical colleges.

- 28A.150.276 Local revenues—Enrichment of program of basic education—"Local revenues" defined.
- 28A.150.280 Reimbursement for acquisition of approved transportation equipment—Method.
- 28A.150.290 State superintendent to make rules and regulations—Unforeseen conditions or actions to be recognized—Paperwork limited.
- 28A.150.295 General public school system—Maintained.
- 28A.150.300 Corporal punishment prohibited—Adoption of policy.
- 28A.150.305 Alternative educational service providers—Student eligibility.
- 28A.150.310 National guard youth challenge program—Allocation of funding—Rules.
- 28A.150.315 All-day kindergarten programs—Funding—Identification of skills, knowledge, and characteristics—Assessments.
- 28A.150.320 Month of the kindergarten.
- 28A.150.350 Part time students—Defined—Enrollment authorized—Reimbursement for costs—Funding authority recognition—Rules, regulations.
- 28A.150.360 Adjustments to meet emergencies.
- 28A.150.380 Appropriations by legislature.
- 28A.150.390 Appropriations for special education programs.
- 28A.150.392 Special education funding—Safety net awards—Rules—Annual survey and report—Safety net oversight committee.
- 28A.150.400 Apportionment factors to be based on current figures—Rules and regulations.
- 28A.150.410 Basic education certificated instructional staff—Salary allocation methodology—Adjustments for regional differences—Review and rebasing of regionalization factors.
- 28A.150.412 Basic education compensation allocations—Rebase and review—Revision of minimum allocations and regionalization factors—Regionalization factors—Definitions.
- 28A.150.413 Finding—Local levy authority—Local effort assistance—Value—Restriction.
- 28A.150.414 Locally determined compensation plans for certificated instructional staff—Model salary grid—Stakeholder technical working group.
- 28A.150.415 Professional learning days—Funding.
- 28A.150.420 Reimbursement for classes provided outside regular school year.
- 28A.150.500 Educational agencies offering vocational education programs—Local advisory committees—Advice on current job needs.
- 28A.150.510 Transmittal of education records to department of children, youth, and families—Disclosure of educational records—Data-sharing agreements—Comprehensive needs requirement document—Report.
- 28A.150.520 High-performance public buildings—Compliance with requirements.
- 28A.150.530 High-performance public buildings—Implementation rules—Energy conservation report review.
- 28A.150.540 Condensed compliance reports—Second-class districts.
- 28A.150.550 Statewide indicators of educational system health—Disaggregation—Use of indicators—Status reports.

28A.150.010 Public schools. Public schools means the common schools as referred to in Article IX of the state Constitution, charter schools established under chapter 28A.710 RCW, and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense. [2016 c 241 § 131. Prior: 2013 c 2 § 301 (Initiative Measure No. 1240, approved November 6, 2012); 1969 ex.s. c 223 § 28A.01.055; (2004 c 22 § 24, Referendum Measure No. 55 failed to become law). Formerly RCW 28A.01.055.]

Effective date—2016 c 241: See RCW 28A.710.901.

28A.150.020 Common schools. "Common schools" means schools maintained at public expense in each school district and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational educational courses otherwise permitted by law. [1969 ex.s. c 223 § 28A.01.060. Prior: 1909 c 97 p 261 § 1, part; RRS § 4680, part; prior: 1897 c 118 § 64, part; 1890 p 371 § 44, part. Formerly RCW 28A.01.060, 28.58.190, part, 28.01.060.]

28A.150.050 School holidays. (1) The following are school holidays, and school may not be taught on these days:

- (a) Sunday;
- (b) The first day of January, commonly called New Year's Day;
- (c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;
- (d) The third Monday in February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;
- (e) The last Monday in May, commonly known as Memorial Day;
- (f) The fourth day of July, the anniversary of the Declaration of Independence;
- (g) The first Monday in September, to be known as Labor Day;
- (h) The eleventh day of November, to be known as Veterans' Day;
- (i) The fourth Thursday in November, commonly known as Thanksgiving Day;
- (j) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and
- (k) The twenty-fifth day of December, commonly called Christmas Day.

(2) No reduction from a teacher's time or salary may be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school is not taught. [2014 c 177 § 3; 1989 c 233 § 11; 1985 c 189 § 2; 1984 c 92 § 1; 1975-'76 2nd ex.s. c 24 § 2; 1973 c 32 § 1; 1969 ex.s. c 283 § 13. Prior: 1969 ex.s. c 223 § 28A.02.060; prior: 1955 c 20 § 2; 1909 c 97 p 308 § 6; RRS § 4853. Formerly RCW 28A.02.061, 28A.02.060, 28.02.060.]

Findings—Intent—2014 c 177: See note following RCW 1.16.050.

"Legal holidays": RCW 1.16.050.

Additional notes found at www.leg.wa.gov

28A.150.070 General public school system—Administration. The administration of the public school system shall be entrusted to such state and local officials, boards, and committees as the state Constitution and the laws of the state shall provide. [1969 ex.s. c 223 § 28A.02.020. Prior: 1909 c 97 p 230 § 2; RRS § 4519; prior: 1897 c 118 § 19; 1890 p 348 § 2; Code 1881 §§ 3154, 3155; 1861 p 55 § 1. Formerly RCW 28A.02.020, 28.02.020.]

28A.150.080 Superintendent of the school district. "Superintendent of the school district", if there be no such superintendent, shall mean such other administrative or certificated employee as the school district board of directors shall so designate. [1969 ex.s. c 223 § 28A.01.100. Formerly RCW 28A.01.100.]

28A.150.100 Basic education certificated instructional staff—Definition—Ratio to students. (1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" means all full-time equivalent classroom teachers, teacher-librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff

in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full-time equivalent students. This requirement does not apply to that portion of a district's annual average full-time equivalent enrollment that is enrolled in alternative learning experience courses as defined in RCW 28A.232.010. [2013 2nd sp.s. c 18 § 512; 2011 1st sp.s. c 34 § 10; 2010 c 236 § 13; 1990 c 33 § 103; 1987 1st ex.s. c 2 § 203. Formerly RCW 28A.41.110.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2011 1st sp.s. c 34 §§ 9 and 10: See note following RCW 28A.150.260.

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Additional notes found at www.leg.wa.gov

28A.150.198 Finding—Intent—2009 c 548. (1) Public education in Washington state has evolved since the enactment of the Washington basic education act of 1977. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need for continuing to refine the program of basic education that is funded by the state and delivered by school districts.

(2) The legislature reaffirms the work of Washington Learns and other educational task forces that have been convened over the past four years and their recommendations to make bold reforms to the entire educational system in order to educate all students to a higher level; to focus on the individualized instructional needs of students; to strive towards closing the achievement gap and reducing dropout rates; and to prepare students for a constantly evolving workforce and increasingly demanding global economy. In enacting this legislation, the legislature intends to continue to review, evaluate, and revise the definition and funding of basic education in order to continue to fulfill the state obligation under Article IX of the state Constitution. The legislature also intends to continue to strengthen and modify the structure of the entire K-12 educational system, including nonbasic education programmatic elements, in order to build the capacity to anticipate and support potential future enhancements to basic education as the educational needs of our citizens continue to evolve.

(3) The legislature recognizes that the first step in revising the definition and funding of basic education is to create a transparent funding system for both allocations and expenditures so that not only policymakers and educators understand how the state supports basic education but also taxpayers. An adequate data system that enables the legislature to make rational, data-driven decisions on which educational programs impact student learning in order to more effectively and efficiently deliver the resources necessary to provide an ample program of basic education is also a necessity. A new prototypical funding system will allow the legislature to better understand how current resources are being used. A more

complete and accurate educational data system will allow the legislature to understand whether current basic education programs are supporting student learning. Only with both of these systems in place can the legislature make informed decisions on how to best implement a dynamic and evolving system of basic education.

(4) For practical and educational reasons, major changes of the program of basic education and the funding formulas to support it cannot occur instantaneously. The legislature intends to build upon the previous efforts of the legislature and the basic education task force in order to develop a realistic implementation strategy for a new instructional program after technical experts develop the details of the prototypical schools funding formulas and the data and reporting system that will support a new instructional program. The legislature also intends to establish a formal structure for monitoring the implementation by the legislature of an evolving program of basic education and the financing necessary to support such a program. The legislature intends that the redefined program of basic education and funding for the program be fully implemented by 2018.

(5) It is the further intent of the legislature to also address additional issues that are of importance to the legislature but are not part of basic education. [2009 c 548 § 1.]

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.150.1981 Intent—2009 c 548. It is the intent of the legislature that specified policies and allocation formulas adopted under this chapter will constitute the legislature's definition of basic education under Article IX of the state Constitution once fully implemented. The legislature intends, however, to continue to review and revise the formulas and schedules and may make additional revisions, including revisions for technical purposes and consistency in the event of mathematical or other technical errors. [2017 3rd sp.s. c 13 § 413; 2009 c 548 § 2.]

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.150.200 Program of basic education. (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the chang-

ing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.005 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities;

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180; and

(e) Statewide salary allocations necessary to hire and retain qualified staff for the state's statutory program of basic education. [2021 c 164 § 2; 2017 3rd sp.s. c 13 § 401; 2009 c 548 § 101; 1990 c 33 § 104; 1977 ex.s. c 359 § 1. Formerly RCW 28A.58.750.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

Effective date—2017 3rd sp.s. c 13 §§ 401-413: "Sections 401 through 413 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect September 1, 2017." [2017 3rd sp.s. c 13 § 414.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.150.203 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8), except for paraeducators.

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who is employed as a paraeducator and a person who does not hold

a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development. [2017 c 237 § 15; 2009 c 548 § 102.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.150.205 Instructional hours. Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

(1) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(2)(a) If students are provided the opportunity to engage in educational activity that is part of the regular instructional program concurrently with the consumption of breakfast, the period of time designated for student participation in breakfast after the bell, as defined in RCW 28A.235.200, must be considered instructional hours.

(b) Breakfast after the bell programs, as defined in RCW 28A.235.200, including the provision of breakfast, are not considered part of the definition or funding of the program of basic education under Article IX of the state Constitution. [2018 c 8 § 5; 1992 c 141 § 502.]

Findings—Intent—Short title—2018 c 8: See notes following RCW 28A.235.210.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.210 Basic education—Goals of school districts. A basic education is an evolving program of instruction that is intended to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate technology literacy and fluency as well as different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities. [2011 c 280 § 2; 2009 c 548 § 103; 2007 c 400 § 1; 1993 c 336 § 101; (1992 c 141 § 501 repealed by 1993 c 336 § 1203); 1977 ex.s. c 359 § 2. Formerly RCW 28A.58.752.]

Finding—2011 c 280: "The legislature finds that technology can be effectively integrated into other K-12 core subjects that students are expected to know and be able to do. Integration of knowledge and skills in technology literacy and fluency into other subjects will engage and motivate students to explore high-demand careers, such as engineering, mathematics, computer science, communication, art, entrepreneurship, and others; fields in which skilled individuals will create the new ideas, new products, and new industries of the future; and fields that demand the collaborative information skills and technological fluency of digital citizenship." [2011 c 280 § 1.]

Effective date—2011 c 280: "This act takes effect September 1, 2011." [2011 c 280 § 3.]

Intent—2009 c 548: See RCW 28A.150.1981.

(2021 Ed.)

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Intent—1993 c 336: "The legislature finds that student achievement in Washington must be improved to keep pace with societal changes, changes in the workplace, and an increasingly competitive international economy.

To increase student achievement, the legislature finds that the state of Washington needs to develop a public school system that focuses more on the educational performance of students, that includes high expectations for all students, and that provides more flexibility for school boards and educators in how instruction is provided.

The legislature further finds that improving student achievement will require:

(1) Establishing what is expected of students, with standards set at internationally competitive levels;

(2) Parents to be primary partners in the education of their children, and to play a significantly greater role in local school decision making;

(3) Students taking more responsibility for their education;

(4) Time and resources for educators to collaboratively develop and implement strategies for improved student learning;

(5) Making instructional programs more relevant to students' future plans;

(6) All parties responsible for education to focus more on what is best for students; and

(7) An educational environment that fosters mutually respectful interactions in an atmosphere of collaboration and cooperation.

It is the intent of the legislature to provide students the opportunity to achieve at significantly higher levels, and to provide alternative or additional instructional opportunities to help students who are having difficulty meeting the essential academic learning requirements in RCW 28A.630.885.

It is also the intent of the legislature that students who have met or exceeded the essential academic learning requirements be provided with alternative or additional instructional opportunities to help advance their educational experience.

The provisions of chapter 336, Laws of 1993 shall not be construed to change current state requirements for students who receive home-based instruction under chapter 28A.200 RCW, or for students who attend state-approved private schools under chapter 28A.195 RCW." [1993 c 336 § 1.]

Findings—1993 c 336: "(1) The legislature finds that preparing students to make successful transitions from school to work helps promote educational, career, and personal success for all students.

(2) A successful school experience should prepare students to make informed career direction decisions at critical points in their educational progress. Schools that demonstrate the relevancy and practical application of coursework will expose students to a broad range of interrelated career and educational opportunities and will expand students' posthigh school options.

(3) The school-to-work transitions program, under chapter 335, Laws of 1993, is intended to help secondary schools develop model programs for school-to-work transitions. The purposes of the model programs are to provide incentives for selected schools to:

(a) Integrate vocational and academic instruction into a single curriculum;

(b) Provide each student with a choice of multiple, flexible educational pathways based on the student's career interest areas;

(c) Emphasize increased vocational and academic guidance and counseling for students;

(d) Foster partnerships with local employers and employees to incorporate work sites as part of work-based learning experiences;

(e) Encourage collaboration among middle or junior high schools and secondary schools in developing successful transition programs and to encourage articulation agreements between secondary schools and community and technical colleges.

(4) The legislature further finds that successful implementation of the school-to-work transitions program is an important part of achieving the purposes of chapter 336, Laws of 1993." [1993 c 336 § 601.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.211 Values and traits recognized. The legislature also recognizes that certain basic values and character traits are essential to individual liberty, fulfillment, and happiness. However, these values and traits are not intended to

be assessed or be standards for graduation. The legislature intends that local communities have the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

- (1) Honesty, integrity, and trust;
- (2) Respect for self and others;
- (3) Responsibility for personal actions and commitments;
- (4) Self-discipline and moderation;
- (5) Diligence and a positive work ethic;
- (6) Respect for law and authority;
- (7) Healthy and positive behavior; and
- (8) Family as the basis of society. [1994 c 245 § 10.]

Additional notes found at www.leg.wa.gov

28A.150.220 Basic education—Minimum instructional requirements—Program accessibility—Rules. (1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased beginning in the 2015-16 school year to at least one thousand eighty instructional hours for students enrolled in grades nine through twelve and at least one thousand instructional hours for students in grades one through eight, all of which may be calculated by a school district using a district-wide annual average of instructional hours over grades one through twelve; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the *essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, beginning with the graduating class of 2019 or as otherwise provided in RCW 28A.230.090. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

(c) If the *essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5)(a) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315.

(b) Schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory.

(c) In the case of students who are graduating from high school, a school district may schedule the last five school days of the one hundred eighty day school year for noninstructional purposes including, but not limited to, the observance of graduation and early release from school upon the request of a student. All such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260. Any hours scheduled by a school district for noninstructional purposes during the last five school days for such students shall count toward the instructional hours requirement in subsection (2)(a) of this section.

(6) Subject to RCW 28A.150.276, nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish. [2017 3rd sp.s. c 13 § 506; 2014 c 217 § 201; 2013 2nd sp.s. c 9 § 2; 2013 c 323 § 2; 2011 1st sp.s. c 27 § 1; 2009 c 548 § 104; 1993 c 371 § 2; (1995 c 77 § 1 and 1993 c 371 § 1 expired September 1, 2000); 1992 c 141 § 503; 1990 c 33 § 105; 1982 c 158 § 1; 1979 ex.s. c 250 § 1; 1977 ex.s. c 359 § 3. Formerly RCW 28A.58.754.]

***Reviser's note:** The term "essential academic learning requirements" in RCW 28A.655.070 was changed to "state learning standards" by 2019 c 252 s 119.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Finding—Intent—2014 c 217: "The legislature recognizes that preparing students to be successful in postsecondary education, gainful employment, and citizenship requires increased rigor and achievement, including attaining a meaningful high school diploma with the opportunity to earn twenty-four credits. The legislature finds that an investment was made in the 2013-2015 omnibus appropriations act to implement an increase in instructional hours in the 2014-15 school year. School districts informed the legislature that the funding as provided in the 2013-2015 omnibus appropriations act would result in only a few minutes being added onto each class period and would not result in a meaningful increase in instruction that would have the positive impact on student learning that the legislature expects. The school districts suggested that it would be a better educational policy to use the funds to implement the requirement of twenty-four credits for high school graduation, which will result in a meaningful increase of instructional hours. Based on input from school districts across the state, the legislature recognizes the need to provide flexibility for school districts to implement the increase in instructional hours while still moving towards an increase in the high school graduation requirements. Therefore, the legislature intends to shift the focus and intent of the investments from compliance with the minimum instructional hours offering to assisting school districts to provide an opportunity for students to earn twenty-four credits for high school graduation and obtain a meaningful diploma, beginning with the graduating class of 2019, with the opportunity for school districts to request a waiver for up to two years." [2014 c 217 § 1.]

Intent—2013 2nd sp.s. c 9: "The legislature intends to fund a plan to carry out the reforms enacted in chapter 548, Laws of 2009, and chapter 236, Laws of 2010, and to make the statutory changes necessary to support this plan." [2013 2nd sp.s. c 9 § 1.]

Effective dates—2013 2nd sp.s. c 9: "(1) Sections 2 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect September 1, 2013.

(2) Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2013.

(3) Sections 5, 6, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [June 30, 2013]." [2013 2nd sp.s. c 9 § 9.]

Effective date—2011 1st sp.s. c 27 §§ 1-3: "Sections 1 through 3 of this act take effect September 1, 2011." [2011 1st sp.s. c 27 § 8.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.222 School days per year waiver. (1) In addition to waivers authorized under RCW 28A.300.750, the superintendent of public instruction, in accordance with the criteria in subsection (2) of this section and criteria adopted by the state board of education under subsection (3) of this section, may grant waivers of the requirement for a one hundred eighty-day school year under RCW 28A.150.220 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer minimum instructional hours may not be waived.

(2) A school district seeking a waiver under this section must submit an application to the superintendent of public instruction that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on employees in education support positions and the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the superintendent of public instruction may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt rules establishing the criteria to evaluate waiver requests under this section. A waiver may be effective for up to three years and may be renewed for subsequent periods of three or fewer years. After each school year in which a waiver has been granted under this section, the superintendent of public instruction must analyze empirical evidence to determine whether the reduction is affecting student learning. If the superintendent of public instruction determines that student learning is adversely affected, the school district must discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the superintendent of public instruction's determination.

(4) The superintendent of public instruction may grant waivers authorized under this section to ten or fewer school districts with student populations of less than five hundred students. Of the ten waivers that may be granted, two must be reserved for districts with student populations of less than one hundred fifty students. [2019 c 274 § 1; 2018 c 177 § 503.]

Effective date—2019 c 274: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 2019]." [2019 c 274 § 2.]

Effective dates—2018 c 177 §§ 201, 202, 501-504, 507, and 701: "(1) Sections 201, 202, 501, 503, 504, and 701 of this act take effect January 1, 2019.

(2) Sections 502 and 507 of this act take effect June 30, 2019." [2018 c 177 § 705.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

28A.150.230 District school directors' responsibilities. (1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors

tors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

(e) Determine the allocation of staff time, whether certificated or classified;

(f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable. [2010 c 235 § 201; 2006 c 263 § 201; 1994 c 245 § 9; 1991 c 61 § 1; 1990 c 33 § 106; 1979 ex.s. c 250 § 7; 1977 ex.s. c 359 § 18. Formerly RCW 28A.58.758.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Purpose—2006 c 263: "In 2005, the legislature reconstituted the state board of education to refocus its purpose; abolished the academic achievement and accountability commission; and assigned policy and rule-making authority for educator preparation and certification to the professional educator standards board. The purpose of this act is to address the remaining statutory responsibilities of the state board of education held before 2005. The legislature finds that some duties should be retained with the reconstituted board; many duties should be transferred to other agencies or organizations, primarily but not exclusively to the superintendent of public instruction; and some duties should be repealed. This act also corrects statutes to implement fully the transfer of responsibilities authorized in 2005." [2006 c 263 § 1.]

Additional notes found at www.leg.wa.gov

28A.150.240 Certificated teaching and administrative staff as accountable for classroom teaching—Scope—

[Title 28A RCW—page 10]

Responsibilities—Penalty. (1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto.

(b) Maintain good order and discipline in their classrooms at all times.

(c) Hold students to a strict accountability while in school for any disorderly conduct while under their supervision.

(d) Require excuses from the parents, guardians, or custodians of minor students in all cases of absence, late arrival to school, or early dismissal.

(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom.

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator.

(g) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators.

Failure to carry out such requirements as set forth in subsection (2)(a) through (g) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff. [1979 ex.s. c 250 § 5; 1977 ex.s. c 359 § 19. Formerly RCW 28A.58.760.]

Additional notes found at www.leg.wa.gov

28A.150.250 Annual basic education allocation—Full funding—Withholding of funds for noncompliance.

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and 28A.150.392 which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled.

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW

28A.150.260, 28A.150.390, and 28A.150.392 to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.410.

(3)(a) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.150.260 and 28A.150.220, the state board of education may recommend to the superintendent of public instruction that the superintendent withhold state funds in whole or in part for the basic education allocation until program compliance is assured. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

(b) If the state board of education recommends the withholding of a school district's basic education allocation under this subsection, the superintendent of public instruction may withhold the allocation of state funds in whole or in part for support of the school district. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld. [2018 c 177 § 601; 2009 c 548 § 105; 1990 c 33 § 107; 1987 1st ex.s. c 2 § 201; 1986 c 144 § 1; 1983 c 3 § 30; 1982 c 158 § 3; 1982 c 158 § 2; 1980 c 154 § 12; 1979 ex.s. c 250 § 2; 1977 ex.s. c 359 § 4; 1975 1st ex.s. c 211 § 1; 1973 2nd ex.s. c 4 § 1; 1973 1st ex.s. c 195 § 9; 1973 c 46 § 2. See also 1973 1st ex.s. c 195 §§ 136, 137, 138 and 139. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 2; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28A.41.130, 28.41.130.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154: See notes following chapter 82.45 RCW digest.

Distribution of forest reserve funds—As affects basic education allocation: RCW 28A.520.020.

Program of basic education, RCW 28A.150.250 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

28A.150.260 Allocation of state funding to support instructional program of basic education—Distribution formula—Per-pupil allocations reporting by the superintendent of public instruction and in legislative budget documents—Prototypical schools—Enhancements and adjustments—Review and approval—Enrollment calculation. The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional

program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must report this information in a user-friendly format on the main page of the office's web site. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

	General education average class size
Grades K-3	17.00
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

	Laboratory science average class size
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Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.216	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.0825	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Grades 9-12 19.98

(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level	23.00
Skill center programs meeting the standards established by the office of the superintendent of public instruction	20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.216	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.0825	0.00	0.00

	Staff per 1,000 K-12 students
Technology0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
Technology	\$130.76
Utilities and insurance	\$355.30
Curriculum and textbooks	\$140.39
Other supplies	\$278.05
Library materials	\$20.00
Instructional professional development for certificated and classified staff	\$21.71
Facilities maintenance	\$176.01
Security and central office administration	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
Technology	\$36.35
Curriculum and textbooks	\$39.02
Other supplies	\$77.28
Library materials	\$5.56
Instructional professional development for certificated and classified staff	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade twelve who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of the financial management shall make a monthly review of the superintendent's reported full-time

equivalent students in the common schools in conjunction with RCW 43.62.050. [2020 c 288 § 4; 2020 c 61 § 4; 2018 c 266 § 101; 2017 3rd sp.s. c 13 § 402; (2015 c 2 § 2 repealed by 2017 3rd sp.s. c 13 § 906); 2014 c 217 § 206; (2011 1st sp.s. c 34 § 9 expired July 1, 2013); 2011 1st sp.s. c 27 § 2; 2010 c 236 § 2; 2009 c 548 § 106; 2006 c 263 § 322; 1997 c 13 § 2; (1997 c 13 § 1 and 1995 c 77 § 2 expired September 1, 2000); 1995 c 77 § 3; 1992 c 141 § 507; 1992 c 141 § 303; 1991 c 116 § 10; 1990 c 33 § 108; 1987 1st ex.s. c 2 § 202; 1985 c 349 § 5; 1983 c 229 § 1; 1979 ex.s. c 250 § 3; 1979 c 151 § 12; 1977 ex.s. c 359 § 5; 1969 ex.s. c 244 § 14. Prior: 1969 ex.s. c 223 § 28A.41.140; 1969 ex.s. c 217 § 3; 1969 c 130 § 7; prior: 1965 ex.s. c 154 § 3. Formerly RCW 28A.41.140, 28.41.140.]

Reviser's note: This section was amended by 2020 c 61 § 4 and by 2020 c 288 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Short title—2020 c 288: See note following RCW 28A.235.300.

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Effective date—2014 c 217 § 206: "Section 206 of this act takes effect September 1, 2014." [2014 c 217 § 209.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Effective date—2011 1st sp.s. c 34 §§ 9 and 10: "Sections 9 and 10 of this act take effect September 1, 2011." [2011 1st sp.s. c 34 § 12.]

Expiration date—2011 1st sp.s. c 34 § 9: "Section 9 of this act expires July 1, 2013." [2011 1st sp.s. c 34 § 13.]

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

Effective date—2011 1st sp.s. c 27 §§ 1-3: See note following RCW 28A.150.220.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Distribution of forest reserve funds—As affects basic education allocation: RCW 28A.520.020.

Program of basic education, RCW 28A.150.260 as part of: RCW 28A.150.200.

Staffing enrichments to the program of basic education: See RCW 28A.400.007.

Additional notes found at www.leg.wa.gov

28A.150.265 Career and technical education funding allocations. (1) To the extent that career and technical education funding allocations under RCW 28A.150.260 (4)(c) and (9) exceed general education funding allocations under RCW 28A.150.260, school districts may use the difference only for the career and technical education purposes, defined as follows:

- (a) Staff salaries and benefits for career and technical education program delivery;
- (b) Materials, supplies, and operating costs;
- (c) Smaller class sizes;

(d) Work-based learning programs such as internships and preapprenticeship programs, including coordination tied to career and technical education coursework;

(e) New high quality career and technical education and expanded learning program development in high-demand fields;

(f) Certificated work-based learning coordinators and career guidance advisors;

(g) School expenses associated with career and technical education community partnerships with a career discovery focus including research or evidence-based mentoring programs and expanded learning opportunities in school, before or after school, and during the summer, and career-focused education programs with private and public K-12 schools and colleges, community-based organizations and nonprofit organizations, industry partners, tribal governments, and workforce development entities;

(h) Student fees for national and state industry-recognized certifications; and

(i) Course equivalency development to integrate core learning standards into career and technical education courses.

(2) A school district's maximum allowable indirect cost charges for approved career and technical education programs funded by the state may not exceed the lower of five percent or the cap established in federal law for federal career and technical education funding provided to school districts, as the federal law existed on September 1, 2017. [2017 3rd sp.s. c 13 § 409.]

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.150.270 Annual basic education allocation of funds according to average FTE student enrollment—Procedure for crediting portion for school building purposes. The board of directors of a school district may, by properly executed resolution, request that the superintendent of public instruction direct a portion of the district's basic education allocation be credited to the district's capital projects fund and/or bond redemption fund. Moneys so credited shall be used solely for school building purposes. [1985 c 7 § 89; 1980 c 154 § 13. Formerly RCW 28A.41.143.]

Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154: See notes following chapter 82.45 RCW digest. *School district funds: RCW 28A.320.330.*

28A.150.275 Annual basic education allocation for students in technical colleges. The basic education allocation, including applicable vocational entitlements and special education program money, generated under this chapter and under state appropriation acts by school districts for students enrolled in a technical college program established by an interlocal agreement under RCW 28B.50.533 shall be allocated in amounts as determined by the superintendent of public instruction to the serving college rather than to the school district, unless the college chooses to continue to receive the allocations through the school districts. This section does not apply to students enrolled in the running start program established in RCW 28A.600.310. [1995 c 77 § 4; 1993 c 223 § 1.]

(2021 Ed.)

28A.150.276 Local revenues—Enrichment of program of basic education—"Local revenues" defined.

(1)(a) Beginning September 1, 2018, school districts may use local revenues only for documented and demonstrated enrichment of the state's statutory program of basic education as authorized in subsection (2) of this section.

(b) Nothing in this section revises the definition or the state funding of the program of basic education under RCW 28A.150.220 and 28A.150.260.

(c) For purposes of this section, "local revenues" means enrichment levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, except that "local revenues" does not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250.

(2)(a) Enrichment activities are permitted under this section if they provide supplementation beyond the state:

(i) Minimum instructional offerings of RCW 28A.150.220 or 28A.150.260;

(ii) Staffing ratios or program components of RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components of RCW 28A.150.200, 28A.150.220, or 28A.150.260; or

(iv) Program of professional learning as defined by RCW 28A.415.430 beyond that allocated pursuant to RCW 28A.150.415.

(b) Permitted enrichment activities consist of:

(i) Extracurricular activities, extended school days, or an extended school year;

(ii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(iii) Activities associated with early learning programs;

(iv) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under this subsection; and

(v) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under (a) of this subsection and for which the superintendent approves proposed expenditures during the preballot approval process required by RCW 84.52.053 and 28A.505.240.

(3) In addition to the limitations of subsections (1) and (2) of this section and of RCW 28A.400.200, permitted enrichment activities are subject to the following conditions and limitations:

(a) If a school district spends local revenues for salary costs attributable to the administration of enrichment programs, the portion of administrator salaries attributable to that purpose may not exceed twenty-five percent of the total district expenditures for administrator salaries; and

(b) Supplemental contracts under RCW 28A.400.200 are subject to the limitations of this section.

(4) The superintendent of public instruction must adopt rules to implement this section. [2018 c 266 § 301; 2017 3rd sp.s. c 13 § 501.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.150.280 Reimbursement for acquisition of approved transportation equipment—Method. Costs of acquisition of approved transportation equipment purchased prior to September 1, 1982, shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be placed in the transportation vehicle fund for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized in RCW 28A.160.130. [1993 c 111 § 1. Prior: 1990 c 33 § 110; 1990 c 33 § 109; 1981 c 343 § 1; 1981 c 265 § 9; 1981 c 265 § 8; 1977 ex.s. c 359 § 6; 1977 c 80 § 3; 1975 1st ex.s. c 275 § 60; 1972 ex.s. c 85 § 1; 1971 c 48 § 14; 1969 ex.s. c 223 § 28A.41.160; prior: 1965 ex.s. c 154 § 5. Formerly RCW 28A.41.160, 28.41.160.]

Program of basic education, RCW 28A.150.280 as part of: RCW 28A.150.200.

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.150.290 State superintendent to make rules and regulations—Unforeseen conditions or actions to be recognized—Paperwork limited. (1) The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter and RCW 28A.160.150 through *28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW 28A.160.150 through *28A.160.220, 28A.300.170, and 28A.500.010.

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW 28A.150.250 when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.150.220 and 28A.150.260 due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii)

has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW 28A.160.150 through *28A.160.220, 28A.300.170, and 28A.500.010; to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests. [1992 c 141 § 504; 1990 c 33 § 111; 1981 c 285 § 1; 1979 ex.s. c 250 § 6; 1973 1st ex.s. c 78 § 1; 1972 ex.s. c 105 § 4; 1971 c 46 § 1; 1969 ex.s. c 3 § 2; 1969 ex.s. c 223 § 28A.41.170. Prior: 1965 ex.s. c 154 § 6. Formerly RCW 28A.41.170, 28.41.170.]

***Reviser's note:** RCW 28A.160.220 was recodified as RCW 28A.300.035 pursuant to 1994 c 113 § 2.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.295 General public school system—Maintained. A general and uniform system of public schools embracing the common schools shall be maintained throughout the state of Washington in accordance with Article IX of the state Constitution. [1969 ex.s. c 223 § 28A.02.010. Prior: 1909 c 97 p 230 § 1; RRS § 4518; prior: 1897 c 118 § 1; 1890 p 348 § 1. Formerly RCW 28A.02.010, 28.02.010.]

28A.150.300 Corporal punishment prohibited—Adoption of policy. The use of corporal punishment in the common schools is prohibited. The superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted and implemented in all school districts. [2006 c 263 § 702; 1993 c 68 § 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.150.305 Alternative educational service providers—Student eligibility. (1) The board of directors of school districts may contract with alternative educational service providers for eligible students. Alternative educational service providers that the school district may contract with include, but are not limited to:

- (a) Other schools;
- (b) Alternative education programs not operated by the school district;
- (c) Education centers;
- (d) Skills [Skill] centers;
- (e) The Washington national guard youth challenge program;
- (f) Dropout prevention programs; or
- (g) Other public or private organizations, excluding sectarian or religious organizations.

(2) Eligible students include students who are likely to be expelled or who are enrolled in the school district but have been suspended, are academically at risk, or who have been subject to repeated disciplinary actions due to behavioral problems.

(3) If a school district board of directors chooses to initiate specialized programs for students at risk of expulsion or who are failing academically by contracting out with alternative educational service providers identified in subsection (1) of this section, the school district board of directors and the organization must specify the specific learning standards that students are expected to achieve. Placement of the student shall be jointly determined by the school district, the student's parent or legal guardian, and the alternative educational service provider.

(4) For the purpose of this section, the superintendent of public instruction shall adopt rules for reporting and documenting enrollment. Students may reenter at the grade level appropriate to the student's ability. Students who are sixteen years of age or older may take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190.

(5) The board of directors of school districts may require that students who would otherwise be suspended or expelled attend schools or programs listed in subsection (1) of this section as a condition of continued enrollment in the school district. [2013 c 39 § 3; 2002 c 291 § 1; 1997 c 265 § 6.]

Additional notes found at www.leg.wa.gov

28A.150.310 National guard youth challenge program—Allocation of funding—Rules. Basic and nonbasic education funding, including applicable vocational entitlements and special education program money, generated under this chapter and under state appropriations acts shall be allocated directly to the military department for a national guard youth challenge program for students earning high school graduation credit under *RCW 28A.305.170. Funding shall be provided based on statewide average rates for basic education, special education, categorical, and block grant programs as determined by the office of the superintendent of public instruction. The monthly full-time equivalent enrollment reported for students enrolled in the national guard

(2021 Ed.)

youth challenge program shall be based on one full-time equivalent for every one hundred student hours of scheduled instruction eligible for high school graduation credit. The office of the superintendent of public instruction, in consultation with the military department, shall adopt such rules as are necessary to implement this section. [2002 c 291 § 2.]

*Reviser's note: RCW 28A.305.170 was recodified as RCW 28A.300.165 pursuant to 2006 c 263 § 419.

28A.150.315 All-day kindergarten programs—Funding—Identification of skills, knowledge, and characteristics—Assessments.

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

- (a) Provide at least a one thousand-hour instructional program;
- (b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:
 - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
 - (ii) Developing a variety of communication skills;
 - (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
 - (iv) Acquiring large and small motor skills;
 - (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
 - (vi) Learning through hands-on experiences;
- (c) Establish learning environments that are developmentally appropriate and promote creativity;
- (d) Demonstrate strong connections and communication with early learning community providers; and
- (e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2)(a) It is the intent of the legislature that administration of the Washington kindergarten inventory of developing skills as required in this subsection (2) and RCW 28A.655.080 replace administration of other assessments being required by school districts or that other assessments only be administered if they seek to obtain information not covered by the Washington kindergarten inventory of developing skills.

(b) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in

order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. Kindergarten teachers shall administer the Washington kindergarten inventory of developing skills, as directed by the superintendent of public instruction in consultation with the department of children, youth, and families and in collaboration with the nongovernmental private-public partnership designated in RCW 43.216.065, and report the results to the superintendent. The superintendent shall share the results with the secretary of the department of children, youth, and families.

(c) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities. [2017 3rd sp.s. c 6 § 215; 2012 c 51 § 1; 2011 c 340 § 1; 2010 c 236 § 4; 2009 c 548 § 107; 2007 c 400 § 2.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Effective date—2011 c 340 § 1: "Section 1 of this act takes effect September 1, 2011." [2011 c 340 § 3.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.150.320 Month of the kindergartner. September is the month of the kindergartner. Each September elementary schools are encouraged to determine a method to celebrate new kindergartners as they begin their life in K-12 education. [2019 c 179 § 1.]

28A.150.350 Part time students—Defined—Enrollment authorized—Reimbursement for costs—Funding authority recognition—Rules, regulations. (1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.150.260. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.150.260 and 28A.150.350. [1990 c 33 § 112; 1985 c 441 § 5; 1977 ex.s. c 359 § 8; 1972 ex.s. c 14 § 1; 1969 ex.s. c 217 § 4. Formerly RCW 28A.41.145.]

Program of basic education, RCW 28A.150.350 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

28A.150.360 Adjustments to meet emergencies. In the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or unexpected variation in anticipated revenues to a district, the state superintendent is authorized, for not to exceed two years, to make such an adjustment in the allocation of funds as is consistent with the intent of this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010 in providing an equal educational opportunity for the children of such district or districts. [1995 c 335 § 101; 1990 c 33 § 113; 1969 ex.s. c 223 § 28A.41.150. Prior: 1965 ex.s. c 154 § 4. Formerly RCW 28A.41.150, 28.41.150.]

Additional notes found at www.leg.wa.gov

28A.150.380 Appropriations by legislature. (1) The state legislature shall, at each regular session in an odd-numbered year, appropriate for the current use of the common schools such amounts as needed for state support to school

districts during the ensuing biennium for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education. [2012 1st sp.s. c 10 § 3. Prior: 2009 c 548 § 110; 2009 c 479 § 16; 2001 c 3 § 10 (Initiative Measure No. 728, approved November 7, 2000); 1995 c 335 § 103; 1990 c 33 § 115; 1980 c 6 § 3; 1969 ex.s. c 223 § 28A.41.050; prior: 1945 c 141 § 2; Rem. Supp. 1945 § 4940-2. Formerly RCW 28A.41.050, 28.41.050.]

Purpose—Construction—2012 1st sp.s. c 10: See note following RCW 84.52.0531.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Short title—Purpose—Intent—Construction—Effective dates—2001 c 3 (Initiative Measure No. 728): See notes following RCW 67.70.240.

Additional notes found at www.leg.wa.gov

28A.150.390 Appropriations for special education programs. (1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

(A) In the 2019-20 school year, 0.995 for students eligible for and receiving special education.

(B) Beginning in the 2020-21 school year, either:

(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for eighty percent or more of the school day; or

(II) 0.995 for students eligible for and receiving special education and reported to be in the general education setting for less than eighty percent of the school day.

(ii) If the enrollment percent exceeds thirteen and five-tenths percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by thirteen and five-tenths percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the district's annual average full-time equivalent basic education enrollment. [2020 c 90 § 3; 2019 c 387 § 4; 2018 c 266 § 102; 2017 3rd sp.s. c 13 § 406; 2010 c 236 § 3; 2009 c 548 § 108; 1995 c 77 § 6; 1994 c 180 § 8; 1993 c 149 § 9; 1990 c 33 § 116; 1989 c 400 § 2; 1980 c 87 § 5; 1971 ex.s. c 66 § 11. Formerly RCW 28A.41.053.]

Effective date—2020 c 90: See note following RCW 43.216.580.

Intent—Findings—2019 c 387: See note following RCW 28A.150.392.

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Intent—1989 c 400: "The legislature finds that there is increasing demand for school districts' special education programs to include medical services necessary for handicapped children's participation and educational progress. In some cases, these services could qualify for federal funding under Title XIX of the social security act. The legislature intends to establish a process for school districts to obtain reimbursement for eligible services from medical assistance funds. In this way, state dollars for handicapped education can be leveraged to generate federal matching funds, thereby increasing the overall level of resources available for school districts' special education programs." [1989 c 400 § 1.]

Additional notes found at www.leg.wa.gov

28A.150.392 Special education funding—Safety net awards—Rules—Annual survey and report—Safety net oversight committee. (1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools as defined in *RCW 28A.190.020, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between

awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) Beginning in the 2019-20 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015. [2019 c 387 § 2; 2018 c 266 § 106; 2017 3rd sp.s. c 13 § 407; 2009 c 548 § 109.]

*Reviser's note: RCW 28A.190.020 was repealed by 2021 c 164 § 17.

Intent—Findings—2019 c 387: "The legislature intends to provide the funding necessary to support a comprehensive and responsive education system that fully addresses the needs of students with disabilities eligible for special education. Under the current funding model, students with disabilities eligible for special education are funded as basic education students first, with additional funding provided through a statewide multiplier intended to meet the additional needs of each student as established in the student's individualized education program. Additionally, a safety net administered by the office of the superintendent of public instruction is available for school districts that demonstrate significant extra need beyond what they receive from the base funding formula.

The legislature notes that school districts across the state have identified the need for additional resources to create the educational environment necessary to give every student with an individualized education program the opportunity to succeed. It is the legislature's intent to provide immediate relief to school district special education programs by enhancing the supplemental funding school districts receive for every student in the program of special education and to provide easier access to the safety net when those base funds are not adequate." [2019 c 387 § 1.]

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.150.400 Apportionment factors to be based on current figures—Rules and regulations. State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: PRO-

VIDED, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments to the extent necessary: PROVIDED FURTHER, That as to those revenues used in determining the amount of state funds to be apportioned to school districts pursuant to RCW 28A.150.250, any apportionment factors shall utilize data and statistics derived in an annual period established pursuant to rules and regulations promulgated by the superintendent of public instruction in cooperation with the department of revenue. [1990 c 33 § 117; 1972 ex.s. c 26 § 3; 1969 ex.s. c 223 § 28A.41.055. Prior: 1955 c 350 § 1. Formerly RCW 28A.41.055, 28.41.055.]

Additional notes found at www.leg.wa.gov

28A.150.410 Basic education certificated instructional staff—Salary allocation methodology—Adjustments for regional differences—Review and rebasing of regionalization factors. (1) Through the 2017-18 school year, the legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher-librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Through the 2017-18 school year, salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Through the 2017-18 school year, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year and through the 2017-18 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(5) By the 2018-19 school year, the minimum state allocation for salaries for certificated instructional staff in the basic education program must be increased to provide a statewide average allocation of sixty-four thousand dollars adjusted for inflation from the 2017-18 school year.

(6) By the 2018-19 school year, the minimum state allocation for salaries for certificated administrative staff in the basic education program must be increased to provide a statewide average allocation of ninety-five thousand dollars adjusted for inflation from the 2017-18 school year.

(7) By the 2018-19 school year, the minimum state allocation for salaries for classified staff in the basic education program must be increased to provide a statewide average allocation of forty-five thousand nine hundred twelve dollars adjusted by inflation from the 2017-18 school year.

(8) For school year 2018-19, a district's minimum state allocation for salaries is the greater of the district's 2017-18 state salary allocation, adjusted for inflation, or the district's allocation based on the state salary level specified in subsections (5) through (7) of this section, and as further specified in the omnibus appropriations act.

(9) Beginning with the 2018-19 school year, state allocations for salaries for certificated instructional staff, certificated administrative staff, and classified staff must be adjusted for regional differences in the cost of hiring staff. Adjustments for regional differences must be specified in the omnibus appropriations act for each school year through at least school year 2022-23. For school years 2018-19 through school year 2022-23, the school district regionalization factors are based on the median single-family residential value of each school district and proximate school district median single-family residential value as described in RCW 28A.150.412.

(10) Beginning with the 2023-24 school year and every four years thereafter, the minimum state salary allocations and school district regionalization factors for certificated instructional staff, certificated administrative staff, and classified staff must be reviewed and rebased, as provided under RCW 28A.150.412, to ensure that state salary allocations continue to align with staffing costs for the state's program of basic education.

(11) For the purposes of this section, "inflation" has the meaning provided in RCW 28A.400.205 for "inflationary adjustment index." [2018 c 266 § 202; 2017 3rd sp.s. c 13 § 101; 2010 c 236 § 10; 2007 c 403 § 1; 2002 c 353 § 1; 1997 c 141 § 1; 1990 c 33 § 118; 1989 1st ex.s. c 16 § 1; 1987 3rd ex.s. c 1 § 4; 1987 1st ex.s. c 2 § 204. Formerly RCW 28A.41.112.]

Finding—Intent—2018 c 266: "The legislature recognizes that Initiative Measure No. 1433 was approved by the voters of the state of Washington in 2016 requiring employers to provide paid sick leave to each of its employees. The legislature acknowledges that the enactment of this initiative contributes to the costs of operations of the state's public schools and intends to provide funding in the omnibus appropriations act to support school districts with these additional costs." [2018 c 266 § 201.]

Intent—2017 3rd sp.s. c 13: "The state must provide education funding that corresponds to the cost of providing all students with the opportunity to learn through the state's statutory program of basic education. In chapter 548, Laws of 2009 (Engrossed Substitute House Bill No. 2261) and chapter 236, Laws of 2010 (Substitute House Bill No. 2776), the state established a comprehensive plan for enhancing the state's program of basic education. With this act, the legislature intends to realize the promise of these reforms and to improve student outcomes by increasing state allocations for school staff sal-

aries, by revising state and local education funding contributions, and by improving transparency and accountability of education funding." [2017 3rd sp.s. c 13 § 1.]

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Additional notes found at www.leg.wa.gov

28A.150.412 Basic education compensation allocations—Rebase and review—Revision of minimum allocations and regionalization factors—Regionalization factors—Definitions. (1) Beginning with the 2023 regular legislative session, and every four years thereafter, the legislature shall review and rebase state basic education compensation allocations compared to school district compensation data, regionalization factors, what inflationary measure is the most representative of actual market experience for school districts, and other economic information. The legislature shall revise the minimum allocations, regionalization factors, and inflationary measure if necessary to ensure that state basic education allocations continue to provide market-rate salaries and that regionalization adjustments reflect actual economic differences between school districts.

(2)(a) For school districts with single-family residential values above the statewide median residential value, regionalization factors for school years 2018-19 through school year 2022-23 are as follows:

(i) For school districts in tercile 1, state salary allocations for school district employees are regionalized by six percent;

(ii) For school districts in tercile 2, state salary allocations for school district employees are regionalized by twelve percent; and

(iii) For school districts in tercile 3, state salary allocations for school district employees are regionalized by eighteen percent.

(b) In addition to the regionalization factors specified in (a) of this subsection, school districts located west of the crest of the Cascade mountains and sharing a boundary with any school district with a regionalization factor more than one tercile higher, are regionalized by six additional percentage points.

(c) In addition to the regionalization factors specified in this subsection, for school districts that have certificated instructional staff median years of experience that exceed the statewide average certificated instructional staff years of experience and a ratio of certificated instructional staff advanced degrees to bachelor degrees above the statewide ratio, an experience factor of four percentage points is added to the regionalization factor, beginning in the 2019-20 school year.

(d) Additional school district adjustments are identified in the omnibus appropriations act, and these adjustments are partially reduced or eliminated by the 2022-23 school year as follows:

(i) Adjustments that increase the regionalization factor to a value that is greater than the tercile 3 regionalization factor must be reduced by two percentage points each school year beginning with school year 2020-21, through 2022-23.

(ii) Adjustments that increase the regionalization factor to a value that is less than or equal to the tercile 3 regionalization factor must be reduced by one percentage point each

school year beginning with school year 2020-21, through 2022-23.

(3) To aid the legislature in reviewing and rebasing regionalization factors, the department of revenue shall, by November 1, 2022, and by November 1st every four years thereafter, determine the median single-family residential value of each school district as well as the median value of proximate districts within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(4) No district may receive less state funding for the minimum state salary allocation as compared to its prior school year salary allocation as a result of adjustments that reflect updated regionalized salaries.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Median residential value of each school district" means the median value of all single-family residential parcels included within a school district and any other school district that is proximate to the school district.

(b) "Proximate to the school district" means within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(c) "School district employees" means state-funded certificated instructional staff, certificated administrative staff, and classified staff.

(d) "School districts in tercile 1" means school districts with median single-family residential values in the first tercile of districts with single-family residential values above the statewide median residential value.

(e) "School districts in tercile 2" means school districts with median single-family residential values in the second tercile of districts with single-family residential values above the statewide median residential value.

(f) "School districts in tercile 3" means school districts with median single-family residential values in the third tercile of districts with single-family residential values above the statewide median residential value.

(g) "Statewide median residential value" means the median value of single-family residential parcels located within all school districts, reduced by five percent. [2018 c 266 § 203; 2017 3rd sp.s. c 13 § 104.]

Finding—Intent—2018 c 266: See note following RCW 28A.150.410.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.150.413 Finding—Local levy authority—Local effort assistance—Value—Restriction. (1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obli-

gation for basic education and, after September 1, 2019, is restricted to enrichment purposes under RCW 28A.150.276.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance. [2017 3rd sp.s. c 13 § 208; 2009 c 548 § 301. Formerly RCW 28A.500.050.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.150.414 Locally determined compensation plans for certificated instructional staff—Model salary grid—Stakeholder technical working group. (1) The superintendent of public instruction must convene and facilitate a stakeholder technical working group to develop a model salary grid for school district use in developing locally determined compensation plans for certificated instructional staff.

(2) The grid is intended to be used as a resource by school districts in determining local salaries in the collective bargaining process, and it is intended to provide guidance to districts in hiring staff based on the allocation methodology, regionalization adjustments, and compensation restrictions in chapter 13, Laws of 2017 3rd sp. sess. However, districts are not required to use this grid in bargaining or determining actual salaries.

(3) Membership of the technical working group convened by the superintendent of public instruction may include, but is not limited to, one school district administrator each from an urban and a rural district east of the crest of the Cascade mountains and from an urban and a rural district west of the crest of the Cascade mountains, a representative of an organization representing school district certificated instructional staff, and a representative of an educational service district.

(4) The superintendent of public instruction must provide the initial model grid to the governor and the appropriate policy and fiscal committees of the legislature for their review by December 1, 2017. The superintendent of public instruction must post the model grid on the web site for the office of the superintendent of public instruction.

(5) The superintendent of public instruction may reconvene the technical working group to update the model grid based on future legislative changes to methodologies for allocating and regionalizing salaries for certificated instructional staff. [2017 3rd sp.s. c 13 § 107.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.150.415 Professional learning days—Funding. (1) Beginning with the 2018-19 school year, the legislature shall begin phasing in funding for professional learning days

(2021 Ed.)

for certificated instructional staff. At a minimum, the state must allocate funding for:

(a) One professional learning day in the 2018-19 school year;

(b) Two professional learning days in the 2019-20 school year; and

(c) Three professional learning days in the 2020-21 school year.

(2) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each school district. The professional learning allocation shall be equal to the proportional increase resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus operating appropriations act. Professional learning allocations shall be included in per-pupil calculations, such as special education, for programs funded on a per-pupil basis.

(3) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(4) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434. [2019 c 387 § 3; 2017 3rd sp.s. c 13 § 105.]

Intent—Findings—2019 c 387: See note following RCW 28A.150.392.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.150.420 Reimbursement for classes provided outside regular school year. The superintendent of public instruction shall establish procedures to allow school districts to claim basic education allocation funds for students attending classes that are provided outside the regular school year to the extent such attendance is in lieu of attendance during the regular school year: PROVIDED, That nothing in this section shall be construed to alter the basic education allocation for which the district is otherwise eligible. [1989 c 233 § 10. Formerly RCW 28A.41.172.]

28A.150.500 Educational agencies offering vocational education programs—Local advisory committees—Advice on current job needs. (1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture. [1991 c 238 § 76.]

28A.150.510 Transmittal of education records to department of children, youth, and families—Disclosure of educational records—Data-sharing agreements—Comprehensive needs requirement document—Report.

(1) In order to effectively serve students who are dependent pursuant to chapter 13.34 RCW, education records shall be transmitted to the department of children, youth, and families within two school days after receiving the request from the department provided that the department certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of children, youth, and families is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department to provide residential care to the student. The department is also authorized to disclose educational records it obtains pursuant to this section to those entities with which it has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes of students who are dependent pursuant to chapter 13.34 RCW. The department is encouraged to put in place data-sharing agreements to assure accountability.

(2)(a) The K-12 data governance group established under RCW 28A.300.507 shall create a comprehensive needs requirement document detailing the specific information, technical capacity, and any federal and state statutory and regulatory changes needed by school districts, the office of the superintendent of public instruction, the department of children, youth, and families, or the higher education coordinating board or its successor, to enable the provision, on at least a quarterly basis, of:

(i) Current education records of students who are dependent pursuant to chapter 13.34 RCW to the department of children, youth, and families and, from the department, to those entities with which the department has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes; and

(ii) The names and contact information of students who are dependent pursuant to chapter 13.34 RCW and are thirteen years or older to the higher education coordinating board or its successor and the private agency with which it has contracted to perform outreach for the *passport to college promise program under chapter 28B.117 RCW or the college bound scholarship program under chapter 28B.118 RCW.

(b) In complying with (a) of this subsection, the K-12 data governance group shall consult with: Educational support service organizations, with which the department of children, youth, and families contracts or collaborates, having responsibility for educational support services and educational outcomes of dependent students; the passport to college advisory committee; the education support service organizations under contract to perform outreach for the *passport to college promise program under chapter 28B.117 RCW; the department of children, youth, and families; the office of the attorney general; the higher education coordinating board or its successor; and the office of the administrator for the courts. [2017 3rd sp.s. c 6 § 336; 2012 c 163 § 9; 2008 c 297 § 5; 2000 c 88 § 1.]

*Reviser's note: The "passport to college promise program" was changed to the "passport to careers program" by 2018 c 232.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Findings—Effective date—2012 c 163: See notes following RCW 28B.117.010.

28A.150.520 High-performance public buildings—Compliance with requirements. Public school districts must comply with high-performance public building[s] requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060, and 28A.150.530. [2005 c 12 § 9.]

28A.150.530 High-performance public buildings—Implementation rules—Energy conservation report review. (1) In adopting implementation rules, the superintendent of public instruction, in consultation with the department of enterprise services, shall review and modify the current requirement for an energy conservation report review by the department of enterprise services.

(2) In adopting implementation rules, the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, constructibility review, and building commissioning;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in RCW 39.35D.040;

(c) Coordinate with the department of enterprise services, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section. [2015 c 225 § 26; 2006 c 263 § 326; 2005 c 12 § 7.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.150.540 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 3.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.150.550 Statewide indicators of educational system health—Disaggregation—Use of indicators—Status reports. (1) The following statewide indicators of educational system health are established:

(a) The percentage of students demonstrating the characteristics of entering kindergartners in all six areas identified by the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080;

(b) The percentage of students meeting the standard on the fourth grade statewide reading assessment administered in accordance with RCW 28A.655.070;

(c) The percentage of students meeting the standard on the eighth grade statewide mathematics assessment administered in accordance with RCW 28A.655.070;

(d) The four-year cohort high school graduation rate;

(e) The percentage of high school graduates who during the second quarter after graduation are either enrolled in postsecondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in postsecondary education or training or are employed; and

(f) The percentage of students enrolled in precollege or remedial courses in college.

(2) The statewide indicators established in subsection (1) of this section shall be disaggregated as provided under RCW 28A.300.042.

(3) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall establish a process for identifying realistic but challenging systemwide performance goals and measurements, if necessary, for each of the indicators established in subsection (1) of this section, including for subcategories of students as provided under subsection (2) of this section. The performance goal for each indicator must be set on a biennial basis, and may only be adjusted upward.

(4) The state board of education, the office of the superintendent of public instruction, and the student achievement council shall each align their strategic planning and education reform efforts with the statewide indicators and performance goals established under this section.

(5)(a) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall submit a report on the status of each indicator in subsection (1) of this section and recommend revised performance goals and measurements, if necessary, by December 1st of each even-numbered year, except that the initial report establishing baseline values and initial goals shall be delivered to the education committees of the legislature by December 1, 2013.

(b) If the educational system is not on target to meet the performance goals on any individual indicator, the report must recommend evidence-based reforms intended to improve student achievement in that area.

(c) To the extent data is available, the performance goals for each indicator must be compared with national data in order to identify whether Washington student achievement results are within the top ten percent nationally or are comparable to results in peer states with similar characteristics as Washington. If comparison data show that Washington students are falling behind national peers on any indicator, the report must recommend evidence-based reforms targeted at addressing the indicator in question. [2013 c 282 § 2.]

Intent—2013 c 282: "(1) The legislature acknowledges that multiple entities, including the state board of education, the office of the superintendent of public instruction, the workforce training and education coordinating board, the quality education council, and the student achievement council,

(2021 Ed.)

are actively working on efforts to identify measurable goals and priorities, road maps, and strategic plans for the entire educational system. It is not the legislature's intent to undermine or curtail the ongoing work of these groups. However, the legislature believes that a coordinated single set of statewide goals would help focus these efforts.

(2) It is, therefore, the intent of the legislature to establish a discrete set of statewide data points that will serve as snapshots of the overall health of the educational system and as a means for evaluating progress in achieving the outcomes set for the system and the students it serves. By monitoring these statewide indicators over time, it is the intent of the legislature to understand whether reform efforts and investments are making positive progress in the overall education of students and whether adjustments are necessary. Finally, it is the intent of the legislature to align the education reform efforts of each state education agency in order to hold each part of the system - statewide leaders, school personnel, and students - accountable to the same definitions of success."d [2013 c 282 § 1.]

Chapter 28A.155 RCW SPECIAL EDUCATION

Sections

28A.155.010	Purpose.
28A.155.020	Administration of program in the office of the superintendent of public instruction—Adoption of definitions by rule—Local school district powers not limited.
28A.155.030	Division administrative officer—Duties.
28A.155.040	Authority of districts—Participation of department of social and health services.
28A.155.045	Certificate of individual achievement.
28A.155.050	Services through special excess cost aid programs—Apportionment—Allocations from state excess funds.
28A.155.060	District authority to contract with approved agencies—Approval standards.
28A.155.070	Services to students of preschool age with disabilities—Apportionment—Allocations from state excess cost funds.
28A.155.080	Appeal from denial of educational program.
28A.155.090	Superintendent of public instruction's duty and authority.
28A.155.100	Sanctions applied to noncomplying districts.
28A.155.105	Braille instruction—Definitions.
28A.155.115	Braille instruction—Assessment—Provision in student's curriculum.
28A.155.140	Curriculum-based assessment procedures for early intervening services.
28A.155.160	Assistive devices and services—Interagency cooperative agreements—Definitions.
28A.155.170	Graduation ceremony.
28A.155.190	Information on autism.
28A.155.200	Condensed compliance reports—Second-class districts.
28A.155.210	Use of restraint or isolation—Requirement for procedures to notify parent or guardian.
28A.155.220	High school transition services—Interagency agreements—Education data center to monitor certain outcomes—Annual report by superintendent of public instruction.
28A.155.230	Student language.

28A.155.010 Purpose. It is the purpose of RCW 28A.155.010 through 28A.155.160, 28A.160.030, and 28A.150.390 to ensure that all children with disabilities as defined in RCW 28A.155.020 shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state and applicable federal laws. [2007 c 115 § 1; 1995 c 77 § 7; 1990 c 33 § 120; 1971 ex.s. c 66 § 1. Formerly RCW 28A.13.005.]

Additional notes found at www.leg.wa.gov

28A.155.020 Administration of program in the office of the superintendent of public instruction—Adoption of definitions by rule—Local school district powers not limited. There is established in the office of the superintendent of public instruction an administrative section or unit for the education of children with disabilities who require special education.

Students with disabilities are those children whether enrolled in school or not who through an evaluation process are determined eligible for special education due to a disability.

In accordance with part B of the federal individuals with disabilities education improvement act and any other federal or state laws relating to the provision of special education services, the superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all children with disabilities between the ages of three and twenty-one, but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year. The superintendent of public instruction, by rule, shall establish for the purpose of excess cost funding, as provided in RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, functional definitions of special education, the various types of disabling conditions, and eligibility criteria for special education programs for children with disabilities, including referral procedures, use of positive behavior interventions, the education curriculum and statewide or district-wide assessments, parent and district requests for special education due process hearings, and procedural safeguards. For the purposes of RCW 28A.155.010 through 28A.155.160, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the children with disabilities who are enrolled either full time or part time in a school district. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for children with disabilities, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.155.070. [2015 c 206 § 2; 2007 c 115 § 2; 1995 c 77 § 8; 1990 c 33 § 121; 1985 c 341 § 4; 1984 c 160 § 1; 1971 ex.s. c 66 § 2; 1969 ex.s. c 2 § 2; 1969 ex.s. c 223 § 28A.13.010. Prior: 1951 c 92 § 1; prior: (i) 1943 c 120 § 1; Rem. Supp. 1943 § 4679-25. (ii) 1943 c 120 § 2, part; Rem. Supp. 1943 § 4679-26, part. Formerly RCW 28A.13.010, 28.13.010.]

Finding—2015 c 206: "The legislature finds that there is no educational or therapeutic benefit to children from physically restraining or isolating them as part of their public school programs when not necessary for immediate safety. The use of seclusion or restraints in nonemergency situations poses significant physical and psychological danger to students and school staff. The legislature declares that it is the policy of the state of Washington to prohibit the planned use of aversive interventions, to promote positive interventions when a student with disabilities is determined to need specially designed instruction to address behavior, and to prohibit schools from physically restraining or isolating any student except when the student's behavior poses an imminent likelihood of serious harm to that student or another person." [2015 c 206 § 1.]

Additional notes found at www.leg.wa.gov

28A.155.030 Division administrative officer—Duties.

The superintendent of public instruction shall employ an

administrative officer of the division. The administrative officer, under the direction of the superintendent of public instruction, shall coordinate and supervise the program of special education for eligible children with disabilities in the school districts of the state. He or she shall ensure that school districts provide an appropriate educational opportunity for all children with disabilities in need of special education and related services and shall coordinate with the state secretary of social and health services and with county and regional officers on cases where related services are available for children with disabilities. [2007 c 115 § 3; 1995 c 77 § 9; 1990 c 33 § 122; 1975 1st ex.s. c 275 § 52; 1972 ex.s. c 10 § 1. Prior: 1971 ex.s. c 66 § 3; 1971 c 48 § 3; 1969 ex.s. c 223 § 28A.13.020; prior: 1943 c 120 § 3; Rem. Supp. 1943 § 4679-27. Formerly RCW 28A.13.020, 28.13.020.]

Additional notes found at www.leg.wa.gov

28A.155.040 Authority of districts—Participation of department of social and health services. The board of directors of each school district, for the purpose of compliance with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and chapter 28A.190 RCW, shall cooperate with the superintendent of public instruction and with the administrative officer and shall provide an appropriate educational opportunity to children with disabilities, as defined in RCW 28A.155.020, in regular or special school facilities within the district or shall contract for such services with other agencies as provided in RCW 28A.155.060 or shall participate in an inter-district arrangement in accordance with RCW 28A.335.160 and 28A.225.220 and/or 28A.225.250 and 28A.225.260.

In carrying out their responsibilities under this chapter, school districts severally or jointly with the approval of the superintendent of public instruction are authorized to support and/or contract for residential schools and/or homes approved by the department of social and health services for aid and special attention to students with disabilities.

The cost of board and room in facilities approved by the department of social and health services shall be provided by the department of social and health services for those students with disabilities eligible for such aid under programs of the department. The cost of approved board and room shall be provided for those students with disabilities not eligible under programs of the department of social and health services but deemed in need of the same by the superintendent of public instruction: PROVIDED, That no school district shall be financially responsible for special education programs for students who are attending residential schools operated by the department of social and health services: PROVIDED FURTHER, That the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100 shall not preclude the extension by the superintendent of public instruction of special education opportunities to students with disabilities in residential schools operated by the department of social and health services. [2007 c 115 § 4; 1995 c 77 § 10; 1990 c 33 § 123; 1971 ex.s. c 66 § 4; 1969 ex.s. c 223 § 28A.13.030. Prior: 1959 c 122 § 1; 1953 c 135 § 1; 1943 c 120 § 4; Rem. Supp. 1943 § 4679-28. Formerly RCW 28A.13.030, 28.13.030.]

Additional notes found at www.leg.wa.gov

28A.155.045 Certificate of individual achievement. (*Expires August 31, 2024.*) Beginning with the graduating class of 2008, and concluding with the graduating class of 2021, students served under this chapter, who are not appropriately served by the graduation pathway options established in RCW 28A.655.250, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple measures to demonstrate skills and abilities commensurate with their individualized education programs. The determination of whether the graduation pathway options established in RCW 28A.655.250 or the multiple measures authorized in this section are appropriate shall be made by the student's individualized education program team. For the students who use the multiple measures authorized by this section, the certificate of individual achievement is required for graduation from a public high school. The multiple measures that may be used to demonstrate skills and abilities of students under this section must be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction, in consultation with the state special education advisory council, shall develop the guidelines for determining which types of multiple measures to demonstrate skills and abilities under this section are appropriate to use and graduation pathways that might be added to those in RCW 28A.655.250 to support achievement of all students served under this chapter.

Nothing in this section shall be construed to deny a student the right to participation in the graduation pathway options established in RCW 28A.655.250.

This section expires August 31, 2024. [2019 c 252 § 104; 2007 c 354 § 3; 2004 c 19 § 104.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—Intent—2007 c 354: See note following RCW 28A.655.061.

Additional notes found at www.leg.wa.gov

28A.155.050 Services through special excess cost aid programs—Apportionment—Allocations from state excess funds. Any child who is eligible for special education services through special excess cost aid programs authorized under RCW 28A.155.010 through 28A.155.160 shall be given such services in the least restrictive environment as determined by the student's individualized education program (IEP) team in the school district in which such student resides. Any school district required to provide such services shall thereupon be granted regular apportionment of state and county school funds and, in addition, allocations from state excess funds made available for such special services for such period of time as such special education program is given: PROVIDED, That should such student or any other student with disabilities attend and participate in a special education program operated by another school district in accordance with the provisions of RCW 28A.225.210, 28A.225.220, and/or 28A.225.250, such regular apportionment shall be granted to the receiving school district, and such receiving school district shall be reimbursed by the district in which such student resides in accordance with rules adopted by the superintendent of public instruction for the entire approved excess cost not reimbursed from such regular apportionment. [2007 c 115 § 5; 1995 c 77 § 11; 1990 c 33 §

(2021 Ed.)

124; 1971 ex.s. c 66 § 5; 1969 ex.s. c 223 § 28A.13.040. Prior: 1943 c 120 § 5; Rem. Supp. 1943 § 4679-29. Formerly RCW 28A.13.040, 28.13.040.]

Additional notes found at www.leg.wa.gov

28A.155.060 District authority to contract with approved agencies—Approval standards. For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools. [2007 c 115 § 6; 2006 c 263 § 915; 1995 c 77 § 12; 1990 c 33 § 125; 1971 ex.s. c 66 § 6. Formerly RCW 28A.13.045.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.155.070 Services to students of preschool age with disabilities—Apportionment—Allocations from state excess cost funds. Special educational programs provided by the state and the school districts thereof for students with disabilities shall be extended to include students of preschool age. School districts shall be entitled to the regular apportionments from state and county school funds, as provided by law, and in addition to allocations from state excess cost funds made available for such special services for those students with disabilities who are given such special services. [2007 c 115 § 9; (2007 c 115 § 8 expired September 1, 2009); 2006 c 269 § 3; 1995 c 77 § 13; 1971 ex.s. c 66 § 7; 1969 ex.s. c 223 § 28A.13.050. Prior: 1951 c 92 § 2; 1949 c 186 § 1; Rem. Supp. 1949 § 4901-3. Formerly RCW 28A.13.050, 28.13.050.]

Finding—2006 c 269: See note following RCW 43.216.580.

Additional notes found at www.leg.wa.gov

28A.155.080 Appeal from denial of educational program. Where a child with disabilities as defined in RCW 28A.155.020 has been denied the opportunity of a special educational program by a local school district there shall be a right of appeal by the parent or guardian of such child to the superintendent of public instruction pursuant to procedures established by the superintendent and in accordance with RCW 28A.155.090 and part B of the federal individuals with disabilities education improvement act. [2007 c 115 § 10; 1995 c 77 § 14; 1990 c 33 § 126; 1971 ex.s. c 66 § 8. Formerly RCW 28A.13.060.]

Additional notes found at www.leg.wa.gov

28A.155.090 Superintendent of public instruction's duty and authority. The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with disabling conditions, to:

- (1) Assist school districts in the formation of programs to meet the needs of children with disabilities;
- (2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

(7) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities. [2007 c 115 § 11; 1995 c 77 § 15; 1990 c 33 § 127; 1985 c 341 § 5; 1971 ex.s. c 66 § 9. Formerly RCW 28A.13.070.]

Additional notes found at www.leg.wa.gov

28A.155.100 Sanctions applied to noncomplying districts. The superintendent of public instruction is hereby authorized and directed to establish appropriate sanctions to be applied to any school district of the state failing to comply with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.060 and 28A.155.080 through 28A.155.160 to be applied beginning upon the effective date thereof, which sanctions shall include withholding of any portion of state aid to such district until such time as compliance is assured. [2007 c 115 § 12; 1990 c 33 § 128; 1971 ex.s. c 66 § 12. Formerly RCW 28A.13.080.]

Additional notes found at www.leg.wa.gov

28A.155.105 Braille instruction—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply in RCW 28A.155.115.

(1) "Student" means a student who:

(a) Has a visual acuity of 20/200 or less in the better eye with conventional correction or having a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees;

(b) Is unable to read printed material at a competitive rate with facility due to functional visual impairment or lack of visual acuity; or

(c) Has a physical condition with a medical prognosis of a significant visual deterioration to the extent that (a) or (b) of this subsection could apply.

(2) "Braille" means the system of reading and writing through touch commonly known as standard English Braille. [1996 c 135 § 2.]

[Title 28A RCW—page 28]

Findings—1996 c 135: "It is the goal of the legislature to encourage persons who are blind or visually impaired to participate fully in the social and economic life of the state and to engage in remunerative employment. The legislature finds that literacy is essential to the achievement of this goal. Furthermore, the legislature finds that literacy for most persons who are blind or visually impaired means the ability to read and write Braille with proficiency. The legislature sets as a further goal that students who are legally blind or visually impaired shall be given the opportunity to learn Braille in order to communicate effectively and efficiently." [1996 c 135 § 1.]

28A.155.115 Braille instruction—Assessment—Provision in student's curriculum. (1) Each student shall be assessed individually to determine the appropriate learning media for the student including but not limited to Braille.

(2) No student may be denied the opportunity for instruction in Braille reading and writing solely because the student has some remaining vision.

(3) This section does not require the exclusive use of Braille if there are other special education services to meet the student's educational needs. The provision of special education or other services does not preclude Braille use or instruction.

(4) If a student's individualized learning media assessment indicates that Braille is an appropriate learning medium, instruction in Braille shall be provided as a part of such student's educational curriculum and if such student has an individualized education program, such instruction shall be provided as part of that program.

(5) If Braille will not be provided to a student, the reason for not incorporating it in the student's individualized education program shall be documented in writing and provided to the parent or guardian. If no individualized education program exists, such documentation, signed by the parent or guardian, shall be placed in the student's file. [2007 c 115 § 13; 1996 c 135 § 3.]

Findings—1996 c 135: See note following RCW 28A.155.105.

28A.155.140 Curriculum-based assessment procedures for early intervening services. School districts may use curriculum-based assessment procedures as measures for developing academic early intervening services, as defined under part B of the federal individuals with disabilities education improvement act, and curriculum planning: PROVIDED, That the use of curriculum-based assessment procedures shall not deny a student the right to use of other assessments to determine eligibility or participation in special education programs as provided by RCW 28A.155.010 through 28A.155.160. [2007 c 115 § 14; 1991 c 116 § 4; 1990 c 33 § 131; 1987 c 398 § 1. Formerly RCW 28A.03.367.]

28A.155.160 Assistive devices and services—Inter-agency cooperative agreements—Definitions. Notwithstanding any other provision of law, the office of the superintendent of public instruction, the department of children, youth, and families, the Washington center for deaf and hard of hearing youth, the Washington state school for the blind, school districts, educational service districts, and all other state and local government educational agencies and the department of services for the blind, the department of social and health services, and all other state and local government agencies concerned with the care, education, or habilitation

(2021 Ed.)

or rehabilitation of children with disabilities may enter into interagency cooperative agreements for the purpose of providing assistive technology devices and services to children with disabilities. Such arrangements may include but are not limited to interagency agreements for the acquisition, including joint funding, maintenance, loan, sale, lease, or transfer of assistive technology devices and for the provision of assistive technology services including but not limited to assistive technology assessments and training.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes:

(1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a child with a disability or if appropriate, the child's family; and

(6) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities. [2019 c 266 § 14; 2018 c 58 § 32; 2009 c 381 § 24; 2007 c 115 § 15; 1997 c 104 § 3.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

28A.155.170 Graduation ceremony. (1) Beginning July 1, 2007, each school district that operates a high school shall establish a policy and procedures that permit any student who is receiving special education or related services under an individualized education program pursuant to state and federal law and who will continue to receive such services between the ages of eighteen and twenty-one to participate in the graduation ceremony and activities after four years of high school attendance with his or her age-appropriate peers and receive a certificate of attendance.

(2) Participation in a graduation ceremony and receipt of a certificate of attendance under this section does not preclude a student from continuing to receive special education and related services under an individualized education program beyond the graduation ceremony.

(3) A student's participation in a graduation ceremony and receipt of a certificate of attendance under this section shall not be construed as the student's receipt of a high school

(2021 Ed.)

diploma pursuant to RCW 28A.230.120. [2019 c 252 § 106; 2007 c 318 § 2.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—2007 c 318: "The legislature finds:

(1) There are students with disabilities throughout the state of Washington who have attended four years of high school, but whose individualized education programs prescribe the continuation of special education and related services beyond the fourth year of high school;

(2) Through their participation in the public schools and the community, students with disabilities have frequently become identified with and connected to a class of typically developing, age-appropriate peers who will graduate in four years and participate in a high school graduation ceremony;

(3) A high school graduation ceremony is an important rite of passage for students regardless of their abilities or limitations; and

(4) There is significant value in recognizing students' attendance and accomplishments in their individualized education programs and in allowing students with disabilities to participate in high school graduation ceremonies and activities with their age-appropriate peers without the forfeiture of their continuing special education and related services." [2007 c 318 § 1.]

Additional notes found at www.leg.wa.gov

28A.155.190 Information on autism. (1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health, the department of social and health services, educational service districts, local school districts, the autism center at the University of Washington, and the autism society of Washington, shall distribute information on child find responsibilities under Part B and Part C of the federal individuals with disabilities education act, as amended, to agencies, districts, and schools that participate in the location, evaluation, and identification of children who may be eligible for early intervention services or special education services.

(2) To the extent funds are made available, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, shall develop posters to be distributed to medical offices and clinics, grocery stores, and other public places with information on autism and how parents can gain access to the diagnosis and identification of autism and contact information for services and support. These must be made available on the internet for ease of distribution. [2008 c 220 § 2.]

28A.155.200 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 4.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.155.210 Use of restraint or isolation—Requirement for procedures to notify parent or guardian. A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of a parent or guardian regarding the use of restraint or isolation. [2013 c 202 § 3.]

Findings—2013 c 202: See note following RCW 28A.600.485.

28A.155.220 High school transition services—Inter-agency agreements—Education data center to monitor certain outcomes—Annual report by superintendent of

public instruction. (1) The office of the superintendent of public instruction must establish interagency agreements with the department of social and health services, the department of services for the blind, and any other state agency that provides high school transition services for special education students. Such interagency agreements shall not interfere with existing individualized education programs, nor override any individualized education program team's decision-making power. The purpose of the interagency agreements is to foster effective collaboration among the multiple agencies providing transition services for individualized education program-eligible special education students from the beginning of transition planning, as soon as educationally and developmentally appropriate, through age twenty-one, or through high school graduation, whichever occurs first. Interagency agreements are also intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency.

(2)(a) When educationally and developmentally appropriate, the interagency responsibilities and linkages with transition services under subsection (1) of this section must be addressed in a transition plan to a postsecondary setting in the individualized education program of a student with disabilities.

(b) Transition planning shall be based upon educationally and developmentally appropriate transition assessments that outline the student's individual needs, strengths, preferences, and interests. Transition assessments may include observations, interviews, inventories, situational assessments, formal and informal assessments, as well as academic assessments.

(c) The transition services that the transition plan must address include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals.

(d) Transition activities that the transition plan may address include instruction, related services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation.

(e) When educationally and developmentally appropriate, a discussion must take place with the student and parents, and others as needed, to determine the postsecondary goals or postschool vision for the student. This discussion may be included as part of an annual individualized education program review, high school and beyond plan meeting, or any other meeting that includes parents, students, and educators. The postsecondary goals included in the transition plan shall be goals that are measurable and must be based on appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. The goals must also be based on the student's needs, while considering the strengths, preferences, and interests of the student.

(f) As the student gets older, changes in the transition plan may be noted in the annual update of the student's individualized education program.

(g) A student with disabilities who has a high school and beyond plan may use the plan to comply with the transition plan required under this subsection (2).

(3) To the extent that data is available through data-sharing agreements established by the education data center

under RCW 43.41.400, the education data center must monitor the following outcomes for individualized education program-eligible special education students after high school graduation:

(a) The number of students who, within one year of high school graduation:

(i) Enter integrated employment paid at the greater of minimum wage or competitive wage for the type of employment, with access to related employment and health benefits; or

(ii) Enter a postsecondary education or training program focused on leading to integrated employment;

(b) The wages and number of hours worked per pay period;

(c) The impact of employment on any state and federal benefits for individuals with disabilities;

(d) Indicators of the types of settings in which students who previously received transition services primarily reside;

(e) Indicators of improved economic status and self-sufficiency;

(f) Data on those students for whom a postsecondary or integrated employment outcome does not occur within one year of high school graduation, including:

(i) Information on the reasons that the desired outcome has not occurred;

(ii) The number of months the student has not achieved the desired outcome; and

(iii) The efforts made to ensure the student achieves the desired outcome.

(4) To the extent that the data elements in subsection (3) of this section are available to the education data center through data-sharing agreements, the office of the superintendent of public instruction must prepare an annual report using existing resources and submit the report to the legislature. [2015 c 217 § 2; 2014 c 47 § 1.]

Findings—Intent—2015 c 217: "The legislature finds that research continues to suggest that high expectations for students with disabilities is paramount to improving student outcomes. The legislature further finds that to increase the number of students with disabilities who are prepared for higher education, teachers and administrators in K-12 education should continue to improve their acceptance of students with disabilities as full-fledged learners for whom there are high expectations. The legislature also encourages continuous development in transition services to higher education opportunities for these students. The legislature recognizes that other states have authorized transition planning to postsecondary settings for students with disabilities as early as the age of fourteen. To remove barriers and obstacles for students with disabilities to access to postsecondary settings including higher education, the legislature intends to authorize transition planning for students with disabilities as soon as practicable when educationally and developmentally appropriate." [2015 c 217 § 1.]

28A.155.230 Student language. (1) Beginning in the 2019-20 school year, school districts must document the language in which families of special education students prefer to communicate and whether a qualified interpreter for the student's family was provided at any planning meeting related to a student's individualized education program or plan developed under section 504 of the rehabilitation act of 1973 and meetings related to school discipline and truancy.

(2) For the purposes of this section, "qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively

using any necessary specialized vocabulary. [2019 c 256 § 3.]

Findings—2019 c 256: "The legislature finds that:

(1) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state;

(2) Washington public schools' ability to effectively communicate with students and their family members who have language access barriers impacts the schools' ability to engage students and families effectively in the education process and contributes to inequalities and increased gaps in student achievement;

(3) Effective communication is not taking place for a variety of reasons, including: (a) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (b) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (c) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters, or when to provide translated documents; and (d) there are not enough interpreters qualified to work in educational settings; and

(4) Providing meaningful, equitable access to students and their family members who have language access barriers will not only help schools meet their civil rights obligations, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners with language access barriers and other students, because student outcomes improve when families are engaged in the student's education." [2019 c 256 § 1.]

**Chapter 28A.160 RCW
STUDENT TRANSPORTATION**

Sections

- 28A.160.010 Operation of student transportation program—Responsibility of local district—Scope—Transporting of elderly—Insurance.
- 28A.160.020 Authorization for private school students to ride buses—Conditions.
- 28A.160.030 Authorizing individual transportation or other arrangements.
- 28A.160.040 Lease of buses to transport children with disabilities and elderly—Limitation.
- 28A.160.050 Lease of buses to transport children with disabilities and elderly—Directors to authorize.
- 28A.160.060 Lease of buses to transport children with disabilities and elderly—Lease at local level—Criteria.
- 28A.160.070 Lease of buses to transport children with disabilities and elderly—Elderly persons defined—Program limitation.
- 28A.160.080 School buses, rental or lease for emergency purposes—Authorization.
- 28A.160.090 School buses, rental or lease for emergency purposes—Board to determine district policy—Conditions if rent or lease.
- 28A.160.100 School buses, transport of general public to interscholastic activities—Limitations.
- 28A.160.110 School buses, authorization for parent, guardian or custodian of a student to ride—Limitations.
- 28A.160.115 Bus routes.
- 28A.160.117 Transportation efficiency reviews—Reports.
- 28A.160.120 Agreements with other governmental entities for transportation of public or other noncommon school purposes—Limitations.
- 28A.160.130 Transportation vehicle fund—Deposits in—Use—Rules for establishment and use.
- 28A.160.140 Contract for pupil transportation services with private non-governmental entity—Competitive bid procedures.
- 28A.160.150 Student transportation allocation—Operating costs, determination and funding.
- 28A.160.160 Student transportation allocation—Definitions.
- 28A.160.170 Student transportation allocation—District's reports to superintendent.
- 28A.160.180 Student transportation allocation determination—Report.
- 28A.160.185 Student transportation allocation—Additional allowed uses under an emergency—Accounting.
- 28A.160.190 Student transportation allocation—Notice—Payment schedule.
- 28A.160.191 Student transportation allocation—Adequacy for certain districts—Adjustment.
- 28A.160.192 Student transportation allocation—Distribution formula.

(2021 Ed.)

- 28A.160.193 Transportation alternate funding grant program.
- 28A.160.195 Vehicle acquisition—School bus categories—Competitive specifications—Purchase—Reimbursement—Rules.
- 28A.160.200 Vehicle acquisition—Reimbursement schedule—Maintenance and operation—Depreciation schedule.
- 28A.160.205 School bus replacement incentive program—Rules.
- 28A.160.210 School bus drivers—Training and qualifications—Rules.
- 28A.160.225 Condensed compliance reports—Second-class districts.
- 28A.160.230 Maintenance and repair of school buses by fire protection districts—Authorized.
- 28A.160.240 Transportation of infants.

Age limit for bus drivers: RCW 46.20.045.

Rules for design, marking, operations: RCW 46.61.380.

School buses—Crossing arms: RCW 46.37.620.

Signs required: RCW 46.37.193.

Stop signal and lamps: RCW 46.37.190.

28A.160.010 Operation of student transportation program—Responsibility of local district—Scope—Transporting of elderly—Insurance. The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized except as provided in RCW 28A.160.240. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

School districts may use school buses and drivers hired by the district or commercial chartered bus service for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extracurricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW 28A.160.080 and 28A.160.090, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any char-

ter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.400.350.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable. [2020 c 339 § 3; 1990 c 33 § 132; 1986 c 32 § 1; 1983 1st ex.s. c 61 § 1; 1981 c 265 § 10; 1980 c 122 § 2; 1973 c 45 § 1; 1971 c 24 § 3; 1969 ex.s. c 153 § 3; 1969 ex.s. c 223 § 28A.24.055. Prior: (i) 1969 c 53 § 1; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 90 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28.58.100, part. (ii) 1965 ex.s. c 86 § 1. Formerly RCW 28A.24.055, 28.58.421.]

Elderly persons defined—Program limitation: RCW 28A.160.070.

Additional notes found at www.leg.wa.gov

28A.160.020 Authorization for private school students to ride buses—Conditions. Every school district board of directors may authorize children attending a private school approved in accordance with RCW 28A.195.010 to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

(1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students;

(2) Private school students shall be allowed to ride on a seat-available basis only; and

(3) The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation. [1990 c 33 § 133; 1981 c 307 § 1. Formerly RCW 28A.24.065.]

Additional notes found at www.leg.wa.gov

28A.160.030 Authorizing individual transportation or other arrangements. Individual transportation, board and room, and other arrangements may be authorized or provided and, in whole or part, paid for or reimbursed by a school district, when approved by the educational service district superintendent or his or her designee pursuant to rules promulgated by the superintendent of public instruction for that purpose: PROVIDED, That the total of payments for board and room and transportation incidental thereto shall not exceed the amount which would otherwise be paid for such

individual transportation. [1981 c 265 § 11; 1977 c 80 § 2; 1971 ex.s. c 66 § 10; 1969 ex.s. c 223 § 28A.24.100. Prior: 1965 ex.s. c 154 § 9. Formerly RCW 28A.24.100, 28.24.100.]

Additional notes found at www.leg.wa.gov

28A.160.040 Lease of buses to transport children with disabilities and elderly—Limitation. The directors of school districts are authorized to lease school buses to non-profit organizations to transport children with disabilities and elderly persons to and from the site of activities or programs deemed beneficial to such persons by such organizations: PROVIDED, That commercial bus transportation is not reasonably available for such purposes. [1995 c 77 § 16; 1973 c 45 § 2; 1971 c 78 § 1. Formerly RCW 28A.24.110.]

Elderly persons defined—Program limitation: RCW 28A.160.070.

28A.160.050 Lease of buses to transport children with disabilities and elderly—Directors to authorize. The directors of school districts may authorize leases under RCW 28A.160.040 through 28A.160.060: PROVIDED, That such leases do not conflict with regular school purposes. [1990 c 33 § 134; 1971 c 78 § 2. Formerly RCW 28A.24.111.]

28A.160.060 Lease of buses to transport children with disabilities and elderly—Lease at local level—Criteria. The lease of the equipment shall be handled by the school directors at a local level. The school directors may establish criteria for bus use and lease, including, but not limited to, minimum costs, and driver requirements. [1971 c 78 § 3. Formerly RCW 28A.24.112.]

28A.160.070 Lease of buses to transport children with disabilities and elderly—Elderly persons defined—Program limitation. For purposes of RCW 28A.160.010 and 28A.160.040, "elderly person" shall mean a person who is at least sixty years of age. No school district funds may be used for the operation of such a program. [1990 c 33 § 135; 1973 c 45 § 3. Formerly RCW 28A.24.120.]

28A.160.080 School buses, rental or lease for emergency purposes—Authorization. It is the intent of the legislature and the purpose of RCW 28A.160.010, 28A.160.080, and 28A.160.090 that in the event of major forest fires, floods, or other natural emergencies that boards of directors of school districts, in their discretion, may rent or lease school buses to governmental agencies for the purposes of transporting personnel, supplies and/or evacuees. [1990 c 33 § 136; 1971 c 24 § 1. Formerly RCW 28A.24.170.]

28A.160.090 School buses, rental or lease for emergency purposes—Board to determine district policy—Conditions if rent or lease. Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW 28A.160.080, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the *director of community, trade, and economic development or any of his or her agents so authorized has, at the request of an involved governmental agency, declared that an emergency

exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto. [1995 c 399 § 20; 1990 c 33 § 137; 1986 c 266 § 21; 1985 c 7 § 88; 1974 ex.s. c 171 § 1; 1971 c 24 § 2. Formerly RCW 28A.24.172.]

***Reviser's note:** The "director of community, trade, and economic development" was changed to the "director of commerce" by 2009 c 565.

Additional notes found at www.leg.wa.gov

28A.160.100 School buses, transport of general public to interscholastic activities—Limitations. In addition to the authority otherwise provided in RCW 28A.160.010 through 28A.160.120 to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available, this section shall not apply. [2006 c 263 § 907; 1990 c 33 § 138; 1980 c 91 § 1. Formerly RCW 28A.24.175.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.160.110 School buses, authorization for parent, guardian or custodian of a student to ride—Limitations. Every school district board of directors may authorize any parent, guardian or custodian of a student enrolled in the district to ride a school bus or other student transportation vehicle at the request of school officials or employees designated by the board: PROVIDED, That excess seating space is available on the vehicle after the transportation needs of students have been met: PROVIDED FURTHER, That private or other public transportation of the parent, guardian or custodian is not reasonable in the board's judgment. [1980 c 122 § 1. Formerly RCW 28A.24.178.]

28A.160.115 Bus routes. On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, public school district bus routes and private school bus routes shall serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three

(2021 Ed.)

hundred feet of the bus stop to assist students while crossing such multiple-lane highways. [1990 c 241 § 11.]

28A.160.117 Transportation efficiency reviews—Reports. (1) The superintendent of public instruction shall encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations. If a school district's operation is calculated to be less than ninety percent efficient, the regional transportation coordinators shall provide an individual review to determine what measures are available to the school district to improve efficiency. The evaluation shall include such measures as:

- (a) Efficient routing of buses;
- (b) Efficient use of vehicle capacity; and
- (c) Reasonable controls on compensation costs.

(2) The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting changes implemented by school districts in response to the recommendations of the regional transportation coordinators. [2009 c 548 § 310.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.120 Agreements with other governmental entities for transportation of public or other noncommon school purposes—Limitations. Any school district board of directors or any intermediate school district board may enter into agreements pursuant to chapter 39.34 RCW or chapter 35.58 RCW, as now or hereafter amended, with any city, town, county, metropolitan municipal corporation, and any federal or other state governmental entity, or any combination of the foregoing, for the purpose of providing for the transportation of students and/or members of the public through the use, in whole or part, of the school district's buses, transportation equipment and facilities, and employees: PROVIDED, That any agreement entered into for purposes of transportation pursuant to this section shall conform with the provisions of RCW 35.58.250 where applicable and shall provide for the reimbursement and payment to the school district of not less than the district's actual costs and the reasonable value of the use of the district's buses, and transportation equipment and supplies which are incurred and otherwise provided in connection with the transportation of members of the public or other noncommon school purposes: PROVIDED FURTHER, That wherever public transportation, or private transportation certified or licensed by the Washington utilities and transportation commission is not reasonably available, the school district or intermediate school district may transport members of the public so long as they are reimbursed for the cost of such transportation, and such transportation has been approved by any metropolitan municipal corporation performing public transportation pursuant to chapter 35.58 RCW in the area to be served by the district. [1974 ex.s. c 93 § 1. Formerly RCW 28A.24.180.]

28A.160.130 Transportation vehicle fund—Deposits in—Use—Rules for establishment and use. (1) There is

created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs under RCW 28A.150.280. The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in RCW 28A.160.200 except those provided under RCW 28A.160.200(3) that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW 28A.320.300; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to RCW 28A.160.200 and 28A.150.280;

(b) Payment of conditional sales contracts as authorized in RCW 28A.335.200 or payment of obligations authorized in RCW 28A.530.080, entered into or issued for the purpose of pupil transportation vehicles;

(c) Major repairs to pupil transportation vehicles;

(d) For the 2009-2011 biennium, a school district that is wholly contained on an island and has a student enrollment greater than two hundred fifty students and fewer than five hundred and fifty students may transfer from the transportation vehicle fund to the school district's general fund such amounts as necessary for instructional costs.

The superintendent of public instruction shall adopt rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district, except as provided under subsection (2)(d) of this section. [2009 c 564 § 919; 1991 c 114 § 2; 1990 c 33 § 139; 1981 c 265 § 7. Formerly RCW 28A.58.428.]

Additional notes found at www.leg.wa.gov

28A.160.140 Contract for pupil transportation services with private nongovernmental entity—Competitive bid procedures. As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987. As used in this section:

(1) "Open competitive process" means either one of the following, at the choice of the school district:

(a) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

(b) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

(2) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

(3) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction. [1990 c 33 § 140; 1987 c 141 § 2. Formerly RCW 28A.58.133.]

Additional notes found at www.leg.wa.gov

28A.160.150 Student transportation allocation—Operating costs, determination and funding. Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within the walk area as determined under RCW 28A.160.160(5). [2009 c 548 § 304; 1996 c 279 § 1; 1990 c 33 § 141; 1983 1st ex.s. c 61 § 2; 1981 c 265 § 1. Formerly RCW 28A.41.505.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.160 Student transportation allocation—Definitions. For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of students with disabilities to and from schools and agencies for special education services.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall be considered part of transportation of students "to and from school" for the purposes of this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within the walk area includes the coordination of walk-to-school programs, the funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) As used in this section, "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area. [2009 c 548 § 305; 1996 c 279 § 2; 1995 c 77 § 17; 1990 c 33 § 142; 1983 1st ex.s. c 61 § 3; 1981 c 265 § 2. Formerly RCW 28A.41.510.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.170 Student transportation allocation—District's reports to superintendent. Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150, along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3), non-to-and-from-school pupil transportation costs, and costs to provide expanded services under RCW 28A.160.185(1) in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

(2021 Ed.)

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys. [2021 c 234 § 3; 2009 c 548 § 306; 2007 c 139 § 1; 1990 c 33 § 143; 1983 1st ex.s. c 61 § 4; 1981 c 265 § 3. Formerly RCW 28A.41.515.]

Intent—Effective date—2021 c 234: See notes following RCW 28A.160.185.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.180 Student transportation allocation determination—Report. Each district's annual student transportation allocation shall be determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate the transportation allocation for those services provided for in RCW 28A.160.150. The allocation formula may be adjusted to include such additional differential factors as basic and special passenger counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

(2) The allocation shall be based on a regression analysis of the number of basic and special students transported and as many other site characteristics that are identified as being statistically significant.

(3) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation for the following year. [2009 c 548 § 307; 1996 c 279 § 3; 1995 c 77 § 18; 1990 c 33 § 144; 1985 c 59 § 1; 1983 1st ex.s. c 61 § 5; 1982 1st ex.s. c 24 § 2; 1981 c 265 § 4. Formerly RCW 28A.41.520.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.185 Student transportation allocation—Additional allowed uses under an emergency—Accounting. (1) If a school or school district is providing full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction then, in addition to the transportation services allowed under

this chapter, the district may use student transportation allocations to provide the following expanded services to students, regardless of whether those students would qualify as eligible students under RCW 28A.160.160:

(a) Delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction. Delivery of educational services include the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, internet connectivity, or the curriculum;

(b) Delivery of meals to students; and

(c) Providing for the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students during the period of remote instruction. "Providing for" includes the provision of payments to allow students to use public transit to access the educational and support services.

(2) Nothing in this section is intended to limit a district's ability to use transportation allocations to pay for fixed transportation costs, such as school bus maintenance and basic administrative, regulatory, safety, or operational expenses.

(3) If a district provides expanded services under subsection (1) of this section, the district must track by a separate accounting code the expenditures incurred by the district in providing such services. This data must be included in the report required under RCW 28A.160.170(2). [2021 c 234 § 2.]

Intent—2021 c 234: "The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that the role of transportation services has evolved alongside remote learning programs to help students equitably access the instructional program of basic education. As permitted by emergency proclamation, many school districts have adapted to remote learning by transporting meals, learning materials, and technology supports directly to students' homes or neighborhoods. Other school districts have used transportation resources to bring students to learning centers or other agencies where support services are provided.

This flexibility has allowed school districts to creatively use the resources at their disposal to equitably address the needs of students during an ongoing emergency.

With this act, the legislature intends to preserve this principle of flexibility for qualifying transportation services during a future local, state, or national emergency." [2021 c 234 § 1.]

Effective date—2021 c 234: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 10, 2021]." [2021 c 234 § 6.]

28A.160.190 Student transportation allocation—Notice—Payment schedule. The superintendent shall notify districts of their student transportation allocation before January 15th. The superintendent shall recalculate and prorate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.510.250. Such allocation payments may be based on the prior school year's ridership report for payments to be made in September, October, November, December, and January. [2009 c 548 § 308; 1990 c 33 § 145; 1985 c 59 § 2; 1983 1st ex.s. c 61 § 6; 1982 1st ex.s. c 24 § 3; 1981 c 265 § 5. Formerly RCW 28A.41.525.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.191 Student transportation allocation—Adequacy for certain districts—Adjustment. The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts. [2009 c 548 § 309.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.192 Student transportation allocation—Distribution formula. (1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall begin no later than the 2011-2013 biennium and be fully implemented by the 2013-2015 biennium.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis. Only factors that are statistically significant shall be used in the regression analysis. Employee compensation costs included in the allowable transportation expenditures used for the purpose of establishing each school district's independent variable in the regression analysis shall be limited to the base salary or hourly wage rates, fringe benefit rates, and applicable health care rates provided in the omnibus appropriations act.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the federal restricted indirect rate as calculated in the district annual financial report;

(b) Annually, the amount identified in (a) of this subsection shall be adjusted for any budgeted increases provided in the omnibus appropriations act for salaries or fringe benefits;

(c) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts

on a prorated basis using the difference between the amount identified in (a) adjusted by (b) of this subsection and the amount determined under the formula in RCW 28A.160.180; and

(d) Allocations provided to recognize the cost of depreciation to districts contracting with private carriers for student transportation shall be deducted from the allowable transportation expenditures in (a) of this subsection. [2011 1st sp.s. c 27 § 3; 2010 c 236 § 8; 2009 c 548 § 311.]

Effective date—2011 1st sp.s. c 27 §§ 1-3: See note following RCW 28A.150.220.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.193 Transportation alternate funding grant program. (1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, the percentage of students served under the McKinney-Vento homeless assistance act from outside the district, or whether the district is a nonhigh district. [2018 c 266 § 103.]

28A.160.195 Vehicle acquisition—School bus categories—Competitive specifications—Purchase—Reimbursement—Rules. (1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. The superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes for base buses from school bus dealers to be in effect for one year and shall establish a list of all accepted price quotes in each category obtained under this subsection. The superintendent shall also solicit price quotes for optional features and equipment.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for

school buses on the lowest quote for the base bus in each category. School districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted under RCW 28A.335.190 or through the state bid process established by this section.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from any dealer who is on the list established under subsection (2) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section. [2005 c 492 § 1; 2004 c 276 § 904; 1995 1st sp.s. c 10 § 1.]

Additional notes found at www.leg.wa.gov

28A.160.200 Vehicle acquisition—Reimbursement schedule—Maintenance and operation—Depreciation schedule.

(1) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. While it is the responsibility of each district to select and pay for each student transportation vehicle purchased by the district, each district shall be paid a sum based on the category of vehicle, anticipated lifetime of vehicles of this category, and state reimbursement rate for the category plus inflation as recognized by the reimbursement schedule established in this section as set by the superintendent. Categories and reimbursement rates of vehicles shall be those established under RCW 28A.160.195. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement cost of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate transportation vehicle fund established for each school district under RCW 28A.160.130. However, educational service districts providing student transportation services pursuant to RCW 28A.310.180(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate transportation vehicle account in the educational service district's general expense fund for the purposes and subject to the conditions under RCW 28A.160.130 and 28A.320.300.

(2) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public

instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

(3) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle. [1995 1st sp.s. c 10 § 2; 1990 c 33 § 146; 1987 c 508 § 4; 1981 c 265 § 6. Formerly RCW 28A.41.540.]

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.160.205 School bus replacement incentive program—Rules. (1) The office of the superintendent of public instruction shall implement a school bus replacement incentive program. As part of the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.

(2) The office of the superintendent of public instruction shall ensure that buses being replaced through this program are surplus under RCW 28A.335.180. As part of the surplus process, school districts must provide written documentation to the office of the superintendent of public instruction demonstrating that buses being replaced are scrapped and not purchased for road use. The documentation must include bus make, model, year, vehicle identification number, engine make, engine serial number, and salvage yard receipts; and must demonstrate that the engine and body of the bus being replaced has been rendered unusable.

(3) The office of the superintendent of public instruction may adopt any rules necessary for the implementation of chapter 348, Laws of 2007. [2007 c 348 § 101.]

Findings—2007 c 348: See RCW 43.325.005.

28A.160.210 School bus drivers—Training and qualifications—Rules. In addition to other powers and duties, the superintendent of public instruction shall adopt rules governing the training and qualifications of school bus drivers. Such rules shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules shall insure that school bus drivers are provided a due process hearing before any certification required by such rules is canceled: PROVIDED FURTHER, That such rules shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The superintendent of public instruction may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills. [2006 c 263 § 906; 1989 c 178 § 20; 1981 c 200 § 1; 1979 c 158 § 89; 1969 ex.s. c 153 § 4. Formerly RCW 28A.04.131.]

[Title 28A RCW—page 38]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.160.225 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 5.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.160.230 Maintenance and repair of school buses by fire protection districts—Authorized. The maintenance and repair of school buses may be provided by a fire protection district pursuant to RCW 52.12.031(1). [2019 c 402 § 2.]

28A.160.240 Transportation of infants. (1) By July 1, 2021, at the request of an eligible student, a school district:

(a) May allow the student to transport his or her infant on a school bus or other student transportation vehicle provided by the district. The infant must be transported in a rear-facing child restraint system as defined in the federal motor vehicle safety standards in 49 C.F.R. Sec. 571.213;

(b) Must, in cases where a district denies a student's request to transport his or her infant by school bus, authorize other arrangements for individual transportation in accordance with RCW 28A.160.030.

(2) For the purposes of this section, "eligible student" has the same meaning as in RCW 28A.160.160. [2020 c 339 § 2.]

Chapter 28A.165 RCW LEARNING ASSISTANCE PROGRAM

Sections

28A.165.005	Purpose.
28A.165.015	Definitions.
28A.165.037	Compliance with the Washington integrated student supports protocol—Partnerships with out-of-school organizations.
28A.165.055	Funds—Appropriation and distribution.
28A.165.057	Funds—COVID-19 pandemic.
28A.165.065	Monitoring.
28A.165.075	Rules.
28A.165.085	Condensed compliance reports—Second-class districts.
28A.165.100	Entrance and exit performance data—Report by school districts—Report by the office of the superintendent of public instruction.

28A.165.005 Purpose. This chapter is designed to: (1) Promote the use of data when developing programs to assist students who are not meeting academic standards; and (2) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards. [2021 c 111 § 5; 2017 3rd sp.s. c 13 § 403; 2013 2nd sp.s. c 18 § 201; 2009 c 548 § 701; 2004 c 20 § 1.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Intent—2009 c 548: See RCW 28A.150.1981.

(2021 Ed.)

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.
Additional notes found at www.leg.wa.gov

28A.165.015 Definitions. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(2) "Statewide student assessments" means one or more of the assessments administered by school districts as required under RCW 28A.655.070.

(3) "Students who are not meeting academic standards" means students with the greatest academic deficits in basic skills as identified by statewide, school, or district assessments or other performance measurement tools. [2021 c 111 § 6; 2017 3rd sp.s. c 13 § 404; 2013 2nd sp.s. c 18 § 202; 2009 c 548 § 702; 2004 c 20 § 2.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.165.037 Compliance with the Washington integrated student supports protocol—Partnerships with out-of-school organizations. (Contingent effective date.) (1) While the state allocations for the learning assistance program under this chapter are intended to be flexible dollars within the control of the public school and school district, this local control must be balanced with local accountability for improvement in student achievement.

(2) School district boards of directors must budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(3) A district may use up to 15 percent of the district's learning assistance program allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations in accordance with RCW 28A.300.139. Any agreement entered into by a school district and a community partner in accordance with RCW 28A.300.139 must:

(a) Specify that learning assistance program funds may be used only to provide direct supports and services to students;

(b) Clearly identify the academic, nonacademic, or social-emotional supports and services that will be made available to students by the community partner and how those supports and services align to the needs of the students as identified in the student-level needs assessment required by RCW 28A.300.139; and

(2021 Ed.)

(c) Identify the in-school supports that will be reinforced by the supports and services provided by the community partner to promote student progress towards meeting academic standards. [2021 c 111 § 3.]

Contingent effective date—2021 c 111 § 3: "Section 3 of this act takes effect at the later of either: (1) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (2) September 1, 2025." [2021 c 111 § 15.]

Notice of effective and expiration dates—2021 c 111 §§ 2 and 3: "The office of the governor must provide written notice of the expiration date of section 2 of this act and the effective date of section 3 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor." [2021 c 111 § 16.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

28A.165.055 Funds—Appropriation and distribution. (1) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

(2) A district's high poverty-based allocation is generated by its qualifying schools as defined in RCW 28A.150.260(10) and must be expended by the district for those schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools. [2018 c 266 § 104; 2017 3rd sp.s. c 13 § 405; 2013 2nd sp.s. c 18 § 205; 2009 c 548 § 703; 2008 c 321 § 10; 2005 c 489 § 1; 2004 c 20 § 6.]

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—2008 c 321: See note following RCW 28A.655.061.

Additional notes found at www.leg.wa.gov

28A.165.057 Funds—COVID-19 pandemic. (Contingent expiration date.) (1) Immediately upon April 21, 2021, and through the later of: (a) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (b) September 1, 2025, school districts must budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, to identify and address the academic and non-academic needs of students resulting from and exacerbated by the COVID-19 pandemic.

(2) During the time period described in subsection (1) of this section, school districts are encouraged to budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, using

the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(3) If a school district elects to budget and expend learning assistance program funds using the framework of the Washington integrated student supports protocol, a district may use up to 15 percent of the district's learning assistance program allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations in accordance with RCW 28A.300.139. Any agreement entered into by a school district and a community partner in accordance with RCW 28A.300.139 must:

(a) Specify that learning assistance program funds may be used only to provide direct supports and services to students;

(b) Clearly identify the academic, nonacademic, or social-emotional supports and services that will be made available to students by the community partner and how those supports and services align to the needs of the students as identified in the student-level needs assessment required by RCW 28A.300.139; and

(c) Identify the in-school supports that will be reinforced by the supports and services provided by the community partner to promote student progress towards meeting academic standards. [2021 c 111 § 2.]

Contingent expiration date—2021 c 111 § 2: "Section 2 of this act expires at the later of either: (1) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (2) September 1, 2025." [2021 c 111 § 14.]

Notice of effective and expiration dates—2021 c 111 §§ 2 and 3: See note following RCW 28A.165.037.

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

28A.165.065 Monitoring. To ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs using, at minimum, data reported as required under RCW 28A.165.100, no less than once every four years. The primary purpose of program monitoring is to evaluate the effectiveness of a school district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139. The office of the superintendent of public instruction may provide technical assistance to school districts to improve the effectiveness of a learning assistance program. [2021 c 111 § 7; 2013 2nd sp.s. c 18 § 206; 2004 c 20 § 7.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.165.075 Rules. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter. [2004 c 20 § 8.]

28A.165.085 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 6.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.165.100 Entrance and exit performance data—Report by school districts—Report by the office of the superintendent of public instruction. (1) School districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) Annually [by] September 30th, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth;

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding;

(d) The percentage of learning assistance program funding used to engage community partners, the number of students receiving direct supports and services from those community partners, and the types of supports and services; and

(e) Other data if required by the office of the superintendent of public instruction to demonstrate the efficacy of the learning assistance program expenditures to show student academic growth gains including indicators aligned with the accountability framework for schools receiving support under RCW 28A.657.110.

(3) By January 1, 2020, and each January 1st thereafter, the office of the superintendent of public instruction shall compile the school district data reported as required by subsection (2) of this section, and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with the annual and longitudinal gains for the specific practices, activities, and programs used by the school districts and schools to show which are the most effective. The data must be disaggregated by student subgroups as described in RCW 28A.300.042(1) for student-level data. [2021 c 111 § 8; 2019 c 208 § 1; 2013 2nd sp.s. c 18 § 204.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Chapter 28A.170 RCW

SUBSTANCE ABUSE AWARENESS PROGRAM

Sections

28A.170.050	Advisory committee—Members—Duties.
28A.170.075	Findings—Intent.
28A.170.080	Grants—Substance abuse intervention.
28A.170.090	Selection of grant recipients—Program rules.
28A.170.095	Condensed compliance reports—Second-class districts.

28A.170.050 Advisory committee—Members—

Duties. The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and classified staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the traffic safety commission; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation. [1997 c 13 § 3; 1987 c 518 § 209. Formerly RCW 28A.120.038.]

Intent—1994 c 166; 1987 c 518: See note following RCW 43.216.525. Additional notes found at www.leg.wa.gov

28A.170.075 Findings—Intent.

(1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) Substance abuse awareness programs funded under this chapter do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk. [1995 c 335 § 204; 1990 c 33 § 156; 1989 c 271 § 310. Formerly RCW 28A.120.080.]

Additional notes found at www.leg.wa.gov

28A.170.080 Grants—Substance abuse intervention.

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;
- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;

(2021 Ed.)

(f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and

(g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and after-care specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under Washington professional educator standards board rules adopted pursuant to RCW 28A.410.210;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW;

or
(e) A children's mental health specialist as defined in RCW 71.34.020. [2011 c 89 § 8; 2005 c 497 § 213; 1990 c 33 § 157; 1989 c 271 § 311. Formerly RCW 28A.120.082.]

Effective date—2011 c 89: See note following RCW 18.320.005.

Findings—2011 c 89: See RCW 18.320.005.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.170.090 Selection of grant recipients—Program

rules. (1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.170.050, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall include provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement RCW 28A.170.080 and 28A.170.090. [1995 c 335 § 205; 1990 c 33 § 158; 1989 c 271 § 312. Formerly RCW 28A.120.084.]

Additional notes found at www.leg.wa.gov

28A.170.095 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 7.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.175 RCW

DROPOUT PREVENTION, INTERVENTION, AND RETRIEVAL SYSTEM

Sections

28A.175.010	Educational progress information—Reporting requirements—Rules—Reports to legislature—Annual estimate of savings.
28A.175.025	Building bridges program—Grants.
28A.175.035	Grants—Criteria and requirements—Data collection—Third-party evaluator—Report.
28A.175.045	Grant awards—Recipients.
28A.175.055	Grant awards—Eligibility.
28A.175.065	Duties of educational service districts—Collaboration with workforce development councils.
28A.175.074	Definitions.
28A.175.075	Advisory committee—Composition—Duties—Reports.
28A.175.100	Statewide dropout reengagement program.
28A.175.105	Statewide dropout reengagement program—Definitions.
28A.175.110	Statewide dropout reengagement program—Model interlocal agreement and model contract—Students considered regularly enrolled in district.
28A.175.115	Statewide dropout reengagement program—Rules.
28A.175.120	Condensed compliance reports—Second-class districts.
28A.175.130	Pay for actual student success (PASS) program—Created—Finding—Collaboration.
28A.175.135	PASS program—Allocation of funds.

28A.175.140	PASS program—Duties of superintendent of public instruction.
28A.175.145	PASS program—Awards.
28A.175.150	PASS program—Graduation coach.
28A.175.155	PASS program—High school completion account.
28A.175.160	PASS program—Information regarding funds and awards—Development of strategies for dropout prevention and reengagement programs, planning, and improvement.

28A.175.010 Educational progress information—Reporting requirements—Rules—Reports to legislature—Annual estimate of savings. Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

(1) For students enrolled in each of a school district's high school programs:

(a) The number of students who graduate in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

(d) The number of students who transfer to other schools;

(e) The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and

(f) The number of students whose status is unknown.

(2) Dropout rates of students in each of the grades seven through twelve.

(3) Dropout rates for student populations in each of the grades seven through twelve by:

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status;

(d) Disability status; and

(e) Identified homeless status.

(4) The causes or reasons, or both, attributed to students for having dropped out of school in grades seven through twelve.

(5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.

(6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

(7) The superintendent of public instruction shall post annually to the office's web site the information collected under subsections (1) through (4) of this section.

(8) The Washington state institute for public policy shall calculate an annual estimate of the savings resulting from any change compared to the prior school year in the extended graduation rate. The superintendent shall include the estimate

from the institute on the office's web site as required under subsection (7) of this section, beginning with the 2010 report. [2020 c 61 § 1; 2014 c 212 § 4; 2010 c 243 § 5; 2005 c 207 § 3; 1991 c 235 § 4; 1986 c 151 § 1. Formerly RCW 28A.58.087.]

Findings—Intent—2014 c 212: See note following RCW 28A.300.540.

Findings—Intent—2005 c 207: See note following RCW 28A.600.300.

28A.175.025 Building bridges program—Grants.

Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

(1) For purposes of RCW 28A.175.025 through 28A.175.075, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;

(b) Coaches or mentors for students as necessary;

(c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and non-academic support in schools and communities;

(d) Retrieval or reentry activities; and

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

(2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:

(a) Establish programs in two western Washington and one eastern Washington urban areas;

(b) Identify at-risk students in each of the distinct communities and populations and implement strategies to close the achievement gap;

(c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under RCW 28A.175.035(1)(e); and

(d) Submit a report to the legislature by December 1, 2009. [2007 c 408 § 2.]

Intent—Findings—2007 c 408: "It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language,

and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results." [2007 c 408 § 1.]

28A.175.035 Grants—Criteria and requirements—Data collection—Third-party evaluator—Report. (1) The office of the superintendent of public instruction shall:

(a) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(b) Develop and monitor requirements for grant recipients to:

(i) Identify students who both fail the Washington assessment of student learning and drop out of school;

(ii) Identify their own strengths and gaps in services provided to youth;

(iii) Set their own local goals for program outcomes;

(iv) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(v) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(c) In setting the requirements under (b) of this subsection, encourage creativity and provide for flexibility in implementing the local building bridges program;

(d) Identify and disseminate successful practices;

(e) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(i) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster youth or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(ii) Washington assessment of student learning scores;

(iii) Dropout rates;

(iv) On-time graduation rates;

(v) Extended graduation rates;

(vi) Credentials obtained;

(vii) Absenteeism rates;

(viii) Truancy rates; and

(ix) Credit retrieval;

(f) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership. The third-party contractor shall also evaluate the performance and effectiveness of the partnerships relative to the type of entity, as identified in RCW 28A.175.045, serving as the lead agency for the partnership; and

(g) Report to the legislature by December 1, 2008.

(2) In performing its duties under this section, the office of the superintendent of public instruction is encouraged to consult with the work group identified in *RCW 28A.175.075.

(3) In selecting recipients for grant funds appropriated under RCW 28A.175.135, the office of the superintendent of public instruction shall use a streamlined and expedited application and review process for those programs that have already proven to be successful in dropout prevention. [2011 c 288 § 9; 2007 c 408 § 3.]

***Reviser's note:** RCW 28A.175.075 was amended by 2020 c 114 § 2, renaming the "building bridges work group" to the "graduation: a team effort partnership advisory committee."

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.045 Grant awards—Recipients. In awarding the grants under RCW 28A.175.025, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills [skill] center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership. The superintendent of public instruction shall ensure that grants are distributed proportionately between school districts and other recipients. This requirement may be waived if the superintendent of public instruction finds that the quality of the programs or applications from these entities does not warrant the awarding of the grants proportionately. [2007 c 408 § 4.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.055 Grant awards—Eligibility. To be eligible for a grant under RCW 28A.175.025, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners. [2007 c 408 § 5.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.065 Duties of educational service districts—Collaboration with workforce development councils. (1) Educational service districts, in collaboration with area workforce development councils, shall:

(a) Provide technical assistance to local partnerships established under a grant awarded under RCW 28A.175.025 in collecting and using performance data; and

(b) At the request of a local partnership established under a grant awarded under RCW 28A.175.025, provide assistance in the development of a functional sustainability plan, including the identification of potential funding sources for future operation.

(2) Local partnerships established under a grant awarded under RCW 28A.175.025 may contract with an educational service district, workforce development council, or a private agency for specialized training in such areas as cultural competency, identifying diverse learning styles, and intervention strategies for students at risk of dropping out of school. [2007 c 408 § 6.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.074 Definitions. The definitions in this section apply throughout section 3, chapter 243, Laws of 2010 and RCW 28A.175.075 unless the context clearly requires otherwise.

(1) "Critical community members" means representatives in the local community from among the following agencies and organizations: Student/parent organizations, parents and families, local government, law enforcement, juvenile corrections, any tribal organization in the local school district, the local health district, nonprofit and social service organizations serving youth, and faith organizations.

(2) "Dropout early warning and intervention data system" means a student information system that provides the data needed to conduct a universal screening to identify students at risk of dropping out, catalog student interventions, and monitor student progress towards graduation.

(3) "K-12 dropout prevention, intervention, and reengagement system" means a system that provides all of the following functions:

(a) Engaging in school improvement planning specifically focused on improving high school graduation rates, including goal-setting and action planning, based on a comprehensive assessment of strengths and challenges;

(b) Providing prevention activities including, but not limited to, emotionally and physically safe school environments, implementation of a comprehensive guidance and counseling model facilitated by certified school counselors,

core academic instruction, and career and technical education exploratory and preparatory programs;

(c) Identifying vulnerable students based on a dropout early warning and intervention data system;

(d) Timely academic and nonacademic group and individual interventions for vulnerable students based on a response to intervention model, including planning and sharing of information at critical academic transitions;

(e) Providing graduation coaches, mentors, certified school counselors, and/or case managers for vulnerable students identified as needing a more intensive one-on-one adult relationship;

(f) Establishing and providing staff to coordinate a school/family/community partnership that assists in building a K-12 dropout prevention, intervention, and reengagement system;

(g) Providing retrieval or reentry activities; and

(h) Providing alternative educational programming including, but not limited to, credit retrieval and online learning opportunities.

(4) "School/family/community partnership" means a partnership between a school or schools, families, and the community, that engages critical community members in a formal, structured partnership with local school districts in a coordinated effort to provide comprehensive support services and improve outcomes for vulnerable youth.

(5) "Vulnerable students" means students who are in foster care, involved in the juvenile justice system, receiving special education services under chapter 28A.155 RCW, recent immigrants, homeless, emotionally traumatized, or are facing behavioral health issues, and students deemed at-risk of school failure as identified by a dropout early warning data system or other assessment. [2010 c 243 § 2.]

28A.175.075 Advisory committee—Composition—Duties—Reports. (1) The office of the superintendent of public instruction shall establish a state-level advisory committee to be known as the graduation: a team effort partnership advisory committee. The advisory committee shall include K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The following agencies shall appoint representatives to the advisory committee: The office of the superintendent of public instruction, the workforce training and education coordinating board, the department of children, youth, and families, the employment security department, the state board for community and technical colleges, the department of health, the community mobilization office, and the children's services and behavioral health and recovery divisions of the department of social and health services. The advisory committee shall also consist of one representative from each of the following agencies and organizations: A statewide organization representing career and technical education programs including skill centers; the juvenile courts or the office of juvenile justice, or both; the Washington association of prosecuting attorneys; the Washington state office of public defense; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; educational opportunity gap oversight and accountability committee; office of the education ombuds; local school districts; agencies or organi-

(2021 Ed.)

zations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the programs established in RCW 28A.175.025, the advisory committee shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in RCW 28A.175.035(1)(e); and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The advisory committee shall report to the appropriate committees of the legislature and the governor on an annual basis beginning December 1, 2007, with proposed strategies for building K-12 dropout prevention, intervention, and reengagement systems in local communities throughout the state including, but not limited to, recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

(4) State agencies in the advisory committee shall work together, wherever feasible, on the following activities to support school/family/community partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems:

(a) Providing opportunities for coordination and flexibility of program eligibility and funding criteria;

(b) Providing joint funding;

(c) Developing protocols and templates for model agreements on sharing records and data;

(d) Providing joint professional development opportunities that provide knowledge and training on:

(i) Research-based and promising practices;

(ii) The availability of programs and services for vulnerable youth; and

(iii) Cultural competence. [2020 c 114 § 2; 2018 c 58 § 31; 2016 c 162 § 1; 2013 c 23 § 46; 2010 c 243 § 4; 2007 c 408 § 7.]

Effective date—2020 c 114: "This act takes effect July 1, 2020." [2020 c 114 § 25.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.100 Statewide dropout reengagement program. (1) This section and RCW 28A.175.105 through 28A.175.115 provide a statutory framework for a statewide dropout reengagement system to provide appropriate educational opportunities and access to services for students age sixteen to twenty-one who have dropped out of high school or are not accumulating sufficient credits to reasonably complete a high school diploma in a public school before the age of twenty-one.

(2) Under the system, school districts may:

(a) Enter into the model interlocal agreement developed under RCW 28A.175.110 with an educational service district, community or technical college, or other public entity to provide a dropout reengagement program for eligible students of the district; or

(b) Enter into the model contract developed under RCW 28A.175.110 with a community-based organization to provide a dropout reengagement program for eligible students of the district.

(3) If a school district does not enter an interlocal agreement or contract with an educational service district, community or technical college, other public entity, or community-based organization to provide a dropout reengagement program for eligible students residing in the district, the educational service district, community or technical college, other public entity, or community-based organization may petition a school district other than the resident school district to enroll the eligible students under RCW 28A.225.220 through 28A.225.230 and enter the interlocal agreement or contract with the petitioning entity to provide a dropout reengagement program for the eligible students.

(4) This section does not affect the authority of school districts to contract for educational services under RCW 28A.150.305 and 28A.320.035. This section also does not affect the authority of school districts to offer dropout reengagement programs or other educational services for eligible students directly. [2010 c 20 § 2.]

Intent—2013 c 39; 2010 c 20: "(1) In every school district there are older youth who have become disengaged with the traditional education program of public high schools. They may have failed multiple classes and are far behind in accumulating credits to graduate. They do not see a high school diploma as an achievable goal. They may have dropped out of school entirely. They are not likely to become reengaged in their education by the prospect of reenrollment in a traditional or even an alternative high school.

(2) For many years, school districts, community and technical colleges, and community-based organizations have created partnerships to provide appropriate educational programs for these students. Programs such as career education options and career link have successfully offered individualized academic instruction, case management support, and career-oriented skills in an age-appropriate learning environment to hundreds of disengaged older youth. Preparation for a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 is provided but is not the end goal for students.

(3) However, in recent years, many of these partnerships have ceased to operate. The laws and rules authorizing school districts to contract using basic education allocations do not provide sufficient guidance and instead present barriers. Program providers are forced to adapt to rules that were not written to address the needs of the students being served. Questions and concerns about liability, responsibility, and administrative burden have caused districts reluctantly to abandon their partnerships, and consequently leave hundreds of students without a viable alternative for continuing their public education.

(4) Therefore the legislature intends to provide a statutory framework to support a statewide dropout reengagement system for older youth. The framework clarifies and standardizes funding, programs, and administration by directing the office of the superintendent of public instruction to develop model contracts and interlocal agreements. It is the legislature's intent to encourage school districts, community and technical colleges, and community-based organizations to participate in this system and provide appropriate instruction and services to reengage older students and help them make progress toward a meaningful credential and career skills." [2013 c 39 § 4; 2010 c 20 § 1.]

28A.175.105 Statewide dropout reengagement program—Definitions. The definitions in this section apply throughout RCW 28A.175.100 through 28A.175.110 unless the context clearly requires otherwise:

(1) "Dropout reengagement program" means an educational program that offers at least the following instruction and services:

(a) Academic instruction, including but not limited to preparation to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190, academic skills instruction, and college and work readiness preparation, that generates credits that can be applied to a high school diploma from the student's school district or from a community or technical college under RCW 28B.50.535 and has the goal of enabling the student to obtain the academic and work readiness skills necessary for employment or postsecondary study. A dropout reengagement program is not required to offer instruction in only those subject areas where a student is deficient in accumulated credits. Academic instruction must be provided by teachers certified by the Washington professional educator standards board or by instructors employed by a community or technical college whose required credentials are established by the college;

(b) Case management, academic and career counseling, and assistance with accessing services and resources that support at-risk youth and reduce barriers to educational success; and

(c) If the program provider is a community or technical college, the opportunity for qualified students to enroll in college courses that lead to a postsecondary degree or certificate. The college may not charge an eligible student tuition for such enrollment.

(2) "Eligible student" means a student who:

(a) Is at least sixteen but less than twenty-one years of age at the beginning of the school year;

(b) Is not accumulating sufficient credits toward a high school diploma to reasonably complete a high school diploma from a public school before the age of twenty-one or is recommended for the program by case managers from the department of social and health services or the juvenile justice system; and

(c) Is enrolled or enrolls in the school district in which the student resides, or is enrolled or enrolls in an institutional education program as defined in RCW 28A.190.005 or a non-resident school district under RCW 28A.225.220 through 28A.225.230.

(3) "Full-time equivalent eligible student" means an eligible student whose enrollment and attendance meet criteria adopted by the office of the superintendent of public instruction specifically for dropout reengagement programs. The criteria shall be:

(a) Based on the community or technical college credits generated by the student if the program provider is a community or technical college; and

(b) Based on a minimum amount of planned programming or instruction and minimum attendance by the student rather than hours of seat time if the program provider is a community-based organization. [2021 c 164 § 7; 2013 c 39 § 5; 2010 c 20 § 3.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

Intent—2010 c 20: See note following RCW 28A.175.100.

28A.175.110 Statewide dropout reengagement program—Model interlocal agreement and model contract—Students considered regularly enrolled in district. (1) The office of the superintendent of public instruction shall develop a model interlocal agreement and a model contract for the dropout reengagement system.

(2) The model interlocal agreement and contract shall, at a minimum, address the following:

(a) Responsibilities for identification, referral, and enrollment of eligible students;

(b) Instruction and services to be provided by a dropout reengagement program, as specified under RCW 28A.175.105;

(c) Responsibilities for data collection and reporting, including student transcripts and data required for the statewide student information system;

(d) Administration of the high school statewide student assessments;

(e) Uniform financial reimbursement rates per full-time equivalent eligible student enrolled in a dropout reengagement program, calculated and allocated as a statewide annual average of the basic education allocations generated under RCW 28A.150.260 for nonvocational students and including enhancements for vocational students where eligible students are enrolled in vocational courses in a program, and allowing for a uniform administrative fee to be retained by the district;

(f) Responsibilities for provision of special education or related services for eligible students with disabilities who have an individualized education program;

(g) Responsibilities for necessary accommodations and plans for students qualifying under section 504 of the rehabilitation act of 1973;

(h) Minimum instructional staffing ratios for dropout reengagement programs offered by community-based organizations, which are not required to be the same as for other basic education programs in school districts; and

(i) Performance measures that must be reported to the office of the superintendent of public instruction in a common format for purposes of accountability, including longitudinal monitoring of student progress and postsecondary education and employment.

(3) Eligible students enrolled in a dropout reengagement program under RCW 28A.175.100, 28A.175.105, and this section are considered regularly enrolled students of the school district in which they are enrolled, except that the students shall not be included in the school district's enrollment for purposes of calculating compliance with RCW 28A.150.100. [2010 c 20 § 4.]

Intent—2010 c 20: See note following RCW 28A.175.100.

28A.175.115 Statewide dropout reengagement program—Rules. (1) The office of the superintendent of public instruction shall adopt rules to implement RCW 28A.175.100 through 28A.175.110.

(2) When adopting rules under this section and developing model interlocal agreements and contracts under RCW 28A.175.110, the office of the superintendent of public instruction shall consult with the state board for community and technical colleges, the workforce training and education coordinating board, colleges and community-based organizations that have previously offered dropout reengagement pro-

(2021 Ed.)

grams, providers of online courses and programs approved under RCW 28A.250.020, school districts, and educational service districts. [2010 c 20 § 5.]

Intent—2010 c 20: See note following RCW 28A.175.100.

28A.175.120 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 8.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.175.130 Pay for actual student success (PASS) program—Created—Finding—Collaboration. (1) The pay for actual student success (PASS) program is created under this section and RCW 28A.175.135 through 28A.175.160 to invest in proven dropout prevention and intervention programs as provided in RCW 28A.175.135 and provide a financial award for high schools that demonstrate improvement in the dropout prevention indicators established under RCW 28A.175.140. The legislature finds that increased accumulation of credits and reductions in incidents of student discipline lead to improved graduation rates.

(2) The office of the superintendent of public instruction, the workforce training and education coordinating board, the *building bridges working group, the student achievement council, and the college scholarship organization under RCW 28A.175.135(4) shall collaborate to assure that the programs under RCW 28A.175.135 operate systematically and are expanded to include as many additional students and schools as possible. [2012 c 229 § 503; 2011 c 288 § 2.]

***Reviser's note:** The "building bridges work group" was renamed the "graduation: a team effort partnership advisory committee" by 2020 c 114 § 2.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.175.135 PASS program—Allocation of funds. Subject to funds appropriated for this purpose, funds shall be allocated as specified in the omnibus appropriations act to support the PASS program through the following programs:

(1) The opportunity internship program under RCW 28C.18.160 through 28C.18.168;

(2) The jobs for America's graduates program administered through the office of the superintendent of public instruction;

(3) The building bridges program under RCW 28A.175.025, to be used to expand programs that have been implemented by building bridges partnerships and determined by the *building bridges work group to be successful in reducing dropout rates, or to replicate such programs in new partnerships; and

(4) Individualized student support services provided by a college scholarship organization with expertise in managing scholarships for low-income, high potential students and foster care youth under contract with the office of student financial assistance, including but not limited to college and career advising, counseling, tutoring, community mentor programs, and leadership development. [2012 c 229 § 601; 2011 c 288 § 3.]

***Reviser's note:** The "building bridges work group" was renamed the "graduation: a team effort partnership advisory committee" by 2020 c 114 § 2.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.175.140 PASS program—Duties of superintendent of public instruction. (1) The office of the superintendent of public instruction, in consultation with the state board of education, must:

(a) Calculate the annual extended graduation rate for each high school, which is the rate at which a class of students enters high school as first-year students and graduates with a high school diploma, including students who receive a high school diploma after the year they were expected to graduate. The office may statistically adjust the rate for student demographics in the high school, including the number of students eligible for free and reduced-price meals, special education and English language learner students, students of various racial and ethnic backgrounds, and student mobility;

(b) Annually calculate the proportion of students at grade level for each high school, which shall be measured by the number of credits a student has accumulated at the end of each school year compared to the total number required for graduation. For the purposes of this subsection (1)(b), the office shall adopt a standard definition of "at grade level" for each high school grade;

(c) Annually calculate the proportion of students in each high school who are suspended or expelled from school, as reported by the high school. In-school suspensions shall not be included in the calculation. Improvement on the indicator under this subsection (1)(c) shall be measured by a reduction in the number of students suspended or expelled from school; and

(d) Beginning with the 2012-13 school year, annually measure student attendance in each high school as provided under RCW 28A.300.046.

(2) The office of the superintendent of public instruction may add dropout prevention indicators to the list of indicators under subsection (1) of this section, such as student grades, state assessment mastery, or student retention.

(3) To the maximum extent possible, the office of the superintendent of public instruction shall rely on data collected through the comprehensive education data and research system to calculate the dropout prevention indicators under this section and shall minimize additional data collection from schools and school districts unless necessary to meet the requirements of this section.

(4) The office of the superintendent of public instruction shall develop a metric for measuring the performance of each high school on the indicators under subsection (1) of this section that assigns points for each indicator and results in a single numeric dropout prevention score for each high school. The office shall weight the extended graduation rate indicator within the metric so that a high school does not qualify for an award under RCW 28A.175.145 without an increase in its extended graduation rate. The metric used through the 2012-13 school year shall include the indicators in subsection (1)(a) through (c) of this section and shall measure improvement against the 2010-11 school year as the baseline year. Beginning in the 2013-14 school year, the metric shall also

include the indicator in subsection (1)(d) of this section, with improvement in this indicator measured against the 2012-13 school year as the baseline year. The office may establish a minimum level of improvement in a high school's dropout prevention score for the high school to qualify for a PASS program award under RCW 28A.175.145. [2013 c 23 § 47; 2011 c 288 § 4.]

28A.175.145 PASS program—Awards. (1)(a) Subject to funds appropriated for this purpose or otherwise available in the account established in RCW 28A.175.155, beginning in the 2011-12 school year and each year thereafter, a high school that demonstrates improvement in its dropout prevention score compared to the baseline school year as calculated under RCW 28A.175.140 may receive a PASS program award as provided under this section. The legislature intends to recognize and reward continuous improvement by using a baseline year for calculating eligibility for PASS program awards so that a high school retains previously earned award funds from one year to the next unless its performance declines.

(b) The office of the superintendent of public instruction must determine the amount of PASS program awards based on appropriated funds and eligible high schools. The intent of the legislature is to provide an award to each eligible high school commensurate with the degree of improvement in the high school's dropout prevention score and the size of the high school. The office must establish a minimum award amount. If funds available for PASS program awards are not sufficient to provide an award to each eligible high school, the office of the superintendent of public instruction shall establish objective criteria to prioritize awards based on eligible high schools with the greatest need for additional dropout prevention and intervention services. The office of the superintendent of public instruction shall encourage and may require a high school receiving a PASS program award to demonstrate an amount of community matching funds or an amount of in-kind community services to support dropout prevention and intervention.

(c) Ninety percent of an award under this section must be allocated to the eligible high school to be used for dropout prevention activities in the school as specified in subsection (2) of this section. The principal of the high school shall determine the use of funds after consultation with parents and certificated and classified staff of the school.

(d) Ten percent of an award under this section must be allocated to the school district in which the eligible high school is located to be used for dropout prevention activities as specified in subsection (2) of this section in the high school or in other schools in the district.

(e) The office of the superintendent of public instruction may withhold distribution of award funds under this section to an otherwise eligible high school or school district if the superintendent of public instruction issues a finding that the school or school district has willfully manipulated the dropout prevention indicators under RCW 28A.175.140, for example by expelling, suspending, transferring, or refusing to enroll students at risk of dropping out of school or at risk of low achievement.

(2) High schools and school districts may use PASS program award funds for any programs or activities that support

the development of a dropout prevention, intervention, and reengagement system as described in RCW 28A.175.074, offered directly by the school or school district or under contract with education agencies or community-based organizations, including but not limited to educational service districts, workforce development councils, and boys and girls clubs. Such programs or activities may include but are not limited to the following:

- (a) Strategies to close the achievement gap for disadvantaged students and minority students;
- (b) Use of graduation coaches as defined in RCW 28A.175.150;
- (c) Opportunity internship activities under RCW 28C.18.164;
- (d) Dropout reengagement programs provided by community-based organizations or community and technical colleges;
- (e) Comprehensive guidance and planning programs as defined under RCW 28A.600.045, including but not limited to the navigation 101 program;
- (f) Reduced class sizes, extended school day, extended school year, and tutoring programs for students identified as at risk of dropping out of school, including instruction to assist these students in meeting graduation requirements in mathematics and science;
- (g) Outreach and counseling targeted to students identified as at risk of dropping out of school, or who have dropped out of school, to encourage them to consider learning alternatives such as preapprenticeship programs, skill centers, running start, technical high schools, and other options for completing a high school diploma;
- (h) Preapprenticeship programs or running start for the trades initiatives under RCW 49.04.190;
- (i) Mentoring programs for students;
- (j) Development and use of dropout early warning data systems;
- (k) Counseling, resource and referral services, and intervention programs to address social, behavioral, and health factors associated with dropping out of school;
- (l) Implementing programs for in-school suspension or other strategies to avoid excluding middle and high school students from the school whenever possible;
- (m) Parent engagement activities such as home visits and off-campus parent support group meetings related to dropout prevention and reengagement; and
- (n) Early learning programs for prekindergarten students.

(3) High schools and school districts are encouraged to implement dropout prevention and reengagement strategies in a comprehensive and systematic manner, using strategic planning, school improvement plans, evaluation and feedback, and response to intervention tools. [2011 c 288 § 5.]

28A.175.150 PASS program—Graduation coach. For the purposes of RCW 28A.175.145, a "graduation coach" means a staff person, working in consultation with counselors, who is assigned to identify and provide intervention services to students who have dropped out or are at risk of dropping out of school or of not graduating on time through the following activities:

(2021 Ed.)

- (1) Monitoring and advising on individual student progress toward graduation;
- (2) Providing student support services and case management;
- (3) Motivating students to focus on a graduation plan;
- (4) Encouraging parent and community involvement;
- (5) Connecting parents and students with appropriate school and community resources;
- (6) Securing supplemental academic services for students;
- (7) Implementing school-wide dropout prevention programs and interventions; and
- (8) Analyzing data to identify at-risk students. [2011 c 288 § 6.]

28A.175.155 PASS program—High school completion account. The high school completion account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations made by the legislature, federal funds, gifts or grants from the private sector or foundations, and other sources deposited in the account. Expenditures from the account may be used only for proven dropout prevention and intervention programs identified under RCW 28A.175.135 and to make PASS program awards under RCW 28A.175.145. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2011 c 288 § 7.]

28A.175.160 PASS program—Information regarding funds and awards—Development of strategies for dropout prevention and reengagement programs, planning, and improvement. The office of the superintendent of public instruction must regularly inform high schools and school districts about the opportunities under RCW 28A.175.135 to receive funding to implement programs that have been proven to reduce dropout rates and increase graduation rates, as well as the opportunities under RCW 28A.175.145 for high schools to receive a financial incentive for success. Within available funds, the office shall develop systemic, ongoing strategies for identifying and disseminating successful dropout prevention and reengagement programs and strategies and for incorporating dropout prevention and reengagement into high school and school district strategic planning and improvement. The office may offer support and assistance to schools and districts through regional networks. The office shall make every effort to keep dropout prevention and reduction of the dropout rate a top priority for school directors, administrators, and teachers. [2011 c 288 § 8.]

**Chapter 28A.180 RCW
TRANSITIONAL BILINGUAL INSTRUCTION
PROGRAM**

Sections

- 28A.180.010 Short title—Purpose.
- 28A.180.020 Annual report by superintendent of public instruction.
- 28A.180.030 Definitions.
- 28A.180.040 School board duties.

28A.180.060	Guidelines and rules.
28A.180.080	Allocation of moneys for bilingual instruction program.
28A.180.090	Evaluation system—Technical assistance and support.
28A.180.100	Continuing education plan for older students.
28A.180.110	Condensed compliance reports—Second-class districts.
28A.180.120	Bilingual educator initiative—Pilot projects—Pipeline to college—Conditional loans—Report—Rules.

28A.180.010 Short title—Purpose. RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools. [2009 c 548 § 704; 1990 c 33 § 163; 1984 c 124 § 1; 1979 c 95 § 1. Formerly RCW 28A.58.800.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.180.020 Annual report by superintendent of public instruction. The superintendent of public instruction shall review annually the transitional bilingual instruction program and shall submit a report of such review to the legislature on or before February 1st of each year. [2017 c 123 § 1; 1984 c 124 § 8. Formerly RCW 28A.58.801.]

28A.180.030 Definitions. As used throughout this chapter, unless the context clearly indicates otherwise:

(1) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

(2) "Exited pupil" means a student previously enrolled in the transitional bilingual instruction program who is no longer eligible for the program based on his or her performance on an English proficiency assessment approved by the superintendent of public instruction.

(3) "Primary language" means the language most often used by the student for communication in his/her home.

(4) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English; or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English. [2013 2nd sp.s. c 9 § 3; 2001 1st sp.s. c 6 § 3; 1990 c 33 § 164; 1984 c 124 § 2; 1979 c 95 § 2. Formerly RCW 28A.58.802.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Intent—Effective dates—2013 2nd sp.s. c 9: See notes following RCW 28A.150.220.

Additional notes found at www.leg.wa.gov

28A.180.040 School board duties. (1) Every school district board of directors shall:

(a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction;

(b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program;

(c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases;

(d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction;

(f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models; and

(g) Make available a program of instructional support for up to two years immediately after pupils exit from the program, for exited pupils who need assistance in reaching grade-level performance in academic subjects even though they have achieved English proficiency for purposes of the transitional bilingual instructional program.

(2) Beginning in the 2019-20 school year, all classroom teachers assigned using funds for the transitional bilingual instruction program to provide supplemental instruction for eligible pupils must hold an endorsement in bilingual education or English language learner, or both.

(3) The definitions in Article II of RCW 28A.705.010 apply to subsection (1)(d) of this section. [2016 c 72 § 301; 2013 2nd sp.s. c 9 § 4; 2009 c 380 § 5; 2001 1st sp.s. c 6 § 4; 1984 c 124 § 3; 1979 c 95 § 3. Formerly RCW 28A.58.804.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Intent—Effective dates—2013 2nd sp.s. c 9: See notes following RCW 28A.150.220.

Additional notes found at www.leg.wa.gov

28A.180.060 Guidelines and rules. The superintendent of public instruction shall:

(1) Promulgate and issue program development guidelines to assist school districts in preparing their programs;

(2) Promulgate rules for implementation of RCW 28A.180.010 through 28A.180.080 in accordance with chapter 34.05 RCW. The rules shall be designed to maximize the role of school districts in selecting programs appropriate to meet the needs of eligible students. The rules shall identify the process and criteria to be used to determine when a student is no longer eligible for transitional bilingual instruction pursuant to RCW 28A.180.010 through 28A.180.080. [1990 c 33 § 165; 1984 c 124 § 5; 1979 c 95 § 5. Formerly RCW 28A.58.808.]

Additional notes found at www.leg.wa.gov

28A.180.080 Allocation of moneys for bilingual instruction program. Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program. [2009 c 548 § 705; 1995 c 335 § 601; 1990 c 33 § 167; 1979 c 95 § 6. Formerly RCW 28A.58.810.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.180.090 Evaluation system—Technical assistance and support. The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing; and

(4) Subject to funds appropriated specifically for this purpose, provide school districts with technical assistance and support in selecting research-based program models, instructional materials, and professional development for

(2021 Ed.)

program staff, including disseminating information about best practices and innovative programs. The information must include research about the differences between conversational language proficiency, academic language proficiency, and subject-specific language proficiency and the implications this research has on instructional practices and evaluation of program effectiveness. [2016 c 72 § 401; 2001 1st sp.s. c 6 § 2.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.180.100 Continuing education plan for older students. The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing education option for students who are eligible for the state transitional bilingual instruction program and who need more time to develop language proficiency but who are more age-appropriately suited for a postsecondary learning environment than for a high school. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan. [2019 c 252 § 107; 2004 c 19 § 105.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Additional notes found at www.leg.wa.gov

28A.180.110 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 9.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.180.120 Bilingual educator initiative—Pilot projects—Pipeline to college—Conditional loans—Report—Rules. (1) The Washington professional educator standards board, beginning in the 2017-2019 biennium, shall administer the bilingual educator initiative, which is a long-term program to recruit, prepare, and mentor bilingual high school students to become future bilingual teachers and counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, pilot projects must be implemented in one or two school districts east of the crest of the Cascade mountains and one or two school districts west of the crest of the Cascade mountains, where immigrant students are shown to be rapidly increasing. Districts selected by the Washington professional educator standards board must partner with at least one two-year and one four-year college in planning and implementing the program. The Washington professional educator standards board shall provide oversight.

(3) Participating school districts must implement programs, including: (a) An outreach plan that exposes the program to middle school students and recruits them to enroll in the program when they begin their ninth grade of high school; (b) activities in ninth and tenth grades that help build student agency, such as self-confidence and awareness, while helping students to develop academic mind-sets needed for high school and college success; the value and benefits of teaching and counseling as careers; and introduction to leadership,

civic engagement, and community service; (c) credit-bearing curricula in grades eleven and twelve that include mentoring, shadowing, best practices in teaching in a multicultural world, efficacy and practice of dual language instruction, social and emotional learning, enhanced leadership, civic engagement, and community service activities.

(4) There must be a pipeline to college using two-year and four-year college faculty and consisting of continuation services for program participants, such as advising, tutoring, mentoring, financial assistance, and leadership.

(5) High school and college teachers and counselors must be recruited and compensated to serve as mentors and trainers for participating students.

(6) After obtaining a high school diploma, students qualify to receive conditional loans to cover the full cost of college tuition, fees, and books. To qualify for funds, students must meet program requirements as developed by their local implementation team, which consists of staff from their school district and the partnering two-year and four-year college faculty.

(7) In order to avoid loan repayment, students must (a) earn their baccalaureate degree and certification needed to serve as a teacher or professional guidance counselor; and (b) teach or serve as a counselor in their educational service district region for at least five years. Students who do not meet the repayment terms in this subsection are subject to repaying all or part of the financial aid they receive for college unless students are recipients of funding provided through programs such as the Washington college grant program or the college bound scholarship program.

(8) Grantees must work with the Washington professional educator standards board to draft the report required in section 6, chapter 236, Laws of 2017.

(9) The Washington professional educator standards board must use the findings from the evaluation conducted under RCW 28A.415.370 to revise the bilingual educator initiative as necessary.

(10) The Washington professional educator standards board may adopt rules to implement this section. [2019 c 406 § 36; 2019 c 295 § 105; 2017 c 236 § 4.]

Reviser's note: This section was amended by 2019 c 295 § 105 and by 2019 c 406 § 36, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—2019 c 406: See note following RCW 43.79.195.

Findings—Short title—2019 c 406: See notes following RCW 28B.92.200.

Findings—2019 c 406: See note following RCW 28B.94.020.

Findings—Intent—2019 c 406: See note following RCW 28C.30.050.

Findings—Intent—2019 c 406: See note following RCW 43.216.135.

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.410.287.

Findings—Intent—2017 c 236: See note following RCW 28A.300.574.

[Title 28A RCW—page 52]

Chapter 28A.185 RCW HIGHLY CAPABLE STUDENTS

Sections

28A.185.010	Program—Duties of superintendent of public instruction.
28A.185.020	Funding.
28A.185.030	Programs—Authority of local school districts—Selection of students.
28A.185.040	Contracts with University of Washington for education of highly capable students at early entrance program or transition school—Allocation of funds—Rules.
28A.185.050	Program review and monitoring—Reports to the legislature—Rules.
28A.185.060	Condensed compliance reports—Second-class districts.

28A.185.010 Program—Duties of superintendent of public instruction. Pursuant to rules adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by RCW 28A.150.260. [2009 c 548 § 707; 1984 c 278 § 12. Formerly RCW 28A.16.040.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.
Additional notes found at www.leg.wa.gov

28A.185.020 Funding. (1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on 5.0 percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. District practices for identifying the most highly capable students must prioritize equitable identification of low-income students. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds provided by the state for the program for highly capable students under RCW 28A.150.260 shall be categorical funding to provide services to highly capable students as determined by a school district under RCW 28A.185.030. [2017 3rd sp.s. c 13 § 412; 2009 c 548 § 708; 1990 c 33 § 168; 1984 c 278 § 14. Formerly RCW 28A.16.050.]

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

(2021 Ed.)

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.
Additional notes found at www.leg.wa.gov

28A.185.030 Programs—Authority of local school districts—Selection of students. Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a sending school, the receiving school shall initially honor placement of the student into a like program.

(a) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(b) The receiving school may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

(3) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

(4) The definitions in Article II of RCW 28A.705.010 apply to subsection (2) of this section. [2009 c 380 § 4; 1984 c 278 § 13. Formerly RCW 28A.16.060.]

Additional notes found at www.leg.wa.gov

28A.185.040 Contracts with University of Washington for education of highly capable students at early entrance program or transition school—Allocation of funds—Rules. (1) The superintendent of public instruction shall contract with the University of Washington for the education of highly capable students below eighteen years of age who are admitted or enrolled at such early entrance program or transition school as are now or hereafter established and maintained by the University of Washington.

(2) The superintendent of public instruction shall allocate directly to the University of Washington all of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under RCW 28A.185.010 through

(2021 Ed.)

28A.185.030, and federal moneys generated by a student while attending an early entrance program or transition school at the University of Washington. The allocations shall be according to each student's school district of residence. The expenditure of such moneys shall be limited to selection of students, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington. Such allocations may be supplemented with such additional payments by other parties as necessary to cover the actual and full costs of such instruction and other activities.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

(4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter 34.05 RCW implementing subsection (2) of this section before August 31, 1989. [1990 c 33 § 169; 1989 c 233 § 9; 1987 c 518 § 222. Formerly RCW 28A.58.217.]

Intent—1994 c 166; 1987 c 518: See note following RCW 43.216.525.
Additional notes found at www.leg.wa.gov

28A.185.050 Program review and monitoring—Reports to the legislature—Rules. In order to ensure that school districts are meeting the requirements of an approved program for highly capable students, the superintendent of public instruction shall monitor highly capable programs at least once every five years. Monitoring shall begin during the 2002-03 school year.

Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the office of the superintendent of public instruction. In its review, the office shall monitor program components that include but need not be limited to the process used by the district to identify and reach out to highly capable students with diverse talents and from diverse backgrounds, assessment data and other indicators to determine how well the district is meeting the academic needs of highly capable students, and district expenditures used to enrich or expand opportunities for these students.

Beginning June 30, 2003, and every five years thereafter, the office of the superintendent of public instruction shall submit a report to the education committees of the house of representatives and the senate that provides a brief description of the various instructional programs offered to highly capable students.

The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section. [2002 c 234 § 1.]

28A.185.060 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 10.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.188 RCW
SCIENCE, TECHNOLOGY, ENGINEERING, AND
MATHEMATICS (STEM) EDUCATION

Sections

28A.188.010	STEM literacy.
28A.188.020	Statewide director for math, science, and technology—Duties—Reporting.
28A.188.030	STEM education innovation alliance.
28A.188.040	STEM education report card—Coordination of data collection and analysis—Reports by education agencies and the employment security department.
28A.188.050	Statewide STEM organization.
28A.188.060	Identification and dissemination of resources and materials to encourage interdisciplinary instruction and project-based learning.
28A.188.070	Specialized courses in science, technology, engineering, and mathematics (STEM)—Grants to high schools—Selection criteria—Data collection by education data center—Reports.
28A.188.080	Mathematics, engineering, and science achievement program—Findings and intent.
28A.188.082	Mathematics, engineering, and science achievement program—Establishment and administration—Goals.
28A.188.084	Mathematics, engineering, and science achievement program—Coordinator—Staff.
28A.188.086	Mathematics, engineering, and science achievement program—Selection standards.
28A.188.088	Local program centers.
28A.188.090	Lighthouse programs—Science, technology, engineering, and mathematics focus.
28A.188.092	Lighthouse programs—Science, technology, engineering, and mathematics education lighthouse account.

28A.188.010 STEM literacy. (1) As used throughout this chapter, "STEM" means science, technology, engineering, and mathematics.

(2) To provide focus and clarity to efforts to increase learning opportunities and improve educational outcomes in STEM, the following definition of STEM literacy is adopted: STEM literacy means the ability to identify, apply, and integrate concepts from science, technology, engineering, and mathematics to understand complex problems and to innovate to solve them. STEM literacy is achieved when a student is able to apply his or her understanding of how the world works within and across the four interrelated STEM disciplines to improve the social, economic, and environmental conditions of the local and global community.

(3) The component parts of STEM literacy are:

(a) Scientific literacy, which is the ability to use scientific knowledge and processes in physics, chemistry, biology, and earth and space science to understand the natural world and to participate in decisions that affect it;

(b) Technological literacy, which is the ability to use new technologies, understand how technologies are developed, and have skills to analyze how new technologies affect individuals, the nation, and the world. Technology is the innovation, change, or modification of the natural environment to satisfy perceived human needs and wants;

(c) Engineering literacy, which is the understanding of how technologies are developed through the engineering design process. Engineering design is the systematic and creative application of scientific and mathematical principles to practical ends, such as the design, manufacture, and operation of efficient and economic structures, machines, processes, and systems; and

(d) Mathematical literacy, which is the ability to analyze, reason, and communicate ideas effectively through posing, formulating, solving, and interpreting solutions to mathematical problems in a variety of situations. [2013 2nd sp.s. c 25 § 1.]

28A.188.020 Statewide director for math, science, and technology—Duties—Reporting. The superintendent of public instruction shall provide support for statewide coordination for math, science, and technology, including employing a statewide director for math, science, and technology. The duties of the director shall include, but not be limited to:

(1) Within funds specifically appropriated therefor, obtain a statewide license, or otherwise obtain and disseminate, an interactive, project-based high school and middle school technology curriculum that includes a comprehensive professional development component for teachers and, if possible, counselors, and also includes a systematic program evaluation. The curriculum must be distributed to all school districts, or as many as feasible, by the 2007-08 school year;

(2) Within funds specifically appropriated therefor, supporting a public-private partnership to assist school districts with implementing an ongoing, inquiry-based science program that is based on a research-based model of systemic reform and aligned with the Washington state science grade level expectations;

(3) Within funds specifically appropriated therefor, supporting a public-private partnership to provide enriching opportunities in mathematics, engineering, and science for underrepresented students in grades kindergarten through twelve using exemplary materials and instructional approaches;

(4) In an effort to increase precollege and prework interest in math, science, and technology fields, in collaboration with the community and technical colleges, the four-year institutions of higher education, and the workforce training and education coordinating board, conducting outreach efforts to attract middle and high school students to careers in math, science, and technology and to educate students about the coursework that is necessary to be adequately prepared to succeed in these fields;

(5) Coordinating youth opportunities in math, science, and technology, including facilitating student participation in school clubs, state-level fairs, national competitions, and encouraging partnerships between students and university faculty or industry to facilitate such student participation;

(6) Developing and maintaining public-private partnerships to generate business and industry assistance to accomplish the following:

(a) Increasing student engagement and career awareness, including increasing student participation in the youth opportunities in subsection (5) of this section;

(b) Creation and promotion of student scholarships, internships, and apprenticeships;

(c) Provision of relevant teacher experience and training, including on-the-job professional development opportunities;

(d) Upgrading kindergarten through twelfth grade school equipment and facilities to support high quality math, science, and technology programs;

(7) Assembling a cadre of inspiring speakers employed or experienced in the relevant fields to speak to kindergarten through twelfth grade students to demonstrate the breadth of the opportunities in the relevant fields as well as share the types of coursework that are necessary for someone to be successful in the relevant field;

(8) Providing technical assistance to schools and school districts, including working with counselors in support of the math, science, and technology programs;

(9) Subject to available funding, working with the state board for community and technical colleges to develop high-demand applied baccalaureate programs that align with high quality secondary science, technology, engineering, and mathematics programs and career and technical education programs; and

(10) Reporting annually to the legislature about the actions taken to provide statewide coordination for math, science, and technology. [2013 c 55 § 1; 2007 c 396 § 15. Formerly RCW 28A.300.515.]

Finding—Intent—2007 c 396: "The legislature finds that knowledge, skills, and opportunities in mathematics, science, and technology should be increased for all students in Washington. The legislature intends to foster capacity between and among the educational sectors to enable continuous and sustainable growth of the learning and teaching of mathematics, science, and technologies. The legislature intends to foster high quality mathematics, science, and technology programs to increase the number of students in the kindergarten through twelfth grade pipeline who are prepared and aspire to continue in the areas of mathematics, science, and technology, whether it be at a college, university, or in the workforce." [2007 c 396 § 12.]

Additional notes found at www.leg.wa.gov

28A.188.030 STEM education innovation alliance.

(1) The STEM education innovation alliance is established to advise the governor and to provide vision, guidance, assistance, and advice to support the initiatives under this chapter, as well as other current or proposed programs and initiatives across the spectrum of early learning through postsecondary education, that are intended to increase learning opportunities and improve educational outcomes in STEM.

(2) The governor's office, in consultation with the superintendent of public instruction, shall invite representatives of STEM businesses, business and labor organizations with expertise in STEM fields, one or more nonprofit organizations with a mission to enhance STEM education from early learning through postsecondary education, school districts and institutions of higher education that have demonstrated leadership and innovation in STEM education, and STEM educators to participate in the alliance. Representatives from the governor's office, the office of the superintendent of public instruction, and other state education agencies shall also participate as members of the alliance.

(3) The STEM education innovation alliance shall initiate its work by aligning and combining previous STEM education strategic plans into a single, cohesive, and comprehensive STEM framework for action and accountability. The framework must concentrate on a limited number of selected and specific measures that are meaningful indicators of progress in increasing STEM learning opportunities and in achieving the intended longer-term outcomes of such efforts. The framework must use measures that are quantifiable and based on data that are regularly and reliably collected statewide.

(4) Staff support for the STEM education innovation alliance shall be provided by the governor's office and the office of financial management, with support from the office of the superintendent of public instruction and other state education agencies as necessary. [2013 2nd sp.s. c 25 § 2.]

28A.188.040 STEM education report card—Coordination of data collection and analysis—Reports by education agencies and the employment security department.

(1) The STEM education innovation alliance shall develop a STEM education report card, based on the STEM framework for action and accountability, to monitor progress in increasing learning opportunities and aligning strategic plans and activities in order to prepare students for STEM-related jobs and careers, with the longer-term goal of improving educational, workforce, and economic outcomes in STEM.

(2) The report card must:

(a) Illustrate the most recent data for the indicators and measures of the STEM framework for action and accountability;

(b) Provide information from state education agencies that indicates the extent that activities and resources are aligned with and support the STEM framework for action and accountability;

(c) Provide data regarding current and projected STEM job openings in the state; and

(d) Be prominently displayed on a web site designed for this purpose.

(3)(a) The education data center under RCW 43.41.400 must coordinate data collection and analysis to support the report card.

(b) The state education agencies must annually report on how their policies, activities, and expenditures of public resources align with and support the STEM framework for action and accountability. The focus of the reporting under this subsection is on programs and initiatives specifically identified in law or budget proviso as related to STEM education. The agencies must use a common metric for the reporting, designed by the education data center in consultation with the STEM education innovation alliance. For the purposes of this section, "state education agencies" includes the office of the superintendent of public instruction, the student achievement council, the state board for community and technical colleges, the workforce training and education coordinating board, the professional educator standards board, the state board of education, and the department of children, youth, and families.

(c) The employment security department must create an annual report on current and projected job openings in STEM fields and submit the report to the education data center for inclusion in the STEM education report card.

(4) The STEM education innovation alliance must publish the first STEM education report card with baseline data on the identified measures by January 10, 2014, and must update the report card by each January 10th thereafter. [2018 c 58 § 30; 2013 2nd sp.s. c 25 § 3.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

28A.188.050 Statewide STEM organization. (1) To the extent funds are appropriated specifically for this purpose, the office of financial management shall contract with a

statewide nonprofit organization with expertise in promoting and supporting STEM education from early learning through postsecondary education. The purpose of the contract is to identify, test, and develop scalable, cost-effective, and evidence-based approaches for increasing learning opportunities and improving educational outcomes in STEM that are aligned with the STEM framework for action and accountability. The activities to be conducted under the contract shall be as provided in this section, with specific performance expectations negotiated between the office of the governor, the office of financial management, and the selected organization.

(2) Under the terms of the contract, the organization selected under this section shall:

(a) Conduct a statewide communications campaign to expand awareness of the importance of STEM literacy and the opportunities presented by STEM education and careers, particularly as a strategy to close the educational opportunity gap for disadvantaged students and promote economic development in disadvantaged communities;

(b) Expand regional networks of schools, institutions of higher education, educational service districts, STEM businesses, and community-based organizations to align STEM learning opportunities with best practices and local economic development;

(c) Establish an innovation fund and offer competitive grants to support innovative practices in STEM education, from early learning through postsecondary education, including developing models of interdisciplinary instruction and project-based learning;

(d) Expand STEM professional development opportunities for educators, faculty, and principals, including developing technology-enabled learning systems to support implementation of state learning standards; and

(e) Create opportunities to extend STEM learning into early learning programs. [2013 2nd sp.s. c 25 § 4.]

28A.188.060 Identification and dissemination of resources and materials to encourage interdisciplinary instruction and project-based learning. (1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in consultation with the STEM education innovation alliance, must identify and disseminate resources and materials to elementary, middle, and high schools that are intended to encourage and increase interdisciplinary instruction and project-based learning in STEM.

(2) In collaboration with work groups of STEM educators and using the work of regional STEM networks and innovation grant recipients under RCW 28A.188.050, the office of the superintendent of public instruction must:

(a) Identify interdisciplinary STEM instructional modules appropriate for different grade levels;

(b) Identify project-based learning models, projects, lessons, and guides appropriate for different grade levels; and

(c) Make the information collected in this section, including online resource guides, available for teachers to incorporate into their classroom instruction.

(3) The office of the superintendent of public instruction must also disseminate information and research on best prac-

tics in interdisciplinary instruction and project-based learning in STEM. [2013 2nd sp.s. c 25 § 5.]

28A.188.070 Specialized courses in science, technology, engineering, and mathematics (STEM)—Grants to high schools—Selection criteria—Data collection by education data center—Reports. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to high schools to implement specialized courses in science, technology, engineering, and mathematics (STEM) careers as provided by a national multidisciplinary science, technology, engineering, and mathematics program. Grant funds must be allocated on a one-time basis and may be used to purchase course curriculum and equipment, initial course student materials, and support professional development for course teachers.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this subsection (2). This is a competitive grant process. Successful high school applicants must:

(a) Demonstrate engaged and committed high school and district leadership and faculty in support of expanding specialized STEM courses;

(b) Demonstrate that faculty are appropriately trained to offer specialized STEM courses or a plan for faculty to obtain the appropriate training;

(c) Demonstrate capacity to offer the specialized STEM courses and maximize the use of grant resources by addressing: Availability of appropriate physical space, meeting program technology requirements, providing projected enrollment at the high school and from area high schools as appropriate, planned hours and days each week the program is to be offered, and other specific program requirements set forth by the superintendent of public instruction;

(d) Provide the plan for course implementation that includes a beginning date for first classes as well as plans for recruiting and retaining students in the course;

(e) Provide a plan to promote opportunities for students to acquire college credit;

(f) Demonstrate a history of successful partnerships within the community and partner support for implementing specialized STEM courses. Partner support may include one or more of the following: Supplying materials, instruction support, internships, mentorships, apprenticeships, and other program components;

(g) Demonstrate connections to community and technical college programs as well as links to four-year higher education institution STEM programs; and

(h) Demonstrate capacity to continue the course in years succeeding the initial grant year.

(3)(a) The education data center in the office of financial management must, with the office of the superintendent of public instruction, collect student course enrollment and course completion information.

(b) The education data center must: (i) Study mathematics and science course-taking patterns of students completing specialized STEM courses; and (ii) follow the students to employment or further training and education in the two years following high school. This study must be designed to inform policymakers about the extent to which specialized science, technology, engineering, and mathematics classes

taken by students reduce mathematics remediation of students entering the workplace, apprenticeships, community and technical colleges, and four-year institutions of higher education. Study findings must be reported annually beginning January 2014 and each January thereafter through January 2018 to the governor, appropriate state agencies, and the appropriate education and fiscal committees of the legislature. [2011 2nd sp.s. c 1 § 4. Formerly RCW 28A.700.120.]

Findings—Intent—2011 2nd sp.s. c 1: See note following RCW 28A.700.100.

28A.188.080 Mathematics, engineering, and science achievement program—Findings and intent. The legislature finds that high technology is important to the state's economy and the welfare of its citizens. The legislature finds that certain groups, as characterized by sex or ethnic background, are traditionally underrepresented in mathematics, engineering, and the science-related professions in this state. The legislature finds that women and minority students have been traditionally discouraged from entering the fields of science and mathematics including teaching in these fields. The legislature finds that attitudes and knowledges acquired during the kindergarten through eighth grade prepare students to succeed in high school science and mathematics programs and that special skills necessary for these fields need to be acquired during the ninth through twelfth grades. It is the intent of the legislature to promote a mathematics, engineering, and science achievement program to help increase the number of people in these fields and teaching in these fields from groups underrepresented in these fields. [1989 c 66 § 1; 1984 c 265 § 1. Formerly RCW 28A.625.200, 28A.03.430.]

Additional notes found at www.leg.wa.gov

28A.188.082 Mathematics, engineering, and science achievement program—Establishment and administration—Goals. A program to increase the number of people from groups underrepresented in the fields of mathematics, engineering, and the physical sciences in this state shall be established by the University of Washington. The program shall be administered through the University of Washington and designed to:

(1) Encourage students in the targeted groups in the common schools, with a particular emphasis on those students in middle and junior high schools and the sixth through twelfth grades, to acquire the academic skills needed to study mathematics, engineering, or related sciences at an institution of higher education;

(2) Promote the awareness of career opportunities including the career opportunities of teaching in the fields of science and mathematics and the skills necessary to achieve those opportunities among students sufficiently early in their educational careers to permit and encourage the students to acquire the skills;

(3) Promote cooperation among institutions of higher education, the superintendent of public instruction and local school districts in working towards the goals of the program; and

(4) Solicit contributions of time and resources from public and private institutions of higher education, high schools, middle and junior high schools, and private business and

(2021 Ed.)

industry. [1990 c 286 § 1; 1989 c 66 § 2; 1984 c 265 § 2. Formerly RCW 28A.625.210, 28A.03.432.]

Additional notes found at www.leg.wa.gov

28A.188.084 Mathematics, engineering, and science achievement program—Coordinator—Staff. A coordinator shall be hired to administer the program. Additional staff as necessary may be hired. [1984 c 265 § 3. Formerly RCW 28A.625.220, 28A.03.434.]

Additional notes found at www.leg.wa.gov

28A.188.086 Mathematics, engineering, and science achievement program—Selection standards. The coordinator shall develop standards and criteria for selecting students who participate in the program which may include predictive instruments to ascertain aptitude and probability of success. The standards shall include requirements that students take certain courses, maintain a certain grade point average, and participate in activities sponsored by the program. Women and students from minority groups, which are traditionally underrepresented in mathematics and science-related professions and which meet the requirements established by the coordinator shall be selected. [1984 c 265 § 4. Formerly RCW 28A.625.230, 28A.03.436.]

Additional notes found at www.leg.wa.gov

28A.188.088 Local program centers. The coordinator shall establish local program centers throughout the state to implement *RCW 28A.625.210 through 28A.625.230. Each center shall be managed by a center director. Additional staff as necessary may be hired. [1990 c 33 § 521; 1984 c 265 § 5. Formerly RCW 28A.625.240, 28A.03.438.]

*Reviser's note: RCW 28A.625.210 through 28A.625.230 were recodified as RCW 28A.188.082 through 28A.188.086 pursuant to 2013 2nd sp.s. c 25 § 8.

Additional notes found at www.leg.wa.gov

28A.188.090 Lighthouse programs—Science, technology, engineering, and mathematics focus. (1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate schools at the elementary, middle, and high school level to serve as resources and examples of how to combine the following best practices:

(a) A small, highly personalized learning community;

(b) An interdisciplinary curriculum with a strong focus on science, technology, engineering, and mathematics delivered through a project-based instructional approach; and

(c) Active partnerships with businesses and the local community to connect learning beyond the classroom.

(2) The designated elementary, middle, and high schools shall serve as lighthouse programs and provide technical assistance and advice to other schools and communities in the initial stages of creating an alternative learning environment focused on science, technology, engineering, and mathematics. The designated schools must have proven experience and be recognized as model programs.

(3) In addition, the office of the superintendent of public instruction shall work with the designated elementary, middle, and high schools to publicize the models of best practices in science, technology, engineering, and mathematics instruction used by the designated schools and shall encour-

age other schools and communities to work with the designated schools to replicate similar models. [2012 c 151 § 1; 2010 c 238 § 2. Formerly RCW 28A.630.065.]

Intent—2010 c 238: "(1) The legislature has made a commitment to support multiple strategies to improve teaching and learning of science, technology, engineering, and mathematics in Washington's public schools. In recent years, Washington has adopted new technology, mathematics, and science learning standards; initiated funding for middle schools to provide a career and technical program in science, technology, engineering, and mathematics at the same rate as a high school operating a similar program; provided professional development for mathematics and science teachers; created a scholarship program to encourage students to enter mathematics and science degree programs; supported career and technical education in high-demand fields; and authorized alternative ways for teachers to earn certification in the mathematics and science fields.

(2) At the local level, school districts and their communities are also finding new ways to improve teaching and learning of science, technology, engineering, and mathematics. Some districts have combined several best practices into promising learning models for students. For example, Aviation high school in the Highline school district offers a small, highly personalized learning community that is focused on interdisciplinary immersion in science, technology, engineering, and mathematics using a hands-on, project-based curriculum. Delta high school in the Tri-Cities is a collaboration among three school districts, a skill center, two institutions of higher education, a community foundation, and local business leaders. The science and math institute at Point Defiance in Tacoma offers students field-based applied learning using the natural, historical, and community resources of a large metropolitan park. These schools draw students from across regions who are seeking an exciting, rigorous, and nontraditional learning experience. Other schools and communities across the state are seeking to replicate these innovative learning models.

(3) The legislature intends to support continued expansion of the type of innovation and creativity displayed by Aviation, Delta, and the science and math institute by designating so-called "lighthouse" high schools to serve as resources and examples of best practices in science, technology, engineering, and mathematics instruction." [2010 c 238 § 1.]

28A.188.092 Lighthouse programs—Science, technology, engineering, and mathematics education lighthouse account. The science, technology, engineering, and mathematics education lighthouse account is created in the custody of the state treasurer. The purpose of the account is to support schools designated as lighthouse schools under *RCW 28A.630.065 to serve as resources to other schools and communities interested in replicating similar models. Revenues to the account may include gifts from the private sector, federal funds, any appropriations made by the state legislature, or revenues from other sources. Grants to the designated lighthouse schools and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2012 c 151 § 2. Formerly RCW 28A.630.066.]

*Reviser's note: RCW 28A.630.065 was recodified as RCW 28A.188.090 pursuant to 2013 2nd sp.s. c 25 § 8.

Chapter 28A.190 RCW

RESIDENTIAL EDUCATION PROGRAMS

Sections

28A.190.005	Definitions.
28A.190.010	Educational program for juveniles in detention facilities.
28A.190.030	Educational programs for residential school residents— School district to conduct—Scope of duties and authority.
28A.190.040	Educational programs for residential school residents— Duties and authority of department of children, youth, and families and residential school superintendent.

28A.190.050	Educational programs for residential school residents—Contracts between school district and department of children, youth, and families—Scope.
28A.190.060	Educational programs for residential school residents— Department of social and health services and department of children, youth, and families to give notice when need for reduction of staff—Liability upon failure.
28A.190.070	Students in residential schools, detention facilities, and adult correctional facilities—Funding—Procedures for reporting enrollment.
28A.190.080	Institutional education providers—Professional development.
28A.190.090	Students in institutional education facilities—Requirements for the department of children, youth, and families.
28A.190.100	Education of youth in institutional education facilities and postresident youth—Rules.
28A.190.110	Institutional education programs—Data—Recommendations.
28A.190.120	Institutional education programs—School district board of directors.
28A.190.130	Institutional educational system—Recommendations—Designated entity—Advisory group—Report.

28A.190.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Institutional education facility" means residential habilitation and child study and treatment centers operated by the department of social and health services, state long-term juvenile institutions operated by the department of children, youth, and families, state-operated community facilities, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults.

(2) "Institutional education program" means the program of education that is provided to youth in institutional education facilities as a mandatory component of the program of basic education under RCW 28A.150.200.

(3) "Institutional education provider" or "provider" means a school district, educational service district, or other entity providing education services to youth in an institutional education facility.

(4) "Postresident youth" means a person who is under the age of 21 and a former resident of an institutional education facility. A postresident youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

(5) "Residential school" means the following institutional education facilities: Green Hill school, Naselle Youth Camp, Echo Glen, Lakeland Village, Rainier school, Yakima Valley school, Fircrest school, the Child Study and Treatment Center and Secondary School of western state hospital, and other schools, camps, and centers established by the department of social and health services or the department of children, youth, and families for the diagnosis, confinement, and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental or physical deficiency. "Residential school" does not include the state schools for the blind, the Washington state center for childhood deafness and hearing loss, or adult correctional institutions.

(6) "School district" has the same meaning as in RCW 28A.315.025 and includes any educational service district that has entered into an agreement to provide a program of education for residents at an institutional education facility

on behalf of the school district as a cooperative service program pursuant to RCW 28A.310.180.

(7) "Youth" means a person who is under the age of 21 who is a resident of an institutional education facility. A youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services. [2021 c 164 § 3.]

Findings—Intent—2021 c 164: "(1) The legislature finds that students in Washington's secure facilities have been unable to access the education and supports they need to make life-changing academic progress. As a result, these students have experienced dismal graduation and recidivism rates, and have lost invaluable opportunities for hope and transformation.

(2) In 2020, the legislature enacted chapter 226, Laws of 2020, and established the task force on improving institutional education programs and outcomes. The task force efforts resulted in a series of well-considered recommendations that inform this act and, perhaps more importantly, offer a new opportunity to make critical policy advances for students and dedicated staff that are too often overlooked.

(3) The legislature acknowledges that institutional education facilities are part of the public school system and that the students in secure facilities deserve full access to the state's basic education program and its promise of an opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship.

(4) The legislature finds that key reforms are needed to the institutional education system, including the development of an education program that is both student-centered and anchored in the principle that student improvement through education must be the system's primary objective. The legislature further finds that an effective institutional education system must have sufficient funding and proper administrative structures to assure effective functionality, oversight, and accountability.

(5) Although the task of making meaningful reforms to the institutional education system cannot be accomplished through a single legislative act, the legislature intends for this act to be a significant step of progress in better meeting the needs of students who are in or have been involved with the traditional components of the juvenile justice system, with subsequent legislative efforts to be focused on the education of students in other institutional settings, including those in long-term inpatient programs and those with exceptional mental or physical needs.

(6) The legislature, therefore, intends to establish new and modified requirements for the institutional education system that promote student success through improved agency and education provider practices, updated credit-awarding practices, new data collection and reporting requirements, and the development of expert recommendations that will create an implementable blueprint for successfully meeting complex student needs and improving education and postrelease outcomes." [2021 c 164 § 1.]

28A.190.010 Educational program for juveniles in detention facilities. A program of education shall be provided for by the department of social and health services or the department of children, youth, and families and the several school districts of the state for common school-age persons who have been admitted to facilities staffed and maintained or contracted pursuant to RCW 13.40.320 by the department of social and health services or the department of children, youth, and families for the education and treatment of juveniles who have been diverted or who have been found to have committed a juvenile offense. The division of duties, authority, and liabilities of the department of social and health services or the department of children, youth, and families and the several school districts of the state respecting the educational programs shall be the same in all respects as set forth in this chapter respecting programs of education for state residential school residents. For the purposes of this section, the term "residential school" or "schools" as used in this chapter shall be construed to mean a facility staffed and maintained by the department of social and health services or the department of children, youth, and families or a program

(2021 Ed.)

established under RCW 13.40.320, for the education and treatment of juvenile offenders on probation or parole. Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180. [2017 3rd sp.s. c 6 § 720; 2014 c 157 § 2; 1996 c 84 § 1; 1990 c 33 § 170; 1983 c 98 § 3. Formerly RCW 28A.58.765.]

Effective date—2017 3rd sp.s. c 6 §§ 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Juvenile facilities, educational programs: RCW 13.04.145.

28A.190.030 Educational programs for residential school residents—School district to conduct—Scope of duties and authority. Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter 39.34 RCW, conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.190.050, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audiovisual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to RCW 28A.155.010 through 28A.155.100, and vocational education, as necessary to address the unique needs and limitations of residents; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for residential school students with disabilities;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education. [1995 c 77 § 19; 1990 c 33 § 172; 1985 c 341 § 13; 1984 c 160 § 3; 1979 ex.s. c 217 § 2. Formerly RCW 28A.58.772.]

Additional notes found at www.leg.wa.gov

28A.190.040 Educational programs for residential school residents—Duties and authority of department of children, youth, and families and residential school superintendent. The duties and authority of the department of social and health services or the department of children, youth, and families and of each superintendent or chief administrator of a residential school to support each program of education conducted by a school district pursuant to RCW 28A.190.030, shall include the following:

(1) The provision of transportation for residential school students to and from the sites of the program of education through the purchase, lease or rental of school buses and other vehicles as necessary;

(2) The provision of safe and healthy building and playground space for the conduct of the program of education through the construction, purchase, lease or rental of such space as necessary;

(3) The provision of furniture, vocational instruction machines and tools, building and playground fixtures, and other equipment and fixtures for the conduct of the program of education through construction, purchase, lease or rental as necessary;

(4) The provision of heat, lights, telephones, janitorial services, repair services, and other support services for the vehicles, building and playground spaces, equipment and fixtures provided for in this section;

(5) The employment, supervision and control of persons to transport students and to maintain the vehicles, building and playground spaces, equipment and fixtures, provided for in this section;

(6) Clinical and medical evaluation services necessary to a determination by the school district of the educational needs of residential school students; and

(7) Such other support services and facilities as are reasonably necessary for the conduct of the program of education. [2017 3rd sp.s. c 6 § 722; 1990 c 33 § 173; 1979 ex.s. c 217 § 3. Formerly RCW 28A.58.774.]

Effective date—2017 3rd sp.s. c 6 §§ 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Additional notes found at www.leg.wa.gov

28A.190.050 Educational programs for residential school residents—Contracts between school district and department of children, youth, and families—Scope. Each school district required to conduct a program of education pursuant to RCW 28A.190.030, and the department of social and health services and the department of children,

youth, and families shall hereafter negotiate and execute a written contract for each school year or such longer period as may be agreed to which delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved. Any such contract may provide for the performance of duties by a school district in addition to those set forth in RCW 28A.190.030 (1) through (5), including duties imposed upon the department of social and health services and the department of children, youth, and families and their agents pursuant to RCW 28A.190.040: PROVIDED, That funds identified in RCW 28A.190.030(6) and/or funds provided by the department of social and health services and the department of children, youth, and families are available to fully pay the direct and indirect costs of such additional duties and the district is otherwise authorized by law to perform such duties in connection with the maintenance and operation of a school district. [2017 3rd sp.s. c 6 § 723; 1990 c 33 § 174; 1979 ex.s. c 217 § 4. Formerly RCW 28A.58.776.]

Effective date—2017 3rd sp.s. c 6 §§ 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Additional notes found at www.leg.wa.gov

28A.190.060 Educational programs for residential school residents—Department of social and health services and department of children, youth, and families to give notice when need for reduction of staff—Liability upon failure. The department of social and health services and the department of children, youth, and families shall provide written notice on or before April 15th of each school year to the superintendent of each school district conducting a program of education pursuant to this chapter of any foreseeable residential school closure, reduction in the number of residents, or any other cause for a reduction in the school district's staff for the next school year. In the event the department of social and health services and the department of children, youth, and families fail to provide notice as prescribed by this section, the departments shall be liable and responsible for the payment of the salary and employment related costs for the next school year of each school district employee whose contract the school district would have non-renewed but for the failure of the departments to provide notice. [2017 3rd sp.s. c 6 § 724; 2014 c 157 § 4; 1990 c 33 § 175; 1979 ex.s. c 217 § 5. Formerly RCW 28A.58.778.]

Effective date—2017 3rd sp.s. c 6 §§ 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Additional notes found at www.leg.wa.gov

28A.190.070 Students in residential schools, detention facilities, and adult correctional facilities—Funding—Procedures for reporting enrollment. Beginning in the 2021-22 school year, enrollments for students in residential schools as defined in RCW 28A.190.005, for juveniles in detention facilities as identified by RCW 28A.190.010, and for individuals under the age of 18 who are incarcerated in adult correctional facilities may be funded above one full-time equivalent, provided that enrollments above one full-

time equivalent allow for participation in dropout reengagement programs as defined in RCW 28A.175.105. State funding for enrollments in dropout reengagement programs in addition to institutional education facility enrollments must be allocated pursuant to RCW 28A.175.110 excluding administrative fees. The office of the superintendent of public instruction shall develop procedures for school districts to report student enrollment in institutional education facilities and dropout reengagement programs. [2021 c 164 § 6.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

28A.190.080 Institutional education providers—Professional development. (1) Institutional education providers shall annually deliver to all staff providing an institutional education program one day of professional development that builds pedagogical strategies to navigate the intersectionality of factors impacting student learning, including trauma, and physical, mental, and behavioral health in order to achieve academic milestone progression. At a minimum, the professional development must include training on the following topics:

- (a) The cognitive, psychosocial, and emotional development of adolescents;
- (b) Mental and behavioral health literacy;
- (c) The complex needs of students involved in the juvenile justice system, including the trauma associated with incarceration or voluntary or involuntary commitment in a long-term psychiatric inpatient program;
- (d) Racial literacy and cultural competency, as defined in RCW 28A.410.260; and
- (e) Working with adolescents with many adverse childhood experiences.

(2) In addition to the professional learning allocations provided in RCW 28A.150.415, the legislature shall provide and the superintendent of public instruction shall allocate to institutional education providers one professional learning day of funding to provide the professional development required under this section. [2021 c 164 § 8.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

28A.190.090 Students in institutional education facilities—Requirements for the department of children, youth, and families. With respect to students in institutional education facilities governed by this chapter, the department of children, youth, and families must:

(1) Identify data needed by the department and institutional education facilities to evaluate the facilities' administrative and operational role in providing education to students and supporting students' educational outcomes. This data must include attendance, discipline rates, course and certificate completion rates, and other educational metrics;

(2) Analyze, and make a plan to resolve, department and institutional education facilities policies and practices that suspend the provision of educational services to a student as a disciplinary action, so that students are never denied the opportunity to engage in educational activities; and

(3) Review and resolve department and institutional education facility policies and practices that create barriers to students participating in meaningful learning opportunities,

(2021 Ed.)

for example, career and technical education and postsecondary opportunities, in whatever location and format those opportunities are provided.

(4) In meeting the requirements of this section, the department of children, youth, and families must seek input from institutional education providers. [2021 c 164 § 9.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

28A.190.100 Education of youth in institutional education facilities and postresident youth—Rules. (1) The legislature intends to ensure that institutional education facilities include efficient systems to minimize learning loss and maximize credit accrual during transitions for youth and postresident youth. The legislature intends also for the report required by this section to inform its understanding of policy and funding changes that may be necessary to accomplish the objective of improving institutional education programs and outcomes.

(2) The office of the superintendent of public instruction shall modify or establish requirements and supports for the provision of public education to youth and postresident youth. In meeting the requirements of this section, the office of the superintendent of public instruction shall:

(a) Adopt rules requiring institutional education providers at state long-term juvenile institutions and state-operated community facilities to conduct an individualized education program review for each newly admitted youth who either does not have an individualized education program or does not have an individualized education program that has been reviewed in a meeting with the youth, parent or guardian, and applicable school personnel in the previous 12 months;

(b) Adopt rules requiring institutional education providers to, upon admission of a youth to an institutional education facility, conduct a review and assessment of needed services for each facility transition the youth experiences within the juvenile justice system. Rules adopted in accordance with this subsection (2)(b) do not apply to institutional education providers at facilities operated by or under the jurisdiction of the department of social and health services; and

(c) Adopt, for youth in state long-term juvenile institutions and state-operated community facilities, rules to implement accountability measures for special education services delivered by institutional education providers, including the establishment of mediation and appeals options related to special education services that recognize the unique situation of youth and postresident youth.

(3) A summary of any adopted or pending rules developed in accordance with this section must be submitted to the appropriate committees of the legislature in accordance with RCW 43.01.036 by November 1, 2021, in time for any needed legislative action during the 2022 regular legislative session. [2021 c 164 § 11.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

28A.190.110 Institutional education programs—Data—Recommendations. (1) The office of the superintendent of public instruction shall annually collect and post on its website data related to institutional education programs,

disaggregated by gender, race, ethnicity, and age, including data on:

- (a) Individualized education programs;
- (b) Access to relevant instruction that is aligned with the youth's high school and beyond plan and any unmet graduation requirements;
- (c) Student attendance;
- (d) Metrics of student education status upon the beginning of residency in an institutional education facility;
- (e) Student education progress during residency in an institutional education facility;
- (f) Student education attainment during residency in an institutional education facility; and
- (g) Long-term education and workforce outcomes of youth in and released from institutional education facilities as provided annually by the education data center under RCW 43.41.400.

(2)(a) The office of the superintendent of public instruction shall also annually recommend modifications to the state board of education for changes to annual school improvement plan requirements in WAC 180-16-220 that would allow plans for state long-term juvenile institutions to be formatted for the specific needs and circumstances of institutional settings. In meeting the requirements of this subsection (2)(a), the office of the superintendent of public instruction shall seek input from institutional education providers and the department of children, youth, and families.

(b) In meeting the requirements of this section, the office of the superintendent of public instruction may make recommendations to the state board of education for changes to annual school improvement plan requirements based upon data collected under this section, other provisions of law, or both. [2021 c 164 § 12.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

28A.190.120 Institutional education programs—School district board of directors. The office of the superintendent of public instruction must provide a copy of the disaggregated data provided under RCW 28A.190.110(1) to the board of directors of each school district that provides education services to youth and postresident youth for the purpose of giving the board the opportunity to:

- (1) Review the performance of the institutional education provider; and
- (2) Make changes to annual school improvement plans required by WAC 180-16-220, or other policies and procedures as necessary to improve youth and postresident youth outcomes. [2021 c 164 § 13.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

28A.190.130 Institutional educational system—Recommendations—Designated entity—Advisory group—Report. (Expires June 30, 2023.) (1)(a) The office of the superintendent of public instruction and the department of children, youth, and families shall jointly develop recommendations for the establishment, implementation, and funding of a reformed institutional education system that successfully meets the education and support needs of persons in and released from secure settings. Recommendations developed

under this subsection (1) must be based on the foundational concept that every student can succeed if given the necessary supports. With the exception of funding recommendations required by (a)(ii) of this subsection (1), the recommendations developed under this subsection (1) should be directed toward meeting the education needs of persons who are in or have been released from state long-term juvenile institutions and community facilities operated by the department of children, youth, and families, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults. The recommendations must address:

(i) The establishment of an organizational and accountability structure for institutional education that is focused on meeting complex student needs and improving student outcomes;

(ii) The establishment of an equitable, long-term funding model for institutional education that sustainably supports the organizational and accountability structure established under (a)(i) of this subsection (1); and

(iii) The development of a regular and ongoing review of system performance and education outcomes.

(b) The recommendations developed under this subsection (1) must also include the following:

(i) The content and structure of common education, information, and support systems that would include a common, culturally competent curriculum, improve system efficacy, and minimize the negative academic impacts of transitions;

(ii) A coordinated staffing model for institutional education facility and institutional education provider operations and effectiveness in meeting student needs, and a mechanism for developing subsequent recommendations for improvements to the model;

(iii) Practices to ensure that there is a robust program of education advocates for youth in all institutional education facilities;

(iv) Practices for shared data tracking and goal setting for youth progress and learning needs;

(v) Promoting the effective delivery of tiered supports in institutional education facilities in coordination with state and county facility operators, institutional education providers, and community-based organizations delivering those services;

(vi) Promoting the development of an operational safety strategy for safe learning environments for students and staff;

(vii) Promoting operations that prioritize education delivery;

(viii) Maximizing youth and postresident youth access to: (A) Career and technical education and postsecondary education pathways that occur at institutional education facilities and at off-site locations; and (B) mastery-based learning that leads to credit accrual and graduation pathways;

(ix) Establishing new or modified requirements and procedures for the successful release of youth from institutional education facilities by recommending an effective team-based transition process with identified preresident and postresident transition services and supports that include, but are not limited to, basic needs, social-emotional support, and academic support;

(x) Establishing and supporting youth advisory, leadership, and mentoring programs to ensure pathways for youth and postresident youth involvement and development;

(xi) Identifying and establishing culturally responsive parent engagement strategies that support the education and well-being of youth and postresident youth and families;

(xii) Examining and expanding opportunities to include enrichment activities in institutional education programs and offer enrichment opportunities that promote academic and career goals; and

(xiii) Developing partnerships with postsecondary institutions, career and technical education programs, and community-based organizations, and identify ways to incorporate those partnerships into education services delivered by institutional education providers.

(c) In developing the recommendations required by this subsection (1), the office of the superintendent of public instruction and the department of children, youth, and families shall consult with the advisory group established in subsection (3) of this section.

(2) The superintendent of public instruction and the secretary of the department of children, youth, and families shall, by August 15, 2021, jointly designate an entity to facilitate the process of developing recommendations required by subsection (1) of this section, and the advisory group established in subsection (3) of this section. The office of the superintendent of public instruction is responsible for contracts or other agreements necessary to secure the services of the designated entity. The designated entity must: (a) Be a nonprofit and nonpartisan organization with content expertise in improving education for incarcerated young people, including education program delivery, system structure, accountability, and school finance; and (b) have experience facilitating complex cross-agency facilitation.

(3)(a) The institutional education structure and accountability advisory group is established for the purpose of providing advice, assistance, and information to the office of the superintendent of public instruction and the department of children, youth, and families in meeting the requirements of subsection (1) of this section. The advisory group must consist of representatives from the following, but other members may be added by request of the superintendent of public instruction or the secretary of the department of children, youth, and families:

- (i) The state board of education;
- (ii) The department of social and health services;
- (iii) A statewide organization representing counties;
- (iv) The administrative office of the courts;
- (v) The office of the education ombuds;
- (vi) The educational opportunity gap oversight and accountability committee;
- (vii) A statewide organization representing teachers;
- (viii) A statewide organization representing classified education staff;
- (ix) Nonprofit organizations representing the interest of youth and families involved in the juvenile justice system;
- (x) Persons who are or have been involved in the juvenile justice system and their families; and
- (xi) A statewide organization representing state employees.

(2021 Ed.)

(b) In recognition of the need to ensure representation on the advisory group, persons serving under (a)(x) of this subsection are eligible for travel expense reimbursement. Other members of the advisory group are not entitled to expense reimbursement.

(4) Staff support for the advisory group must be provided by the entity selected under subsection (2) of this section.

(5)(a) Recommendations required by this section must, in accordance with RCW 43.01.036, be provided to the governor and the education and fiscal committees of the house of representatives and the senate, by November 1, 2022. The recommendations should include a plan and a phased timeline for their implementation in different types of institutional education facilities, including state long-term juvenile institutions, state-operated community facilities, residential habilitation centers, and county juvenile detention centers.

(b) By December 15, 2021, the office of the superintendent of public instruction and the department of children, youth, and families shall, in accordance with RCW 43.01.036, provide an interim report on progress made in achieving the requirements of this section to the governor and the education and fiscal committees of the house of representatives and the senate.

(6) This section expires June 30, 2023. [2021 c 164 § 14.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

Chapter 28A.193 RCW EDUCATION PROGRAMS FOR JUVENILE INMATES

Sections

28A.193.005	Intent—Findings.
28A.193.010	Operation of program by school district or educational service district.
28A.193.020	Solicitation for education provider—Selection of provider—Operation of program by educational service district.
28A.193.030	Duties and authority of education provider—Continuation in program by students age eighteen.
28A.193.040	Education providers—Additional authority and limitations.
28A.193.050	Required support of education programs.
28A.193.060	Contract between education providers and department of corrections.
28A.193.070	Education site closures or reduction in services—Notice to the superintendent of public instruction and education providers—Liability for failure to provide notice—Alternative dispute resolution.
28A.193.080	Allocation of money—Accountability requirements—Rules.
28A.193.900	Effective date—1998 c 244 §§ 1-9 and 11-15.

28A.193.005 Intent—Findings. The legislature intends to provide for the operation of education programs for the department of corrections' juvenile inmates. School districts, educational service districts, or any combination thereof should be the primary providers of the education programs. However, the legislature does not intend to preclude community and technical colleges, four-year institutions of higher education, or other qualified entities from contracting to provide all or part of these education programs if no school district or educational service district is willing to operate all or part of the education programs.

The legislature finds that this chapter fully satisfies any constitutional duty to provide education programs for juvenile inmates in adult correctional facilities. The legislature

further finds that biennial appropriations for education programs under this chapter amply provide for any constitutional duty to educate juvenile inmates in adult correctional facilities. [1998 c 244 § 1.]

28A.193.010 Operation of program by school district or educational service district. Any school district or educational service district may operate all or any portion of an education program for juveniles in accordance with this chapter, notwithstanding the fact the services or benefits provided extend beyond the geographic boundaries of the school district or educational service district providing the service. [1998 c 244 § 2.]

28A.193.020 Solicitation for education provider—Selection of provider—Operation of program by educational service district. The superintendent of public instruction shall solicit an education provider for the department of corrections' juvenile inmates within sixty days as follows:

(1) The superintendent of public instruction shall notify and solicit proposals from all interested and capable school districts, educational service districts, institutions of higher education, private contractors, or any combination thereof. The notice shall describe the proposed education program's requirements and the appropriated amount. The selection of an education provider shall be in the following order:

(a) The school district where there is an educational site for juveniles in an adult correctional facility maintained by the state department of corrections has first priority to operate an education program for inmates at that site. The district may elect to operate an education program by itself or with another school district, educational service district, institution of higher education, private contractor, or any combination thereof. If the school district elects not to exercise its priority, it shall notify the superintendent of public instruction within thirty calendar days of the day of solicitation.

(b) The educational service district where there is an educational site for juveniles in an adult correctional facility maintained by the state department of corrections has second priority to operate an education program for inmates at that site. The educational service district may elect to do so by itself or with a school district, another educational service district, institution of higher education, private contractor, or any combination thereof. If the educational service district elects not to exercise its priority, it shall notify the superintendent of public instruction within forty-five calendar days of the day of solicitation.

(c) If neither the school district nor the educational service district chooses to operate an education program for inmates as provided for in (a) and (b) of this subsection, the superintendent of public instruction may contract with an entity, including, but not limited to, school districts, educational service districts, institutions of higher education, private contractors, or any combination thereof, within sixty calendar days of the day of solicitation. The selected entity may operate an education program by itself or with another school district, educational service district, institution of higher education, or private contractor, or any combination thereof.

(2) If the superintendent of public instruction does not contract with an interested entity within sixty days of the day of solicitation, the educational service district where there is

an educational site for juveniles in an adult correctional facility maintained by the state department of corrections shall begin operating the education program for inmates at the site within ninety days from the day of solicitation in subsection (1) of this section. [1998 c 244 § 3.]

28A.193.030 Duties and authority of education provider—Continuation in program by students age eighteen. Except as otherwise provided for by contract under RCW 28A.193.060, the duties and authority of a school district, educational service district, institution of higher education, or private contractor to provide for education programs under this chapter are limited to the following:

(1) Employing, supervising, and controlling administrators, teachers, specialized personnel, and other persons necessary to conduct education programs, subject to security clearance by the department of corrections;

(2) Purchasing, leasing, or renting and providing textbooks, maps, audiovisual equipment, paper, writing instruments, physical education equipment, and other instructional equipment, materials, and supplies deemed necessary by the provider of the education programs;

(3) Conducting education programs for inmates under the age of eighteen in accordance with program standards established by the superintendent of public instruction. The education provider shall develop the curricula, instructional methods, and educational objectives of the education programs, subject to applicable requirements of state and federal law. The department of corrections shall establish behavior standards that govern inmate participation in education programs, subject to applicable requirements of state and federal law;

(4) Students age eighteen who have participated in an education program governed by this chapter may continue in the program with the permission of the department of corrections and the education provider, under the rules adopted by the superintendent of public instruction. [1998 c 244 § 4.]

28A.193.040 Education providers—Additional authority and limitations. School districts and educational service districts providing an education program to juvenile inmates in an adult corrections [correctional] facility, notwithstanding that their geographical boundaries do not include the facility, may:

(1) Award appropriate diplomas or certificates to inmates who successfully complete graduation requirements;

(2) Spend only funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs under this chapter, including direct and indirect costs of maintaining and operating the education programs, and funds from federal and private grants, bequests, and gifts made for that purpose. School districts may not expend excess tax levy proceeds authorized for school district purposes to pay costs incurred under this chapter. [1998 c 244 § 5.]

28A.193.050 Required support of education programs. To support each education program under this chapter, the department of corrections and each superintendent or chief administrator of a correction facility shall:

(1) Through construction, lease, or rental of space, provide necessary building and exercise spaces for the education program that is secure, separate, and apart from space occupied by nonstudent inmates;

(2) Through construction, lease, or rental, provide vocational instruction machines; technology and supporting equipment; tools, building, and exercise facilities; and other equipment and fixtures deemed necessary by the department of corrections to conduct the education program;

(3) Provide heat, lights, telephone, janitorial services, repair services, and other support services for the building and exercise spaces, equipment, and fixtures provided under this section;

(4) Employ, supervise, and control security staff to safeguard agents of the education providers and inmates while engaged in educational and related activities conducted under this chapter;

(5) Provide clinical and medical evaluation services necessary for a determination by the education provider of the educational needs of inmates; and

(6) Provide such other support services and facilities as are reasonably necessary to conduct the education program. [1998 c 244 § 6.]

28A.193.060 Contract between education providers and department of corrections. Each education provider under this chapter and the department of corrections shall negotiate and execute a written contract for each school year or such longer period as may be agreed to that delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved through mediation, and if necessary, arbitration. Any such contract may provide for the performance of duties by an education provider in addition to those set forth in this chapter, including duties imposed upon the department of corrections and its agents under RCW 28A.193.050 if supplemental funding provided by the department of corrections is available to fully pay the direct and indirect costs of these additional duties. [1998 c 244 § 7.]

28A.193.070 Education site closures or reduction in services—Notice to the superintendent of public instruction and education providers—Liability for failure to provide notice—Alternative dispute resolution. By April 15th of each school year, the department of corrections shall provide written notice to the superintendent of public instruction and education providers operating programs under this chapter of any reasonably foreseeable education site closures, reductions in the number of inmates or education services, or any other cause for a reduction in certificated or classified staff the next school year. In the event the department of corrections fails to provide notice as required by this section, the department is liable and responsible for the payment of the salary and employment-related costs for the next school year of each employee whose contract would or could have been nonrenewed but for the failure of the department to provide notice. Disputes arising under this section shall be resolved in accordance with the alternative dispute resolution method or methods specified in the contract required by RCW 28A.193.060. [1998 c 244 § 8.]

(2021 Ed.)

28A.193.080 Allocation of money—Accountability requirements—Rules. The superintendent of public instruction shall:

(1) Allocate money appropriated by the legislature to administer and provide education programs under this chapter to school districts, educational service districts, and other education providers selected under RCW 28A.193.020 that have assumed the primary responsibility to administer and provide education programs under this chapter. The allocation of moneys to any private contractor is contingent upon and must be in accordance with a contract between the private contractor and the department of corrections; and

(2) Adopt rules in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the biennial operating act effectively. [1998 c 244 § 9.]

28A.193.900 Effective date—1998 c 244 §§ 1-9 and 11-15. Sections 1 through 9 and 11 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 30, 1998]. [1998 c 244 § 17.]

Chapter 28A.194 RCW

EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS

Sections

28A.194.005	Intent—Findings.
28A.194.010	Education programs for juveniles in adult jails.
28A.194.020	Definition.
28A.194.030	Duties and authority of education provider.
28A.194.040	School districts—Additional authority and limitation.
28A.194.050	Duties of jail facility superintendent or chief administrator.
28A.194.060	Contract between education providers and adult jail facilities.
28A.194.070	Instructional service plans—Notice of closure of facility or unavailability of facility for juveniles.
28A.194.080	Allocation of money—Accountability requirements—Rules.

28A.194.005 Intent—Findings. The legislature intends to provide for the operation of education programs for juvenile inmates incarcerated in adult jails.

The legislature finds that this chapter fully satisfies any constitutional duty to provide education programs for juvenile inmates in adult jails. The legislature further finds that biennial appropriations for education programs under this chapter amply provide for any constitutional duty to educate juvenile inmates in adult jails. [2010 c 226 § 1.]

28A.194.010 Education programs for juveniles in adult jails. A program of education shall be made available for juvenile inmates by adult jail facilities and the several school districts of the state for persons under the age of eighteen years who have been incarcerated in any adult jail facilities operated under the authority of chapter 70.48 RCW. Each school district within which there is located an adult jail facility shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or chapter 39.34 RCW, conduct a program of education, including related student activities for inmates in adult jail facilities. School districts are not precluded from contracting with educational service districts, community and technical colleges,

[Title 28A RCW—page 65]

four-year institutions of higher education, or other qualified entities to provide all or part of these education programs. The division of duties, authority, and liabilities of the adult jail facilities and the several school districts of the state respecting the educational programs shall be as provided for in this chapter with regard to programs for juveniles in adult jail facilities. [2010 c 226 § 2.]

28A.194.020 Definition. As used in this chapter, "adult jail facility" means an adult jail operated under the authority of chapter 70.48 RCW. [2010 c 226 § 3.]

28A.194.030 Duties and authority of education provider. (1) Except as otherwise provided for by contract under RCW 28A.194.060, the duties and authority of a school district, educational service district, institution of higher education, or private contractor to provide for education programs under this chapter include:

(a) Employing, supervising, and controlling administrators, teachers, specialized personnel, and other persons necessary to conduct education programs, subject to security clearance by the adult jail facilities;

(b) Purchasing, leasing, renting, or providing textbooks, maps, audiovisual equipment paper, writing instruments, physical education equipment, and other instructional equipment, materials, and supplies deemed necessary by the provider of the education programs;

(c) Conducting education programs for inmates under the age of eighteen in accordance with program standards established by the superintendent of public instruction;

(d) Expending funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs for juvenile inmates incarcerated in adult jail facilities, in addition to funds from federal and private grants, and bequests, and gifts made for the purpose of maintaining and operating the program of education; and

(e) Providing educational services to juvenile inmates within five school days of receiving notification from an adult jail facility within the district's boundaries that an individual under the age of eighteen has been incarcerated.

(2) The school district, educational service district, institution of higher education, or private contractor shall develop the curricula, instruction methods, and educational objectives of the education programs, subject to applicable requirements of state and federal law. For inmates who are under the age of eighteen when they commence the program and who have not met high school graduation requirements, such courses of instruction and school-related student activities as are provided by the school district for students outside of adult jail facilities shall be provided by the school district for students in adult jail facilities, to the extent that it is practical and judged appropriate by the school district and the administrator of the adult jail facility. [2010 c 226 § 4.]

28A.194.040 School districts—Additional authority and limitation. School districts providing an education program to juvenile inmates in an adult jail facility may:

(1) Award appropriate diplomas or certificates to juvenile inmates who successfully complete graduation requirements;

(2) Allow students eighteen years of age who have participated in an education program under this chapter to continue in the program, under rules adopted by the superintendent of public instruction; and

(3) Spend only funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs under this chapter, including direct and indirect costs of maintaining and operating the education programs, and funds from federal and private grants, bequests, and gifts made for that purpose. School districts may not expend excess tax levy proceeds authorized for school district purposes to pay costs incurred under this chapter. [2010 c 226 § 5.]

28A.194.050 Duties of jail facility superintendent or chief administrator. To support each education program under this chapter, the adult jail facility and each superintendent or chief administrator of an adult jail facility shall:

(1) Provide necessary access to existing instructional and exercise spaces for the education program that are safe and secure;

(2) Provide equipment deemed necessary by the adult jail facility to conduct the education program;

(3) Maintain a clean and appropriate classroom environment that is sufficient to meet the program requirements and consistent with security conditions;

(4) Provide appropriate supervision of juvenile inmates consistent with security conditions to safeguard agents of the education providers and juvenile inmates while engaged in educational and related activities conducted under this chapter;

(5) Provide such other support services and facilities deemed necessary by the adult jail facilities to conduct the education program;

(6) Provide the available medical and mental health records necessary to a determination by the school district of the educational needs of the juvenile inmate; and

(7) Notify the school district within which the adult jail facility resides within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility. [2010 c 226 § 6.]

28A.194.060 Contract between education providers and adult jail facilities. Each education provider under this chapter and the adult jail facility shall negotiate and execute a written contract for each school year, or such longer period as may be agreed to, that delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved through mediation, and if necessary, arbitration. Any such contract may provide for the performance of duties by an education provider in addition to those in this chapter, including duties imposed upon the adult jail facility and its agents under RCW 28A.194.050, if supplemental funding is available to fully pay the direct and indirect costs of these additional duties. [2010 c 226 § 7.]

28A.194.070 Instructional service plans—Notice of closure of facility or unavailability of facility for juveniles.

(1) By September 30, 2010, districts must, in coordination with adult jail facilities residing within their boundaries, submit an instructional service plan to the office of the superintendent of public instruction. Service plans must meet requirements stipulated in the rules developed in accordance with RCW 28A.194.080, provided that (a) the rules shall not govern requirements regarding security within the jail facility nor the physical facility of the adult jail, including but not limited to, the classroom space chosen for instruction, and (b) any excess costs to the jails associated with implementing rules shall be negotiated pursuant to the contractual agreements between the education provider and adult jail facility.

(2) Once districts have submitted a plan to the office of the superintendent of public instruction, districts are not required to resubmit their plans unless either districts or adult jail facilities initiate a significant change to their plans.

(3) An adult jail facility shall notify the office of the superintendent of public instruction as soon as practicable upon the closure of any adult jail facility or upon the adoption of a policy that no juvenile shall be held in the adult jail facility. [2010 c 226 § 8.]

28A.194.080 Allocation of money—Accountability requirements—Rules. The superintendent of public instruction shall:

(1) Allocate money appropriated by the legislature to administer and provide education programs under this chapter to school districts that have assumed the primary responsibility to administer and provide education programs under this chapter or to the educational service district operating the program under contract; and

(2) Adopt rules that apply to school districts and educational providers in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the omnibus appropriations act effectively. In adopting the rules pursuant to this subsection, the superintendent of public instruction shall collaborate with representatives from the Washington association of sheriffs and police chiefs and shall attempt to negotiate rules that deliver the educational program in the most cost-effective manner while, to the extent practicable, not imposing additional costs on local jail facilities. [2010 c 226 § 9.]

Chapter 28A.195 RCW PRIVATE SCHOOLS

Sections

28A.195.010	Private schools—Exemptions from student learning goals, state learning standards, and high school assessments—Minimum requirements.
28A.195.020	Private schools—Rights recognized.
28A.195.030	Private schools—Actions appealable under Administrative Procedure Act.
28A.195.040	Private schools—Board rules for enforcement—Racial segregation or discrimination prohibited—Board rules for emergencies.
28A.195.050	Private school advisory committee.
28A.195.060	Private schools must report attendance.
28A.195.070	Official transcript withholding—Transmittal of information.
28A.195.080	Record checks—Findings—Authority to require.

(2021 Ed.)

28A.195.090 Online school programs.
28A.195.100 Notifications—Appeals.

28A.195.010 Private schools—Exemptions from student learning goals, state learning standards, and high school assessments—Minimum requirements. The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

The administrative or executive authority of private schools or private school districts shall file each year with the state board of education a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. The state board of education may request clarification or additional information. After review of the statement, the state board of education will notify schools or school districts of any concerns, deficiencies, and deviations which must be corrected. If there are any unresolved concerns, deficiencies, or deviations, the school or school district may request or the state board of education on its own initiative may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, to learn the state learning standards, or to be assessed pursuant to RCW 28A.655.070. However, private schools may choose, on a voluntary basis, to have their students learn these state learning standards or take the assessments. Minimum requirements shall be as follows:

(1) Except as provided in RCW 28A.195.040, the minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

(2) The school day shall be the same as defined in RCW 28A.150.203.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the state board of education reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certificated under chapter 28A.410 RCW;

(b) The planning by the certificated person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certificated person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certificated person; and

(e) The certificated employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved. [2021 c 8 § 2; 2019 c 252 § 108; 2018 c 177 § 201; 2009 c 548 § 303; 2004 c 19 § 106; 1993 c 336 § 1101; (1992 c 141 § 505 repealed by 1993 c 336 § 1102); 1990 c 33 § 176. Prior: 1985 c 441 § 4; 1985 c 16 § 1; 1983 c 56 § 1; 1977 ex.s. c 359 § 9; 1975 1st ex.s. c 275 § 71; 1974 ex.s. c 92 § 2. Formerly RCW 28A.02.201.]

Effective date—2021 c 8: See note following RCW 28A.195.040.

Intent—2019 c 252: See note following RCW 28A.655.250.

Effective dates—2018 c 177 §§ 201, 202, 501-504, 507, and 701: See note following RCW 28A.150.222.

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Authorization for private school students to ride buses—Conditions: RCW 28A.160.020.

Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants—Budgets: RCW 28A.320.080.

Home-based instruction: RCW 28A.200.010.

Immunization program, private schools as affecting: RCW 28A.210.060 through 28A.210.170.

Part-time students—Defined—Enrollment in public schools authorized: RCW 28A.150.350.

Program of basic education, RCW 28A.195.010 as part of: RCW 28A.150.200.

Real property—Sale—Notice and hearing—Appraisal—Broker or real estate appraiser services—Real estate sales contracts—Limitation: RCW 28A.335.120.

Surplus school property, rental, lease or use of—Authorized—Limitations: RCW 28A.335.040.

Surplus texts and other educational aids, notice of availability—Student priority as to texts: RCW 28A.335.180.

Additional notes found at www.leg.wa.gov

28A.195.020 Private schools—Rights recognized.

The state recognizes the following rights of every private school:

(1) To teach their religious beliefs and doctrines, if any; to pray in class and in assemblies; to teach patriotism including requiring students to salute the flag of the United States if that be the custom of the particular private school.

(2) To require that there shall be on file the written consent of parents or guardians of students prior to the administration of any psychological test or the conduct of any type of group therapy. [1974 ex.s. c 92 § 3; 1971 ex.s. c 215 § 5. Formerly RCW 28A.02.220.]

Additional notes found at www.leg.wa.gov

28A.195.030 Private schools—Actions appealable under Administrative Procedure Act. Any private school may appeal the actions of the state board of education as provided in chapter 34.05 RCW. [2018 c 177 § 202; 1974 ex.s. c 92 § 4; 1971 ex.s. c 215 § 6. Formerly RCW 28A.02.230.]

Effective dates—2018 c 177 §§ 201, 202, 501-504, 507, and 701: See note following RCW 28A.150.222.

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

28A.195.040 Private schools—Board rules for enforcement—Racial segregation or discrimination prohibited—Board rules for emergencies. (1) The state board of education shall promulgate rules and regulations for the enforcement of RCW 28A.195.010 through 28A.195.040, 28A.225.010, and 28A.305.130, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

(2) The state board of education has the authority to make rules and regulations that establish the terms and conditions for allowing private schools to maintain their approval status when private schools are unable to fulfill the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.195.010 due to a significant disruption resulting from an emergency.

(3) For purposes of this section, "emergency" has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official. [2021 c 8 § 1;

1990 c 33 § 177; 1983 c 3 § 29; 1974 ex.s. c 92 § 5; 1971 ex.s. c 215 § 7. Formerly RCW 28A.02.240.]

Effective date—2021 c 8: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 2, 2021]." [2021 c 8 § 3.]

28A.195.050 Private school advisory committee. The superintendent of public instruction is hereby directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various private school groups in the state of Washington. [1984 c 40 § 1; 1974 ex.s. c 92 § 6. Formerly RCW 28A.02.250.]

Additional notes found at www.leg.wa.gov

28A.195.060 Private schools must report attendance. The administrative or executive authority of every private school in this state must report to the superintendent of public instruction on or before the thirtieth day of June in each year, on forms to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state. [2018 c 177 § 203; 1975 1st ex.s. c 275 § 70; 1969 ex.s. c 176 § 111; 1969 ex.s. c 223 § 28A.48.055. Prior: 1933 c 28 § 14; 1913 c 158 § 1; 1909 c 97 p 313 § 6; RRS § 4876. Formerly RCW 28A.48.055, 28.48.055, 28.27.020.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Additional notes found at www.leg.wa.gov

28A.195.070 Official transcript withholding—Transmittal of information. If a student who previously attended an approved private school enrolls in a public school but has not paid tuition, fees, or fines at the approved private school, the approved private school may withhold the student's official transcript, but shall transmit information to the public school about the student's academic performance, special placement, immunization records, and records of disciplinary action. [1997 c 266 § 5.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.195.080 Record checks—Findings—Authority to require. (1) The legislature finds additional safeguards are necessary to ensure safety of school children attending private schools in the state of Washington. Private schools approved under this chapter are authorized to require that employees who have regularly scheduled unsupervised access to children, whether current employees on May 5, 1999, or applicants for employment on or after May 5, 1999, undergo a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. Employees or applicants for employment who have completed a record check in accordance with RCW 28A.410.010 shall not be required to undergo a record check under this section. The superintendent of public instruction shall provide a copy of the record report to the employee or applicant. If an employee or appli-

(2021 Ed.)

cant has undergone a record check as authorized under this section, additional record checks shall not be required unless required by other provisions of law.

(2) The approved private school, the employee, or the applicant shall pay the costs associated with the record check authorized in this section.

(3) Applicants may be employed on a conditional basis pending completion of the investigation. If the employee or applicant has had a record check within the previous two years, the approved private school or contractor may waive any record check required by the approved private school under subsection (1) of this section. [1999 c 187 § 1.]

Additional notes found at www.leg.wa.gov

28A.195.090 Online school programs. (1) If a private school that has been approved under this chapter by the state board of education seeks approval also to offer and administer an online school program as defined under RCW 28A.250.010, including under contract with a third party, the requirements for minimum instructional hour offerings under RCW 28A.195.010(1) shall be deemed met for the online school program. A residential dwelling of a parent, guardian, or custodian shall be deemed an adequate physical facility for students enrolled in the online school program. The online school program is not required to be offered for the same grade levels as the approved private school.

(2) The state board of education may approve an online school program under this section that meets other applicable requirements under this chapter.

(3) No private school offering and administering an online program under this section, third party that contracts with a private school to offer and administer an online program, or parent or guardian providing an online program may receive state funding to provide the program. [2013 c 161 § 2.]

Findings—2013 c 161: "The legislature supports student access to a variety of educational options, both public and private. However, state policies regarding the approval of private schools were created before online learning was possible. Consequently, these policies do not provide for approval criteria that are sufficiently flexible to accommodate online learning. While some policy adjustments have been made to permit public online choices, current law does not provide a clear process for private schools to obtain state approval to offer similar learning options." [2013 c 161 § 1.]

28A.195.100 Notifications—Appeals. The administrator of a private school approved under this chapter must comply with the notification provisions of RCW 28A.320.163 that apply to superintendents, designees of superintendents, and principals. [2020 c 167 § 2.]

Chapter 28A.200 RCW HOME-BASED INSTRUCTION

Sections

- 28A.200.010 Home-based instruction—Duties of parents—Exemptions from state learning goals, state learning standards, and high school assessments.
- 28A.200.020 Home-based instruction—Certain decisions responsibility of parent unless otherwise specified.
- 28A.200.030 Condensed compliance reports—Second-class districts.

28A.200.010 Home-based instruction—Duties of parents—Exemptions from state learning goals, state

learning standards, and high school assessments. (1) Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

(a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

(b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, learn the state learning standards, or take the assessments under RCW 28A.655.070. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4). [2019 c 252 § 109; 2004 c 19 § 107; 1995 c 52 § 1; 1993 c 336 § 1103; 1990 c 33 § 178; 1985 c 441 § 2. Formerly RCW 28A.27.310.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Part-time students—Defined—Enrollment in public schools authorized: RCW 28A.150.350.

Private schools—Extension programs for parents to teach children in their custody: RCW 28A.195.010.

Additional notes found at www.leg.wa.gov

28A.200.020 Home-based instruction—Certain decisions responsibility of parent unless otherwise specified. The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW 28A.225.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter. [1990 c 33 § 179; 1985 c 441 § 3. Formerly RCW 28A.27.320.]

Additional notes found at www.leg.wa.gov

28A.200.030 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 11.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.205 RCW EDUCATION CENTERS

Sections

28A.205.010	"Education center," "basic academic skills," defined—Certification as education center and withdrawal of certification.
28A.205.020	Common school dropouts—Reimbursement.
28A.205.030	Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate.
28A.205.040	Fees—Rules—Priority for payment—Review of records.
28A.205.050	Rules.
28A.205.070	Allocation of funds—Criteria—Duties of superintendent.
28A.205.080	Legislative findings—Distribution of funds—Cooperation with school districts.
28A.205.090	Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment.

28A.205.010 "Education center," "basic academic skills," defined—Certification as education center and withdrawal of certification. (1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center

shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting or the approval of private schools under RCW 28A.305.130.

(3) The superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050. [2006 c 263 § 408; 2005 c 497 § 214; 1999 c 348 § 2; 1993 c 211 § 1; 1990 c 33 § 180; 1983 c 3 § 38; 1977 ex.s. c 341 § 1. Formerly RCW 28A.97.010.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Intent—1999 c 348: "During 1997 and 1998, a committee of the state board of education reviewed all board rules and related authorizing statutes. Based on the findings and recommendations resulting from the review, the state board prepared a report to the legislature requesting action be taken. It is the intent of this act to implement recommendations of the state board of education." [1999 c 348 § 1.]

Additional notes found at www.leg.wa.gov

28A.205.020 Common school dropouts—Reimbursement. Only eligible common school dropouts shall be enrolled in a certified education center for reimbursement by the superintendent of public instruction as provided in RCW 28A.205.040. A person is not an eligible common school dropout if: (1) The person has completed high school, (2) the person has not reached his or her twelfth birthday or has passed his or her twentieth birthday, (3) the person shows proficiency beyond the high school level in a test approved by the state board of education to be given as part of the initial diagnostic procedure, or (4) less than one month has passed after the person has dropped out of any common school and the education center has not received written verification from a school official of the common school last attended in this state that the person is no longer in attendance at the school. A person is an eligible common school dropout even if one month has not passed since the person dropped out if the board of directors or its designee, of that common school, requests the center to admit the person because the person has dropped out or because the person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion. The fact that any person may be subject to RCW 28A.225.010 through 28A.225.140, 28A.200.010, and 28A.200.020 shall not affect

(2021 Ed.)

his or her qualifications as an eligible common school dropout under this chapter. [1999 c 348 § 3; 1997 c 265 § 7; 1993 c 211 § 2; 1990 c 33 § 181; 1979 ex.s. c 174 § 1; 1977 ex.s. c 341 § 2. Formerly RCW 28A.97.020.]

Intent—1999 c 348: See note following RCW 28A.205.010.

Additional notes found at www.leg.wa.gov

28A.205.030 Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate. The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: PROVIDED, That such individual shall be placed with the class he or she would be in had he or she not dropped out and graduate with that class, if the student's ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified education center student sixteen years of age or older, upon completion of an individual student program, is eligible to take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 as given throughout the state. [2013 c 39 § 6. Prior: 1993 c 218 § 2; 1993 c 211 § 3; 1990 c 33 § 182; 1977 ex.s. c 341 § 3. Formerly RCW 28A.97.030.]

Additional notes found at www.leg.wa.gov

28A.205.040 Fees—Rules—Priority for payment—Review of records. (1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020. The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect. The administration of any test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 shall not be a part of such initial diagnostic procedure.

(c) Reimbursements shall not be made for students who are absent.

(d) No center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such center, without prior notice, shall permit a review of its accounting

records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the centers of the date after which further funds for reimbursement of the centers' services will be exhausted. [2013 c 39 § 7; 2006 c 263 § 412; 1999 c 348 § 4; 1990 c 33 § 183; 1979 ex.s. c 174 § 2; 1977 ex.s. c 341 § 4. Formerly RCW 28A.97.040.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1999 c 348: See note following RCW 28A.205.010.

Additional notes found at www.leg.wa.gov

28A.205.050 Rules. In accordance with chapter 34.05 RCW, the administrative procedure act, the Washington professional educator standards board with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules to carry out the purpose and intent of this chapter. [2005 c 497 § 215; 1995 c 335 § 201; 1993 c 211 § 4; 1990 c 33 § 184; 1977 ex.s. c 341 § 5. Formerly RCW 28A.97.050.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.205.070 Allocation of funds—Criteria—Duties of superintendent. In allocating funds appropriated for education centers, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent

shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation. [2006 c 263 § 409; 1993 c 211 § 6; 1990 c 33 § 185; 1985 c 434 § 3. Formerly RCW 28A.97.120.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1985 c 434: "It is the intent of this act to provide for an equitable distribution of funds appropriated for educational clinics, to stabilize existing programs, and to provide a system for orderly expansion or retrenchment in the event of future increases or reductions in program appropriations." [1985 c 434 § 1.]

28A.205.080 Legislative findings—Distribution of funds—Cooperation with school districts. The legislature recognizes that education centers provide a necessary and effective service for students who have dropped out of common school programs. Education centers have demonstrated success in preparing such youth for productive roles in society and are an integral part of the state's program to address the needs of students who have dropped out of school. The superintendent of public instruction shall distribute funds, consistent with legislative appropriations, allocated specifically for education centers in accord with chapter 28A.205 RCW. The legislature encourages school districts to explore cooperation with education centers pursuant to RCW 28A.150.305. [1997 c 265 § 8; 1993 c 211 § 7; 1990 c 33 § 186; 1987 c 518 § 220. Formerly RCW 28A.97.125.]

Intent—1994 c 166; 1987 c 518: See note following RCW 43.216.525.

Additional notes found at www.leg.wa.gov

28A.205.090 Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment. The superintendent shall include the education centers program in the biennial budget request. Contracts between the superintendent of public instruction and the education centers shall include quarterly plans which provide for relatively stable student enrollment but take into consideration anticipated seasonal variations in enrollment in the individual centers. Funds which are not expended by a center during the quarter for which they were planned may be carried forward to subsequent quarters of the fiscal year. The superintendent shall make payments to the centers on a monthly basis pursuant to RCW 28A.205.040. [1993 c 211 § 8; 1990 c 33 § 187; 1985 c 434 § 4. Formerly RCW 28A.97.130.]

Intent—1985 c 434: See note following RCW 28A.205.070.

Chapter 28A.210 RCW HEALTH—SCREENING AND REQUIREMENTS

Sections

28A.210.010 Contagious diseases, limiting contact—Rules.
28A.210.020 Visual and auditory screening of pupils—Rules.

- 28A.210.030 Visual and auditory screening of pupils—Record of screening—Forwarding of records, recommendations and data.
- 28A.210.040 Visual and auditory screening of pupils—Access to rules, records, and forms.
- 28A.210.045 Speech-language pathology services—Complaints.
- 28A.210.060 Immunization program—Purpose.
- 28A.210.070 Immunization program—Definitions.
- 28A.210.080 Immunization program—Attendance of child conditioned upon presentation of alternative proofs—Information regarding meningococcal disease—Information regarding human papillomavirus disease.
- 28A.210.090 Immunization program—Exemptions.
- 28A.210.100 Immunization program—Source of immunizations—Written records.
- 28A.210.110 Immunization program—Administrator's duties upon receipt of proof of immunization or certification of exemption.
- 28A.210.120 Immunization program—Prohibiting child's presence—Notice to parent, guardian, or adult in loco parentis.
- 28A.210.130 Immunization program—Superintendent of public instruction to provide information.
- 28A.210.140 Immunization program—State board of health rules, contents.
- 28A.210.150 Immunization program—Superintendent of public instruction by rule to adopt procedures for verifying records.
- 28A.210.160 Immunization program—Rules.
- 28A.210.170 Immunization program—Department of social and health services' rules, contents.
- 28A.210.255 Provision of health services in public and private schools—Employee job description.
- 28A.210.260 Public and private schools—Administration of medication—Conditions.
- 28A.210.270 Public and private schools—Administration of medication—Immunity from liability—Discontinuance, procedure.
- 28A.210.275 Administration of medications by employees not licensed under chapter 18.79 RCW—Requirements—Immunity from liability.
- 28A.210.278 Topical sunscreen products—Sun safety guidelines.
- 28A.210.280 Catheterization of public and private school students.
- 28A.210.290 Catheterization of public and private school students—Immunity from liability.
- 28A.210.300 School physician or school nurse may be employed.
- 28A.210.305 Registered nurse or advanced registered nurse practitioner—Duties relating to nursing care of students—Notice to school districts.
- 28A.210.310 Prohibition on use of tobacco products on school property.
- 28A.210.320 Children with life-threatening health conditions—Medication or treatment orders—Rules.
- 28A.210.325 Medical use of marijuana-infused products—Administration by parent or guardian—School districts to develop policies.
- 28A.210.330 Students with diabetes—Individual health plans—Designation of professional to consult and coordinate with parents and health care provider—Training and supervision of school district personnel.
- 28A.210.340 Students with diabetes—Adoption of policy for inservice training for school staff.
- 28A.210.350 Students with diabetes or epilepsy or other seizure disorders—Compliance with individual health plan—Immunity.
- 28A.210.355 Students with epilepsy or other seizure disorders—Individual health plans—Designation of professional to consult and coordinate with parents and health care provider—Training and supervision of school district personnel—Parent-designated adults.
- 28A.210.360 Model policy on access to nutritious foods and developmentally appropriate exercise—School district policies.
- 28A.210.365 Food choice, physical activity, childhood fitness—Minimum standards—District waiver or exemption policy.
- 28A.210.370 Students with asthma.
- 28A.210.375 Student health insurance information—Pilot project—Reports.
- 28A.210.380 Anaphylaxis—Policy guidelines—Procedures—Reports.
- 28A.210.383 Epinephrine autoinjectors (EPI pens)—School supply—Use.
- 28A.210.385 Condensed compliance reports—Second-class districts.
- 28A.210.390 Opioid overdose reversal medication—Standing order—Administration.
- 28A.210.395 Opioid overdose reversal medication—Policy guidelines and treatment requirements—Grant program.
- 28A.210.400 Suicide prevention—Identification cards.
- 28A.210.410 Lead contamination at drinking water outlets.
- 28A.210.420 Menstrual hygiene products.

State board of health: Chapter 43.20 RCW.

(2021 Ed.)

28A.210.010 Contagious diseases, limiting contact—Rules. The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall provide to appropriate school officials and personnel, access and notice of these rules of the state board of health. Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules. [2009 c 556 § 3; 1971 c 32 § 1; 1969 ex.s. c 223 § 28A.31.010. Prior: 1909 c 97 p 262 § 5; RRS § 4689; prior: 1897 c 118 § 68; 1890 p 372 § 47. Formerly RCW 28A.31.010, 28.31.010.]

28A.210.020 Visual and auditory screening of pupils—Rules. Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Visual screening shall include both distance and near vision screening. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule of the state board of health. Prior to the adoption or revision of such rules the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts. If a vision professional who donates his or her services identifies a vision defect sufficient to affect a student's learning, the vision professional must notify the school nurse and/or the school principal in writing and may not contact the student's parents or guardians directly. A school official shall inform parents or guardians of students in writing that a visual examination was recommended, but may not communicate the name or contact information of the vision professional conducting the screening. [2016 c 219 § 1; 2009 c 556 § 18; 1971 c 32 § 2; 1969 ex.s. c 223 § 28A.31.030. Prior: 1941 c 202 § 1; Rem. Supp. 1941 § 4689-1. Formerly RCW 28A.31.030, 28.31.030.]

28A.210.030 Visual and auditory screening of pupils—Record of screening—Forwarding of records, recommendations and data. The person or persons completing the screening prescribed in RCW 28A.210.020 shall promptly prepare a record of the screening of each child found to have, or suspected of having, reduced visual and/or auditory acuity in need of attention, including the special education services provided by RCW 28A.155.010 through 28A.155.100, and send copies of such records and recommendations to the parents or guardians of such children and

shall deliver the original records to the appropriate school official who shall preserve such records and forward to the superintendent of public instruction and the secretary of health visual and auditory data as requested by such officials. [1991 c 3 § 289; 1990 c 33 § 188; 1971 c 32 § 3; 1969 ex.s. c 223 § 28A.31.040. Prior: 1941 c 202 § 2; Rem. Supp. 1941 § 4689-2. Formerly RCW 28A.31.040, 28.31.040.]

28A.210.040 Visual and auditory screening of pupils—Access to rules, records, and forms. The superintendent of public instruction shall provide access to appropriate school officials the rules adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section. [2009 c 556 § 4; 1990 c 33 § 189; 1973 c 46 § 1. Prior: 1971 c 48 § 12; 1971 c 32 § 4; 1969 ex.s. c 223 § 28A.31.050; prior: 1941 c 202 § 3; RRS § 4689-3. Formerly RCW 28A.31.050, 28.31.050.]

Additional notes found at www.leg.wa.gov

28A.210.045 Speech-language pathology services—Complaints. (1) The superintendent of public instruction shall report to the department of health:

(a) Any complaint or disciplinary action taken against a certified educational staff associate providing speech-language pathology services in a school setting; and

(b) Any complaint the superintendent receives regarding a speech-language pathology assistant certified under chapter 18.35 RCW.

(2) The superintendent of public instruction shall make the reports required by this section as soon as practicable, but in no case later than five business days after the complaint or disciplinary action. [2009 c 301 § 13.]

Intent—Implementation—2009 c 301: See notes following RCW 18.35.010.

Additional notes found at www.leg.wa.gov

28A.210.060 Immunization program—Purpose. In enacting RCW 28A.210.060 through 28A.210.170, it is the judgment of the legislature that it is necessary to protect the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against certain vaccine-preventable diseases. [1990 c 33 § 190; 1984 c 40 § 3; 1979 ex.s. c 118 § 1. Formerly RCW 28A.31.100.]

Immunization plan: RCW 43.70.525.

Additional notes found at www.leg.wa.gov

28A.210.070 Immunization program—Definitions. As used in RCW 28A.210.060 through 28A.210.170:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center.

(3) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 43.216 RCW.

(4) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(5) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(6) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.305.130, 28A.195.010 through 28A.195.050, and 28A.410.120. [2017 3rd sp.s. c 6 § 217; 2006 c 263 § 908; 1990 c 33 § 191; 1985 c 49 § 2; 1984 c 40 § 4; 1979 ex.s. c 118 § 2. Formerly RCW 28A.31.102.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.210.080 Immunization program—Attendance of child conditioned upon presentation of alternative proofs—Information regarding meningococcal disease—Information regarding human papillomavirus disease.

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with information about meningococcal disease and its vac-

cine at the beginning of every school year. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with information about human papillomavirus disease and its vaccine at the beginning of every school year. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available. [2007 c 276 § 1; 2005 c 404 § 1; 1990 c 33 § 192; 1985 c 49 § 1; 1979 ex.s. c 118 § 3. Formerly RCW 28A.31.104.]

Additional notes found at www.leg.wa.gov

28A.210.090 Immunization program—Exemptions. (*Effective until July 1, 2022.*) (1) Any child shall be exempt in whole or in part from the immunization measures required by RCW 28A.210.060 through 28A.210.170 upon the presentation of any one or more of the certifications required by this section, on a form prescribed by the department of health:

(a) A written certification signed by a health care practitioner that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: PROVIDED, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

(b) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child

(2021 Ed.)

that the religious beliefs of the signator are contrary to the required immunization measures; or

(c) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child. A philosophical or personal objection may not be used to exempt a child from the measles, mumps, and rubella vaccine.

(2)(a) The form presented on or after July 22, 2011, must include a statement to be signed by a health care practitioner stating that he or she provided the signator with information about the benefits and risks of immunization to the child. The form may be signed by a health care practitioner at any time prior to the enrollment of the child in a school or licensed day care. Photocopies of the signed form or a letter from the health care practitioner referencing the child's name shall be accepted in lieu of the original form.

(b) A health care practitioner who, in good faith, signs the statement provided for in (a) of this subsection is immune from civil liability for providing the signature.

(c) Any parent or legal guardian of the child or any adult in loco parentis to the child who exempts the child due to religious beliefs pursuant to subsection (1)(b) of this section is not required to have the form provided for in (a) of this subsection signed by a health care practitioner if the parent or legal guardian demonstrates membership in a religious body or a church in which the religious beliefs or teachings of the church preclude a health care practitioner from providing medical treatment to the child.

(3) For purposes of this section, "health care practitioner" means a physician licensed under chapter 18.71 or 18.57 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A or 18.57A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW. [2019 c 362 § 2; 2011 c 299 § 1; 1991 c 3 § 290; 1990 c 33 § 193; 1984 c 40 § 5; 1979 ex.s. c 118 § 4. Formerly RCW 28A.31.106.]

Additional notes found at www.leg.wa.gov

28A.210.090 Immunization program—Exemptions. (*Effective July 1, 2022.*) (1) Any child shall be exempt in whole or in part from the immunization measures required by RCW 28A.210.060 through 28A.210.170 upon the presentation of any one or more of the certifications required by this section, on a form prescribed by the department of health:

(a) A written certification signed by a health care practitioner that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: PROVIDED, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

(b) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the religious beliefs of the signator are contrary to the required immunization measures; or

(c) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child. A philosophical or personal objection may not be used to exempt a child from the measles, mumps, and rubella vaccine.

(2)(a) The form presented on or after July 22, 2011, must include a statement to be signed by a health care practitioner stating that he or she provided the signator with information about the benefits and risks of immunization to the child. The form may be signed by a health care practitioner at any time prior to the enrollment of the child in a school or licensed day care. Photocopies of the signed form or a letter from the health care practitioner referencing the child's name shall be accepted in lieu of the original form.

(b) A health care practitioner who, in good faith, signs the statement provided for in (a) of this subsection is immune from civil liability for providing the signature.

(c) Any parent or legal guardian of the child or any adult in loco parentis to the child who exempts the child due to religious beliefs pursuant to subsection (1)(b) of this section is not required to have the form provided for in (a) of this subsection signed by a health care practitioner if the parent or legal guardian demonstrates membership in a religious body or a church in which the religious beliefs or teachings of the church preclude a health care practitioner from providing medical treatment to the child.

(3) For purposes of this section, "health care practitioner" means a physician licensed under chapter 18.71 or 18.57 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW. [2020 c 80 § 27; 2019 c 362 § 2; 2011 c 299 § 1; 1991 c 3 § 290; 1990 c 33 § 193; 1984 c 40 § 5; 1979 ex.s. c 118 § 4. Formerly RCW 28A.31.106.]

Effective date—2020 c 80 §§ 12-59: See note following RCW 7.68.030.

Intent—2020 c 80: See note following RCW 18.71A.010.

Additional notes found at www.leg.wa.gov

28A.210.100 Immunization program—Source of immunizations—Written records. The immunizations required by RCW 28A.210.060 through 28A.210.170 may be obtained from any private or public source desired: PROVIDED, That the immunization is administered and records are made in accordance with the regulations of the state board of health. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization given in a form prescribed by the state board of health. [1990 c 33 § 194; 1984 c 40 § 7; 1979 ex.s. c 118 § 6. Formerly RCW 28A.31.110.]

Additional notes found at www.leg.wa.gov

28A.210.110 Immunization program—Administrator's duties upon receipt of proof of immunization or certification of exemption. A child's proof of immunization or certification of exemption shall be presented to the chief administrator of the public or private school or day care center or to his or her designee for that purpose. The chief administrator shall:

(1) Retain such records pertaining to each child at the school or day care center for at least the period the child is enrolled in the school or attends such center;

(2) Retain a record at the school or day care center of the name, address, and date of exclusion of each child excluded

from school or the center pursuant to RCW 28A.210.120 for not less than three years following the date of a child's exclusion;

(3) File a written annual report with the department of health on the immunization status of students or children attending the day care center at a time and on forms prescribed by the department of health; and

(4) Allow agents of state and local health departments access to the records retained in accordance with this section during business hours for the purposes of inspection and copying. [1991 c 3 § 291; 1990 c 33 § 195; 1979 ex.s. c 118 § 7. Formerly RCW 28A.31.112.]

Additional notes found at www.leg.wa.gov

28A.210.120 Immunization program—Prohibiting child's presence—Notice to parent, guardian, or adult in loco parentis. It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.210.080 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the office of the superintendent, in consultation with the state board of health. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies. [2006 c 263 § 909; 1990 c 33 § 196; 1985 c 49 § 3; 1984 c 40 § 8; 1979 ex.s. c 118 § 8. Formerly RCW 28A.31.114.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.210.130 Immunization program—Superintendent of public instruction to provide information. The superintendent of public instruction shall provide for information about the immunization program and requirements under RCW 28A.210.060 through 28A.210.170 to be widely available throughout the state in order to promote full use of the program. [1990 c 33 § 197; 1985 c 49 § 4. Formerly RCW 28A.31.115.]

28A.210.140 Immunization program—State board of health rules, contents. The state board of health shall

adopt and is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish the procedural and substantive requirements for full immunization and the form and substance of the proof thereof, to be required pursuant to RCW 28A.210.060 through 28A.210.170. [1990 c 33 § 198; 1984 c 40 § 9; 1979 ex.s. c 118 § 9. Formerly RCW 28A.31.116.]

Additional notes found at www.leg.wa.gov

28A.210.150 Immunization program—Superintendent of public instruction by rule to adopt procedures for verifying records. The superintendent of public instruction by rule shall provide procedures for schools to quickly verify the immunization records of students transferring from one school to another before the immunization records are received. [1985 c 49 § 5. Formerly RCW 28A.31.117.]

28A.210.160 Immunization program—Rules. The superintendent of public instruction with regard to public schools and the state board of education with regard to private schools, in consultation with the state board of health, shall each adopt rules pursuant to chapter 34.05 RCW that establish the procedural and substantive due process requirements governing the exclusion of children from schools pursuant to RCW 28A.210.120. [2006 c 263 § 910; 1990 c 33 § 199; 1979 ex.s. c 118 § 10. Formerly RCW 28A.31.118.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.210.170 Immunization program—Department of social and health services' rules, contents. The department of social and health services shall and is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish the procedural and substantive due process requirements governing the exclusion of children from day care centers pursuant to RCW 28A.210.120. [1990 c 33 § 200; 1979 ex.s. c 118 § 11. Formerly RCW 28A.31.120.]

Additional notes found at www.leg.wa.gov

28A.210.255 Provision of health services in public and private schools—Employee job description. Any employee of a public school district or private school that performs health services, such as catheterization, must have a job description that lists all of the health services that the employee may be required to perform for students. [2003 c 172 § 2.]

28A.210.260 Public and private schools—Administration of medication—Conditions. (1) Public school districts and private schools which conduct any of grades kindergarten through the twelfth grade may provide for the administration of oral medication, topical medication, eye drops, ear drops, or nasal spray, of any nature to students who are in the custody of the school district or school at the time of administration, but are not required to do so by this section, subject to the following conditions:

(a) The board of directors of the public school district or the governing board of the private school or, if none, the chief administrator of the private school shall adopt policies which address the designation of employees who may administer

oral medications, topical medications, eye drops, ear drops, or nasal spray to students, the acquisition of parent requests and instructions, and the acquisition of requests from licensed health professionals prescribing within the scope of their prescriptive authority and instructions regarding students who require medication for more than fifteen consecutive school days, the identification of the medication to be administered, the means of safekeeping medications with special attention given to the safeguarding of legend drugs as defined in chapter 69.41 RCW, and the means of maintaining a record of the administration of such medication. Policies adopted in accordance with this subsection (1) may not permit a school nurse to delegate the responsibility to administer student medications to a parent-designated adult who is not a school employee;

(b) The board of directors shall seek advice from one or more licensed physicians or nurses in the course of developing the foregoing policies;

(c) The public school district or private school is in receipt of a written, current and unexpired request from a parent, or a legal guardian, or other person having legal control over the student to administer the medication to the student;

(d) The public school district or the private school is in receipt of: (i) A written, current and unexpired request from a licensed health professional prescribing within the scope of his or her prescriptive authority for administration of the medication, as there exists a valid health reason which makes administration of such medication advisable during the hours when school is in session or the hours in which the student is under the supervision of school officials; and (ii) written, current and unexpired instructions from such licensed health professional prescribing within the scope of his or her prescriptive authority regarding the administration of prescribed medication to students who require medication for more than fifteen consecutive workdays;

(e) The medication is administered by an employee designated by or pursuant to the policies adopted pursuant to (a) of this subsection and in substantial compliance with the prescription of a licensed health professional prescribing within the scope of his or her prescriptive authority or the written instructions provided pursuant to (d) of this subsection;

(f) The medication is first examined by the employee administering the same to determine in his or her judgment that it appears to be in the original container and to be properly labeled;

(g) The board of directors shall designate a professional person licensed pursuant to chapter 18.71 or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to delegate to, train, and supervise the designated school district personnel in proper medication procedures; and

(h) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW must file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school district employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee may not be subject to any employer reprisal or disciplinary action for refusing to file a letter. A parent-designated adult must be a volunteer, who may be a school district

employee. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents.

(2) This section does not apply to:

(a) Topical sunscreen products regulated by the United States food and drug administration for over-the-counter use. Provisions related to possession and application of topical sunscreen products are in RCW 28A.210.278; and

(b) Opioid overdose reversal medication. Provisions related to maintenance and administration of opioid overdose reversal medication are in RCW 28A.210.390. [2021 c 29 § 2; 2019 c 314 § 41; 2017 c 186 § 2; 2013 c 180 § 1; 2012 c 16 § 1; 2000 c 63 § 1; 1994 sp.s. c 9 § 720; 1982 c 195 § 1. Formerly RCW 28A.31.150.]

Declaration—2019 c 314: See note following RCW 18.22.810.

Application—Short title—Effective date—2017 c 186: See notes following RCW 28A.210.278.

Additional notes found at www.leg.wa.gov

28A.210.270 Public and private schools—Administration of medication—Immunity from liability—Discontinuance, procedure. (1) In the event a school employee administers oral medication, topical medication, eye drops, ear drops, or nasal spray to a student pursuant to RCW 28A.210.260 in substantial compliance with the prescription of the student's licensed health professional prescribing within the scope of the professional's prescriptive authority or the written instructions provided pursuant to RCW 28A.210.260(1)(d), and the other conditions set forth in RCW 28A.210.260 have been substantially complied with, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual or marital or governmental or corporate or other capacities as a result of the administration of the medication.

(2) The administration of oral medication, topical medication, eye drops, ear drops, or nasal spray to any student pursuant to RCW 28A.210.260 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their governmental or corporate or individual or marital or other capacities as a result of the discontinuance of such administration: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student. [2019 c 314 § 42; 2013 c 180 § 2; 2012 c 16 § 2; 2000 c 63 § 2; 1990 c 33 § 208; 1982 c 195 § 2. Formerly RCW 28A.31.155.]

Declaration—2019 c 314: See note following RCW 18.22.810.

Additional notes found at www.leg.wa.gov

28A.210.275 Administration of medications by employees not licensed under chapter 18.79 RCW—Requirements—Immunity from liability. (1) Beginning July 1, 2014, a school district employee not licensed under chapter 18.79 RCW who is asked to administer medications

or perform nursing services not previously recognized in law shall at the time he or she is asked to administer the medication or perform the nursing service file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing service. It is understood that the letter of intent will expire if the conditions of acceptance are substantially changed. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee is not subject to any employer reprisal or disciplinary action for refusing to file a letter.

(2) In the event a school employee provides the medication or service to a student in substantial compliance with (a) rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in his or her individual, marital, governmental, corporate, or other capacity as a result of providing the medication or service.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment. School employees must receive the training provided under this subsection before they are authorized to deliver the service or medication. Such training must be provided, where necessary, on an ongoing basis to ensure that the proper procedures are not forgotten because the services or medication are delivered infrequently. [2014 c 204 § 2.]

28A.210.278 Topical sunscreen products—Sun safety guidelines. (1) Any person, including students, parents, and school personnel, may possess topical sunscreen products to help prevent sunburn while on school property, at a school-related event or activity, or at summer camp. As excepted in RCW 28A.210.260, a sunscreen product may be possessed and applied under this section without the prescription or note of a licensed health care professional if the product is regulated by the United States food and drug administration for over-the-counter use. For student use, a sunscreen product must be supplied by a parent or guardian.

(2) Schools are encouraged to educate students about sun safety guidelines.

(3) Nothing in this section requires school personnel to assist students in applying sunscreen.

(4) As used in this section, "school" means a public school, school district, educational service district, or private school with any of grades kindergarten through twelve. [2017 c 186 § 1.]

Application—2017 c 186: "This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district." [2017 c 186 § 3.]

Short title—2017 c 186: "This act may be known and cited as the student sun safety education act." [2017 c 186 § 4.]

Effective date—2017 c 186: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 4, 2017]." [2017 c 186 § 5.]

28A.210.280 Catheterization of public and private school students. (1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve must provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to RCW 18.79.290. The catheterization must be provided in substantial compliance with:

(a) Rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

(2) School district employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to perform clean, intermittent bladder catheterization as a specific part of their job description, may file a written letter of refusal to perform clean, intermittent bladder catheterization of students. This written letter of refusal may not serve as grounds for discharge, nonrenewal, or other action adversely affecting the employee's contract status.

(3) Any public school district or private school that provides clean, intermittent bladder catheterization shall document the provision of training given to employees who perform these services. These records shall be made available for review at any audit. [2003 c 172 § 1; 1994 sp.s. c 9 § 721; 1988 c 48 § 2. Formerly RCW 28A.31.160.]

Additional notes found at www.leg.wa.gov

28A.210.290 Catheterization of public and private school students—Immunity from liability. (1) In the event a school employee provides for the catheterization of a student pursuant to RCW 18.79.290 and 28A.210.280 in substantial compliance with (a) rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district or private school, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing for the catheterization.

(2) Providing for the catheterization of any student pursuant to RCW 18.79.290 and 28A.210.280 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of the discontinuance: PROVIDED, That the chief administrator of the public school district or private school, or his or

(2021 Ed.)

her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student: PROVIDED FURTHER, That the public school district otherwise provides for the catheterization of the student to the extent required by federal or state law. [1994 sp.s. c 9 § 722; 1990 c 33 § 209; 1988 c 48 § 3. Formerly RCW 28A.31.165.]

Additional notes found at www.leg.wa.gov

28A.210.300 School physician or school nurse may be employed. The board of directors of any school district of the second class may employ a regularly licensed physician or a licensed public health nurse for the purpose of protecting the health of the children in said district. [1975 c 43 § 20; 1969 ex.s. c 223 § 28A.60.320. Prior: 1937 c 60 § 1; RRS § 4776-4. Formerly RCW 28A.60.320, 28.31.080.]

Additional notes found at www.leg.wa.gov

28A.210.305 Registered nurse or advanced registered nurse practitioner—Duties relating to nursing care of students—Notice to school districts. (1)(a) A registered nurse or an advanced registered nurse practitioner licensed under chapter 18.79 RCW working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing as defined in this section.

(b) A school administrator may supervise a registered nurse or an advanced registered nurse practitioner licensed under chapter 18.79 RCW in aspects of employment other than the practice of nursing as defined in this section.

(c) Only a registered nurse or an advanced registered nurse practitioner licensed under chapter 18.79 RCW may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing as defined in this section.

(2) Nothing in this section:

(a) Prohibits a nonnurse supervisor from supervising, directing, or evaluating a licensed nurse working in a school setting with respect to matters other than the practice of nursing;

(b) Requires a registered nurse or an advanced registered nurse practitioner to be clinically supervised in a school setting; or

(c) Prohibits a nonnurse supervisor from conferring with a licensed nurse working in a school setting with respect to the practice of nursing.

(3) Within existing funds, the superintendent of public instruction shall notify each school district in this state of the requirements of this section.

(4) For purposes of this section, "practice of nursing" means:

(a) Registered nursing practice as defined in RCW 18.79.040, advanced registered nursing practice as defined in RCW 18.79.050, and licensed practical nursing practice as defined in RCW 18.79.060, including, but not limited to:

(i) The administration of medication pursuant to a medication or treatment order; and

(ii) The decision to summon emergency medical assistance; and

(b) Compliance with any state or federal statute or administrative rule specifically regulating licensed nurses, including any statute or rule defining or establishing standards of patient care or professional conduct or practice. [2017 c 84 § 2.]

Findings—Intent—2017 c 84: "(1) The legislature finds that:

(a) A registered nurse or an advanced registered nurse practitioner working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing. A school administrator may supervise a registered nurse or an advanced registered nurse practitioner in aspects of employment other than the practice of nursing;

(b) Nursing is governed by specific laws and regulations and requires a unique license to practice. Clinical supervision of a nurse is based on knowledge of the laws, regulations, and rules governing nursing practice, nursing practice standards, and nursing performance standards;

(c) Student health needs have changed dramatically over the last twenty years. The number of students with special health care needs has risen exponentially;

(d) School nurses are held accountable through chapter 18.79 RCW and the uniform disciplinary act, chapter 18.130 RCW, for errors in nursing judgment and actions;

(e) Individuals who are not nurses are unqualified to make nursing judgments and assessments;

(f) The independent nature of nursing has been recognized in both statute and rule. For example, under RCW 18.79.040, "registered nursing practice" includes the "administration, supervision, delegation, and evaluation of nursing practice." Furthermore, continuing competency rules recently adopted by the nursing care quality assurance commission recognize and acknowledge the independent nature of nursing; and

(g) The ability of a nurse to practice nursing without the supervision of a nonnurse supervisor is particularly important given the primacy of the nurse-patient relationship.

(2) It is therefore the intent of the legislature to reaffirm the authority of a licensed nurse working in a school setting to practice nursing without the supervision of a person who is not a licensed nurse.

(3) It is not the intent of the legislature to:

(a) Prohibit a nonnurse from supervising a licensed nurse working in a school setting with respect to matters other than the practice of nursing, such as matters of administration, terms and conditions of employment, and employee performance; or

(b) Require a school to provide clinical supervision for a licensed nurse working in a school setting." [2017 c 84 § 1.]

28A.210.310 Prohibition on use of tobacco products on school property. (1) To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors shall have a written policy mandating a prohibition on the use of all tobacco products on public school property.

(2) The policy in subsection (1) of this section shall include, but not be limited to, a requirement that students and school personnel be notified of the prohibition, the posting of signs prohibiting the use of tobacco products, sanctions for students and school personnel who violate the policy, and a requirement that school district personnel enforce the prohibition. Enforcement policies adopted in the school board policy shall be in addition to the enforcement provisions in RCW 70.160.070. [1997 c 9 § 1; 1989 c 233 § 6. Formerly RCW 28A.31.170.]

Additional notes found at www.leg.wa.gov

28A.210.320 Children with life-threatening health conditions—Medication or treatment orders—Rules. (1) The attendance of every child at every public school in the state shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school of a medication or treatment order addressing any life-threatening

health condition that the child has that may require medical services to be performed at the school. Once such an order has been presented, the child shall be allowed to attend school.

(2) The chief administrator of every public school shall prohibit the further presence at the school for any and all purposes of each child for whom a medication or treatment order has not been provided in accordance with this section if the child has a life-threatening health condition that may require medical services to be performed at the school and shall continue to prohibit the child's presence until such order has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. Before excluding a child, each school shall provide written notice to the parents or legal guardians of each child or to the adults in loco parentis to each child, who is not in compliance with the requirements of this section. The notice shall include, but not be limited to, the following: (a) The requirements established by this section; (b) the fact that the child will be prohibited from further attendance at the school unless this section is complied with; and (c) such procedural due process rights as are established pursuant to this section.

(3) The superintendent of public instruction in consultation with the state board of health shall adopt rules under chapter 34.05 RCW that establish the procedural and substantive due process requirements governing the exclusion of children from public schools under this section. The rules shall include any requirements under applicable federal laws.

(4) As used in this section, "life-threatening condition" means a health condition that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

(5) As used in this section, "medication or treatment order" means the authority a registered nurse obtains under RCW 18.79.260(2). [2006 c 263 § 911; 2002 c 101 § 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.210.325 Medical use of marijuana-infused products—Administration by parent or guardian—School districts to develop policies. (1) A school district must permit a student who meets the requirements of RCW 69.51A.220 to consume marijuana-infused products for medical purposes on school grounds, aboard a school bus, or while attending a school-sponsored event in accordance with the school district's policy adopted under this section.

(2) Upon the request of a parent or guardian of a student who meets the requirements of RCW 69.51A.220, the board of directors of a school district shall adopt a policy to authorize parents or guardians to administer marijuana-infused products to a student for medical purposes while the student is on school grounds, aboard a school bus, or attending a school-sponsored event. The policy must, at a minimum:

(a) Require that the student be authorized to use marijuana-infused products for medical purposes pursuant to RCW 69.51A.220 and that the parent or guardian acts as the designated provider for the student and assists the student with the consumption of the marijuana while on school grounds, aboard a school bus, or attending a school-sponsored event;

(b) Establish protocols for verifying the student is authorized to use marijuana for medical purposes and the parent or guardian is acting as the designated provider for the student pursuant to RCW 69.51A.220. The school may consider a student's and parent's or guardian's valid recognition cards to be proof of compliance with RCW 69.51A.220;

(c) Expressly authorize parents or guardians of students who have been authorized to use marijuana for medical purposes to administer marijuana-infused products to the student while the student is on school grounds at a location identified pursuant to (d) of this subsection (2), aboard a school bus, or attending a school-sponsored event;

(d) Identify locations on school grounds where marijuana-infused products may be administered; and

(e) Prohibit the administration of medical marijuana to a student by smoking or other methods involving inhalation while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

(3) School district officials, employees, volunteers, students, and parents and guardians acting in accordance with the school district policy adopted under subsection (2) of this section may not be arrested, prosecuted, or subject to other criminal sanctions, or civil or professional consequences for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver marijuana under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or possession with intent to manufacture or deliver marijuana under state law.

(4) For the purposes of this section, "marijuana-infused products" has the meaning provided in RCW 69.50.101. [2019 c 204 § 1.]

28A.210.330 Students with diabetes—Individual health plans—Designation of professional to consult and coordinate with parents and health care provider—Training and supervision of school district personnel. (1) School districts shall provide individual health plans for students with diabetes, subject to the following conditions:

(a) The board of directors of the school district shall adopt policies to be followed for students with diabetes. The policies shall include, but need not be limited to:

(i) The acquisition of parent requests and instructions;

(ii) The acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment at school;

(iii) The provision for storage of medical equipment and medication provided by the parent;

(iv) The provision for students to perform blood glucose tests, administer insulin, treat hypoglycemia and hyperglycemia, and have easy access to necessary supplies and equipment to perform monitoring and treatment functions as specified in the individual health plan. The policies shall include the option for students to carry on their persons the necessary supplies and equipment and the option to perform monitoring and treatment functions anywhere on school grounds including the students' classrooms, and at school-sponsored events;

(v) The establishment of school policy exceptions necessary to accommodate the students' needs to eat whenever and wherever necessary, have easy, unrestricted access to water and bathroom use, have provisions made for parties at school when food is served, eat meals and snacks on time, and other

necessary exceptions as described in the individual health plan;

(vi) The assurance that school meals are never withheld because of nonpayment of fees or disciplinary action;

(vii) A description of the students' school day schedules for timing of meals, snacks, blood sugar testing, insulin injections, and related activities;

(viii) The development of individual emergency plans;

(ix) The distribution of the individual health plan to appropriate staff based on the students' needs and staff level of contact with the students;

(x) The possession of legal documents for parent-designated adults to provide care, if needed; and

(xi) The updating of the individual health plan at least annually or more frequently, as needed; and

(b) The board of directors, in the course of developing the policies in (a) of this subsection, shall seek advice from one or more licensed physicians or nurses or diabetes educators who are nationally certified.

(2)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from a health care professional or expert in diabetic care selected by the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW shall file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with diabetes to ensure a safe, therapeutic learning environment. Training may also be provided by a diabetes educator who is nationally certified. Parent-designated adults who are school employees are required to receive the training provided under this subsection. Parent-designated adults who are not school employees shall show evidence of comparable training. The parent-designated adult must also receive additional training as established in subsection (2)(a) of this section for the additional care the parents have authorized the parent-designated adult to provide. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents. [2002 c 350 § 2.]

Findings—2002 c 350: "The legislature finds that diabetes imposes significant health risks to students enrolled in the state's public schools and that providing for the medical needs of students with diabetes is crucial to ensure both the safety of students with diabetes and their ability to obtain the education guaranteed to all citizens of the state. The legislature also finds that children with diabetes can and should be provided with a safe learning environment and access to all other nonacademic school-sponsored activities. The legislature further finds that an individual health plan for each child with dia-

betes should be in place in the student's school and should include provisions for a parental signed release form, medical equipment and storage capacity, and exceptions from school policies, school schedule, meals and eating, disaster preparedness, inservice training for staff, legal documents for parent-designated adults who may provide care, as needed, and personnel guidelines describing who may assume responsibility for activities contained in the student's individual health plan." [2002 c 350 § 1.]

Additional notes found at www.leg.wa.gov

28A.210.340 Students with diabetes—Adoption of policy for inservice training for school staff. The superintendent of public instruction and the secretary of the department of health shall develop a uniform policy for all school districts providing for the inservice training for school staff on symptoms, treatment, and monitoring of students with diabetes and on the additional observations that may be needed in different situations that may arise during the school day and during school-sponsored events. The policy shall include the standards and skills that must be in place for inservice training of school staff. [2002 c 350 § 3.]

Findings—Effective date—2002 c 350: See notes following RCW 28A.210.330.

28A.210.350 Students with diabetes or epilepsy or other seizure disorders—Compliance with individual health plan—Immunity. A school district, school district employee, agent, or parent-designated adult who, acting in good faith and in substantial compliance with the student's individual health plan and the instructions of the student's licensed health care professional, provides assistance or services under RCW 28A.210.330 or 28A.210.410 shall not be liable in any criminal action or for civil damages in his or her individual or marital or governmental or corporate or other capacities as a result of the services provided under RCW 28A.210.330 to students with diabetes or under RCW 28A.210.410 to students with epilepsy or other seizure disorders. [2021 c 29 § 3; 2002 c 350 § 4.]

Findings—Effective date—2002 c 350: See notes following RCW 28A.210.330.

28A.210.355 Students with epilepsy or other seizure disorders—Individual health plans—Designation of professional to consult and coordinate with parents and health care provider—Training and supervision of school district personnel—Parent-designated adults. (1) School districts shall provide individual health plans for students with epilepsy or other seizure disorders, subject to the following conditions:

(a) The board of directors of the school district shall adopt and periodically revise policies to be followed for students with epilepsy or other seizure disorders. The policies must cover, but need not be limited to, the following subjects:

- (i) The acquisition of parent requests and instructions;
- (ii) The acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment of seizure disorders at school;
- (iii) The provision for storage of medical equipment and medication provided by the parent;
- (iv) The establishment of school policy exceptions necessary to accommodate the students' needs related to epilepsy

or other seizure disorders as described in the individual health plan;

- (v) The development of individual emergency plans;
 - (vi) The distribution of the individual health plan to appropriate staff based on the students' needs and staff level of contact with the student;
 - (vii) The possession of legal documents for parent-designated adults to provide care, if needed; and
 - (viii) The updating of the individual health plan at least annually; and
- (b) The board of directors, in the course of developing the policies in (a) of this subsection, shall consult with one or more licensed physicians or nurses, or appropriate personnel from a national epilepsy organization that offers seizure training and education for school nurses and other school personnel.

(2)(a) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with epilepsy or other seizure disorders to ensure a safe, therapeutic learning environment. Training required under this subsection (2)(a) may also be provided by a national organization that offers training for school nurses for managing students with seizures and seizure training for school personnel.

(b)(i) Parent-designated adults who are school district employees must receive training in accordance with (a) of this subsection (2).

(ii) Parent-designated adults who are not school district employees must show evidence of training in proper procedures for care of students with epilepsy or other seizure disorders. Training required under this subsection (2)(b)(ii) may be provided by a national organization that offers training for school nurses for managing students with seizures and seizure training for school personnel.

(iii) The professional person designated under (a) of this subsection (2) is not responsible for the supervision of the parent-designated adult for procedures authorized by the parents.

(3)(a) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW shall file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school district employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee may not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

(b)(i) For the purposes of this section, "parent-designated adult" means a parent-designated adult who: (A) Volunteers for the designation; (B) receives additional training from a health care professional or expert in care for epilepsy or other seizure disorders selected by the parents; and (C) provides care for the child consistent with the individual health plan.

(ii) A parent-designated adult may be a school district employee.

(4) Nothing in this section is intended to supersede or otherwise modify nurse delegation requirements established in RCW 18.79.260.

(5) This section applies beginning with the 2022-23 school year. [2021 c 29 § 1.]

28A.210.360 Model policy on access to nutritious foods and developmentally appropriate exercise—School district policies. (1) Consistent with the essential academic learning requirements for health and fitness, including nutrition, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, the department of health, and the Washington alliance for health, physical education, recreation and dance, shall convene an advisory committee to develop a model policy regarding access to nutritious foods, opportunities for developmentally appropriate exercise, and accurate information related to these topics. The policy shall address the nutritional content of foods and beverages, including fluoridated bottled water, sold or provided throughout the school day or sold in competition with the federal school breakfast and lunch program and the availability and quality of health, nutrition, and physical education and fitness curriculum. The model policy should include the development of a physical education and fitness curriculum for students. For middle school students, physical education and fitness curriculum means a daily period of physical activity, a minimum of twenty minutes of which is aerobic activity in the student's target heart rate zone, which includes instruction and practice in basic movement and fine motor skills, progressive physical fitness, athletic conditioning, and nutrition and wellness instruction through age-appropriate activities.

(2) The school directors' association shall submit the model policy and recommendations on the related issues, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy on its web site by January 1, 2005.

(3) Each district's board of directors shall establish its own policy by August 1, 2005. [2004 c 138 § 2.]

Findings—2004 c 138: "(1) The legislature finds:

(a) Childhood obesity has reached epidemic levels in Washington and throughout the nation. Nearly one in five Washington adolescents in grades nine through twelve were recently found to be either overweight or at risk of being overweight;

(b) Overweight and obese children are at higher risk for developing severe long-term health problems, including but not limited to Type 2 diabetes, cardiovascular disease, high blood pressure, and certain cancers;

(c) Overweight youth also are often affected by discrimination, psychological stress, and low self-esteem;

(d) Obesity and subsequent diseases are largely preventable through diet and regular physical activity;

(e) A child who has eaten a well-balanced meal and is healthy is more likely to be prepared to learn in the classroom;

(f) Encouraging adolescents to adopt healthy lifelong eating habits can increase their productivity and reduce their risk of dying prematurely;

(g) Frequent eating of carbohydrate-rich foods or drinking sweet liquids throughout the day increases a child's risk for dental decay, the most common chronic childhood disease;

(h) Schools are a logical place to address the issue of obesity in children and adolescents; and

(i) Increased emphasis on physical activity at all grade levels is essential to enhancing the well-being of Washington's youth.

(2) While the United States department of agriculture regulates the nutritional content of meals sold in schools under its school breakfast and lunch program, limited standards are in place to regulate "competitive foods," which may be high in added sugars, sodium, and saturated fat con-

(2021 Ed.)

tent. However, the United States department of agriculture does call for states and local entities to add restrictions on competitive foods, as necessary." [2004 c 138 § 1.]

28A.210.365 Food choice, physical activity, childhood fitness—Minimum standards—District waiver or exemption policy. It is the goal of Washington state to ensure that:

(1) By 2010, all K-12 districts have school health advisory committees that advise school administration and school board members on policies, environmental changes, and programs needed to support healthy food choice and physical activity and childhood fitness. Districts shall include school nurses or other school personnel as advisory committee members.

(2) By 2010, only healthy food and beverages provided by schools during school hours or for school-sponsored activities shall be available on school campuses. Minimum standards for available food and beverages, except food served as part of a United States department of agriculture meal program, are:

(a) Not more than thirty-five percent of its total calories shall be from fat. This restriction does not apply to nuts, nut butters, seeds, eggs, fresh or dried fruits, vegetables that have not been deep-fried, legumes, reduced-fat cheese, part-skim cheese, nonfat dairy products, or low-fat dairy products;

(b) Not more than ten percent of its total calories shall be from saturated fat. This restriction does not apply to eggs, reduced-fat cheese, part-skim cheese, nonfat dairy products, or low-fat dairy products;

(c) Not more than thirty-five percent of its total weight or fifteen grams per food item shall be composed of sugar, including naturally occurring and added sugar. This restriction does not apply to the availability of fresh or dried fruits and vegetables that have not been deep-fried; and

(d) The standards for food and beverages in this subsection do not apply to:

(i) Low-fat and nonfat flavored milk with up to thirty grams of sugar per serving;

(ii) Nonfat or low-fat rice or soy beverages; or

(iii) One hundred percent fruit or vegetable juice.

(3) By 2010, all students in grades one through eight should have at least one hundred fifty minutes of quality physical education every week.

(4) By 2010, all student health and fitness instruction shall be conducted by appropriately certified instructors.

(5) Beginning with the 2011-2012 school year, any district waiver or exemption policy from physical education requirements for high school students should be based upon meeting both health and fitness curricula concepts as well as alternative means of engaging in physical activity, but should acknowledge students' interest in pursuing their academic interests. [2007 c 5 § 5.]

28A.210.370 Students with asthma. (1) The superintendent of public instruction and the secretary of the department of health shall develop a uniform policy for all school districts providing for the in-service training for school staff on symptoms, treatment, and monitoring of students with asthma and on the additional observations that may be needed in different situations that may arise during the school

day and during school-sponsored events. The policy shall include the standards and skills that must be in place for in-service training of school staff.

(2) All school districts shall adopt policies regarding asthma rescue procedures for each school within the district.

(3) All school districts must require that each public elementary school and secondary school grant to any student in the school authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if:

(a) A health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

(b) The student has demonstrated to the health care practitioner, or the practitioner's designee, and a professional registered nurse at the school, the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed;

(c) The health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

(d) The student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under (c) of this subsection and other documents related to liability.

(4) An authorization granted under subsection (3) of this section must allow the student involved to possess and use his or her medication:

(a) While in school;

(b) While at a school-sponsored activity, such as a sporting event; and

(c) In transit to or from school or school-sponsored activities.

(5) An authorization granted under subsection (3) of this section:

(a) Must be effective only for the same school and school year for which it is granted; and

(b) Must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

(6) School districts must require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(7) School districts must require that information described in subsection (3)(c) and (d) of this section be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(8) Nothing in this section creates a cause of action or in any other way increases or diminishes the liability of any person under any other law. [2005 c 462 § 2.]

Findings—2005 c 462: "The legislature finds that:

(1) Asthma is a dangerous disease that is growing in prevalence in Washington state. An estimated five hundred thousand residents of the state suffer from asthma. Since 1995, asthma has claimed more than five hundred lives, caused more than twenty-five thousand hospitalizations with costs of more than one hundred twelve million dollars, and resulted in seven million five hundred thousand missed school days. School nurses have identified over four thousand children with life-threatening asthma in the state's schools.

(2) While asthma is found among all populations, its prevalence disproportionately affects low-income and minority populations. Untreated asthma affects worker productivity and results in unnecessary absences from work.

In many cases, asthma triggers present in substandard housing and poorly ventilated workplaces contribute directly to asthma.

(3) Although research continues into the causes and cures for asthma, national consensus has been reached on treatment guidelines. People with asthma who are being treated in accordance with these guidelines are far more likely to control the disease than those who are not being treated and therefore are less likely to experience debilitating or life-threatening asthma episodes, less likely to be hospitalized, and less likely to need to curtail normal school or work activities. With treatment, most people with asthma are able to live normal, active lives.

(4) Up to one-third of the people with asthma have not had their disease diagnosed. Among those with diagnosed asthma, thirty to fifty percent are not receiving medicines that are needed to control the disease, and approximately eighty percent of diagnosed asthmatics are not getting yearly spirometry measurements that are a key element in monitoring the disease." [2005 c 462 § 1.]

28A.210.375 Student health insurance information—Pilot project—Reports. (1) By August 1, 2008, the superintendent of public instruction shall solicit and select up to six school districts to implement, on a pilot project basis, this section. The selected school districts shall include districts from urban and rural areas, and eastern and western Washington.

(2) Beginning with the 2008-09 school year, as part of a public school's enrollment process, each school participating as a pilot project shall annually inquire whether a student has health insurance. The school shall include in the inquiry a statement explaining that an outreach worker may contact families with uninsured students about options for health care coverage. The inquiry shall make provision for the parent or guardian to authorize the sharing of information for this purpose, consistent with state and federal confidentiality requirements.

(3) The school shall record each student's health insurance status in the district's student information system.

(4) By December 1, 2008, from the district's student information system, the pilot school shall develop a list of students without insurance for whom parent authorization to share information was granted. To the extent such information is available, the list shall include:

(a) Identifiers, including each student's full name and date of birth; and

(b) Parent or guardian contact information, including telephone number, email address, and street address.

(5) By September 1, 2008, the department and superintendent shall develop and make available a model agreement to enable schools to share student information in compliance with state and federal confidentiality requirements.

(6) By January 1, 2009, each participating pilot school and a local outreach organization, where available, shall work to put in place an agreement to share student information in accordance with state and federal confidentiality requirements. Once an agreement is in place, the school shall share the list described in subsection (4) of this section with the outreach organization.

(7) The outreach organization shall use the information on the list to contact families and assist them to enroll students on a medical program, in accordance with chapter 74.09 RCW.

(8) By July 1, 2009, pilot schools shall report to the superintendent of public instruction:

(a) The number of students identified without health insurance under subsection (2) of this section; and

(b) Whether an agreement as described under subsection (6) of this section is in place.

(9) By December 1, 2009, the department and the superintendent shall submit a joint report to the legislature that provides:

(a) Summary information on the number of students identified without insurance;

(b) The number of schools with agreements with outreach organizations and the number without such agreements;

(c) The cost of collecting and reporting data;

(d) The impact of such outreach efforts they can quantify; and

(e) Any recommendations for changes that would improve the efficiency or effectiveness of outreach efforts described in this section.

(10) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of social and health services.

(b) "Superintendent" means the superintendent of public instruction.

(c) "Outreach organization" means a nonprofit organization or a local government entity either contracting with the department pursuant to chapter 74.09 RCW, or otherwise qualified to provide outreach, education, and enrollment services to uninsured children. [2008 c 302 § 1.]

28A.210.380 Anaphylaxis—Policy guidelines—Procedures—Reports. (1) The office of the superintendent of public instruction, in consultation with the department of health, shall develop anaphylactic policy guidelines for schools to prevent anaphylaxis and deal with medical emergencies resulting from it. The policy guidelines shall be developed with input from pediatricians, school nurses, other health care providers, parents of children with life-threatening allergies, school administrators, teachers, and food service directors.

The policy guidelines shall include, but need not be limited to:

(a) A procedure for each school to follow to develop a treatment plan including the responsibilities for [of] school nurses and other appropriate school personnel responsible for responding to a student who may be experiencing anaphylaxis;

(b) The content of a training course for appropriate school personnel for preventing and responding to a student who may be experiencing anaphylaxis;

(c) A procedure for the development of an individualized emergency health care plan for children with food or other allergies that could result in anaphylaxis;

(d) A communication plan for the school to follow to gather and disseminate information on students with food or other allergies who may experience anaphylaxis;

(e) Strategies for reduction of the risk of exposure to anaphylactic causative agents including food and other allergens.

(2) For the purpose of this section "anaphylaxis" means a severe allergic and life-threatening reaction that is a collection of symptoms, which may include breathing difficulties and a drop in blood pressure or shock.

(2021 Ed.)

(3)(a) By October 15, 2008, the superintendent of public instruction shall report to the select interim legislative task force on comprehensive school health reform created in section 6, chapter 5, Laws of 2007, on the following:

(i) The implementation within school districts of the 2008 guidelines for care of students with life-threatening food allergies developed by the superintendent pursuant to section 501, chapter 522, Laws of 2007, including a review of policies developed by the school districts, the training provided to school personnel, and plans for follow-up monitoring of policy implementation; and

(ii) Recommendations on requirements for effectively implementing the school anaphylactic policy guidelines developed under this section.

(b) By March 31, 2009, the superintendent of public instruction shall report policy guidelines to the appropriate committees of the legislature and to school districts for the districts to use to develop and adopt their policies.

(4) By September 1, 2009, each school district shall use the guidelines developed under subsection (1) of this section to develop and adopt a school district policy for each school in the district to follow to assist schools to prevent anaphylaxis. [2008 c 173 § 1.]

28A.210.383 Epinephrine autoinjectors (EPI pens)—School supply—Use. (1) School districts and nonpublic schools may maintain at a school in a designated location a supply of epinephrine autoinjectors based on the number of students enrolled in the school.

(2)(a) A licensed health professional with the authority to prescribe epinephrine autoinjectors may prescribe epinephrine autoinjectors in the name of the school district or school to be maintained for use when necessary. Epinephrine prescriptions must be accompanied by a standing order for the administration of school-supplied, undesignated epinephrine autoinjectors for potentially life-threatening allergic reactions.

(b) There are no changes to current prescription or self-administration practices for children with existing epinephrine autoinjector prescriptions or a guided anaphylaxis care plan.

(c) Epinephrine autoinjectors may be obtained from donation sources, but must be accompanied by a prescription.

(3)(a) When a student has a prescription for an epinephrine autoinjector on file, the school nurse or designated trained school personnel may utilize the school district or school supply of epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW 28A.210.380.

(b) When a student does not have an epinephrine autoinjector or prescription for an epinephrine autoinjector on file, the school nurse may utilize the school district or school supply of epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW 28A.210.300.

(c) Epinephrine autoinjectors may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. The school nurse or designated trained school personnel may carry an appropriate sup-

ply of school-owned epinephrine autoinjectors on field trips or excursions.

(4)(a) If a student is injured or harmed due to the administration of epinephrine that a licensed health professional with prescribing authority has prescribed and a pharmacist has dispensed to a school under this section, the licensed health professional with prescribing authority and pharmacist may not be held responsible for the injury unless he or she issued the prescription with a conscious disregard for safety.

(b) In the event a school nurse or other school employee administers epinephrine in substantial compliance with a student's prescription that has been prescribed by a licensed health professional within the scope of the professional's prescriptive authority, if applicable, and written policies of the school district or private school, then the school employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing the epinephrine.

(c) School employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to the use of epinephrine autoinjectors as a specific part of their job description, may file with the school district a written letter of refusal to use epinephrine autoinjectors. This written letter of refusal may not serve as grounds for discharge, nonrenewal of an employment contract, or other action adversely affecting the employee's contract status.

(5) The office of the superintendent of public instruction shall review the anaphylaxis policy guidelines required under RCW 28A.210.380 and make a recommendation to the education committees of the legislature by December 1, 2013, based on student safety, regarding whether to designate other trained school employees to administer epinephrine autoinjectors to students without prescriptions for epinephrine autoinjectors demonstrating the symptoms of anaphylaxis when a school nurse is not in the vicinity. [2014 c 34 § 1; 2013 c 268 § 2.]

Findings—2013 c 268: "(1) The legislature finds that allergies are a serious medical disorder that affect more than one in five persons in the United States and are the sixth leading cause of chronic disease. Roughly one in thirteen children has a food allergy, and the incidence is rising. Up to forty percent of food-allergic children may be at risk for anaphylaxis, a severe and potentially life-threatening reaction. Anaphylaxis may also occur due to an insect sting, drug allergy, or other causes. Twenty-five percent of first-time anaphylactic reactions among children occur in a school setting. Anaphylaxis can occur anywhere on school property, including the classroom, playground, school bus, or on field trips.

(2) Rapid and appropriate administration of the drug epinephrine, also known as adrenaline, to a patient experiencing an anaphylactic reaction may make the difference between life and death. In a school setting, epinephrine is typically administered intramuscularly via an epinephrine autoinjector device. Medical experts agree that the benefits of emergency epinephrine administration far outweigh the risks.

(3) The legislature further finds that, on many days, as much as twenty percent of the nation's combined adult and child population can be found in public and nonpublic schools. Therefore, schools need to be prepared to treat potentially life-threatening anaphylactic reactions in the event a student is experiencing a first-time anaphylactic reaction, a student does not have his or her own epinephrine autoinjector device available, or if a school nurse is not in the vicinity at the time." [2013 c 268 § 1.]

28A.210.385 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class

districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 12.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.210.390 Opioid overdose reversal medication—Standing order—Administration. (1) For the purposes of this section:

(a) "High school" means a school enrolling students in any of grades nine through twelve;

(b) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095;

(c) "Opioid-related overdose" has the meaning provided in RCW 69.41.095; and

(d) "Standing order" has the meaning provided in RCW 69.41.095.

(2)(a) For the purpose of assisting a person at risk of experiencing an opioid-related overdose, a high school may obtain and maintain opioid overdose reversal medication through a standing order prescribed and dispensed in accordance with RCW 69.41.095.

(b) Opioid overdose reversal medication may be obtained from donation sources, but must be maintained and administered in a manner consistent with a standing order issued in accordance with RCW 69.41.095.

(c) A school district with two thousand or more students must obtain and maintain at least one set of opioid overdose reversal medication doses in each of its high schools as provided in (a) and (b) of this subsection. A school district that demonstrates a good faith effort to obtain the opioid overdose reversal medication through a donation source, but is unable to do so, is exempt from the requirement in this subsection (2)(c).

(3)(a) The following personnel may distribute or administer the school-owned opioid overdose reversal medication to respond to symptoms of an opioid-related overdose pursuant to a prescription or a standing order issued in accordance with RCW 69.41.095: (i) A school nurse; (ii) a health care professional or trained staff person located at a health care clinic on public school property or under contract with the school district; or (iii) designated trained school personnel.

(b) Opioid overdose reversal medication may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. A school nurse or designated trained school personnel may carry an appropriate supply of school-owned opioid overdose reversal medication on field trips or sanctioned excursions.

(4) Training for school personnel who have been designated to distribute or administer opioid overdose reversal medication under this section must meet the requirements for training described in RCW 28A.210.395 and any rules or guidelines for such training adopted by the office of the superintendent of public instruction. Each high school is encouraged to designate and train at least one school personnel to distribute and administer opioid overdose reversal medication if the high school does not have a full-time school nurse or trained health care clinic staff.

(5)(a) The liability of a person or entity who complies with this section and RCW 69.41.095 is limited as described in RCW 69.41.095.

(b) If a student is injured or harmed due to the administration of opioid overdose reversal medication that a practitioner, as defined in RCW 69.41.095, has prescribed and a pharmacist has dispensed to a school under this section, the practitioner and pharmacist may not be held responsible for the injury unless he or she acted with conscious disregard for safety. [2019 c 314 § 39.]

Declaration—2019 c 314: See note following RCW 18.22.810.

28A.210.395 Opioid overdose reversal medication—Policy guidelines and treatment requirements—Grant program. (1) For the purposes of this section:

(a) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095; and

(b) "Opioid-related overdose" has the meaning provided in RCW 69.41.095.

(2)(a) To prevent opioid-related overdoses and respond to medical emergencies resulting from overdoses, by January 1, 2020, the office of the superintendent of public instruction, in consultation with the department of health and the Washington state school directors' association, shall develop opioid-related overdose policy guidelines and training requirements for public schools and school districts.

(b)(i) The opioid-related overdose policy guidelines and training requirements must include information about: The identification of opioid-related overdose symptoms; how to obtain and maintain opioid overdose reversal medication on school property issued through a standing order in accordance with RCW 28A.210.390; how to obtain opioid overdose reversal medication through donation sources; the distribution and administration of opioid overdose reversal medication by designated trained school personnel; free online training resources that meet the training requirements in this section; and sample standing orders for opioid overdose reversal medication.

(ii) The opioid-related overdose policy guidelines may: Include recommendations for the storage and labeling of opioid overdose reversal medications that are based on input from relevant health agencies or experts; and allow for opioid-related overdose reversal medications to be obtained, maintained, distributed, and administered by health care professionals and trained staff located at a health care clinic on public school property or under contract with the school district.

(c) In addition to being offered by the school, training on the distribution or administration of opioid overdose reversal medication that meets the requirements of this subsection (2) may be offered by nonprofit organizations, higher education institutions, and local public health organizations.

(3)(a) By March 1, 2020, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction and the department of health to either update existing model policy or develop a new model policy that meets the requirements of subsection (2) of this section.

(b) Beginning with the 2020-21 school year, the following school districts must adopt an opioid-related overdose policy: (a)[(i)] School districts with a school that obtains, maintains, distributes, or administers opioid overdose reversal medication under RCW 28A.210.390; and (b) [(ii)] school districts with two thousand or more students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's web site at no cost to school districts.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall develop and administer a grant program to provide funding to public schools with any of grades nine through twelve and public higher education institutions to purchase opioid overdose reversal medication and train personnel on the administration of opioid overdose reversal medication to respond to symptoms of an opioid-related overdose. The office must publish on its web site a list of annual grant recipients, including award amounts. [2019 c 314 § 40.]

Declaration—2019 c 314: See note following RCW 18.22.810.

28A.210.400 Suicide prevention—Identification cards. (1) Within existing resources, every public school that issues student identification cards, staff identification cards, or both, must have printed on either side of the identification cards:

(a) The contact information for a national suicide prevention organization; and

(b) The contact information for one or more campus, local, state, or national organizations specializing in suicide prevention, crisis intervention, or counseling, if available.

(2) The requirements in subsection (1) of this section apply to student identification cards and staff identification cards issued for the first time and issued to replace a damaged or lost identification card. [2020 c 39 § 2.]

Finding—Intent—2020 c 39: "The legislature finds that there are national and local organizations specializing in suicide prevention, crisis intervention, and counseling that provide free, confidential emotional support for people who are in suicidal crisis or emotional distress. Immediate access to these services often prevents suicide, attempted suicide, and other harm. The federal government recognized the importance of free support services when, in 2005, it launched a ten digit national suicide prevention lifeline and then, in 2019, it announced plans to designate 988 as the national suicide prevention and mental health crisis hotline. The contact information for these lifesaving services should be easily accessible to Washington residents, particularly students and the caring adults who work with them. Therefore, the legislature intends to require that contact information for suicide prevention and crisis intervention organizations be printed on student and staff identification cards." [2020 c 39 § 1.]

28A.210.410 Lead contamination at drinking water outlets. (1) This section applies to schools with buildings built, or with all plumbing replaced, before 2016.

(2) With respect to sampling and testing for lead contamination at drinking water outlets, a school shall either:

(a) Cooperate with the department so that the department can conduct sampling and testing as required under RCW 43.70.830; or

(b) Contract for sampling and testing that meets the requirements of RCW 43.70.830 and submit the test results to the department according to a procedure and deadlines determined by the department.

(3)(a) Except as provided in (b) of this subsection, a school shall communicate annually with students' families and staff about lead contamination in drinking water. The school shall consult with the department or a local health agency on the contents of the communication, which must

include: The health effects of lead exposure; the website address of the most recent lead test results; and information about the school's plan for remedial action to reduce lead contamination in drinking water. Schools are encouraged to provide the communication as early in the school year as possible.

(b) The annual communication described under (a) of this subsection is not required if initial testing, or once post-remediation testing, does not detect an elevated lead level at any drinking water outlet.

(4) As soon as practicable after receiving a lead test result that reveals a lead concentration that exceeds 15 parts per billion at a drinking water outlet, and until a lead contamination mitigation measure, such as use of a filter, is implemented, the school must shut off the water to the outlet.

(5)(a) For a lead test result that reveals an elevated lead level, as defined in subsection (7) of this section, at one or more drinking water outlets, the school's governing body shall adopt a school action plan in compliance with the requirements of this subsection.

(b) The school action plan must:

(i) Be developed in consultation with the department or a local health agency regarding the technical guidance, and with the office of the superintendent of public instruction regarding funding for remediation activities;

(ii) Describe mitigation measures implemented since the lead test result was received;

(iii) Include a schedule of remediation activities, including use of filters, that adhere to the technical guidance. The schedule may be based on the availability of state or federal funding for remediation activities; and

(iv) Include postremediation retesting to confirm that remediation activities have reduced lead concentrations at drinking water outlets to below the elevated lead level.

(c) The school action plan may include sampling and testing of the drinking water entering the school when the results of testing for lead contamination at drinking water outlets within the school indicate that the infrastructure of the public water system is a documented significant contributor to the elevated lead levels.

(d) The school must provide the public with notice and opportunity to comment on the school action plan before it is adopted.

(e) If testing reveals that a significant contributor to lead contamination in school drinking water is the infrastructure operated by a public water system that is not a school water system, the school: (i) Is not financially responsible for remediating elevated lead levels in drinking water that passes through that infrastructure; (ii) must communicate with the public water system regarding its documented significant contribution to lead contamination in school drinking water and request from the public water system a plan for reducing the lead contamination; and (iii) may defer its remediation activities under (b) of this subsection until after the elevated lead level in the public water system's infrastructure is remediated and postremediation retesting does not detect an elevated lead level in the drinking water that passes through that infrastructure.

(f) The school action plan adoption deadlines are as follows:

(i) For lead test results received between July 1, 2014, and July 25, 2021, for which a school did not take remedial action or for which postremediation retesting has not confirmed that the elevated lead level has been reduced to five or fewer parts per billion, the school shall provide notice of elevated lead levels in the communication required under subsection (3) of this section and the school's governing body shall adopt an action plan by March 31, 2022; and

(ii) For lead test results received after July 25, 2021, the school's governing body shall adopt an action plan within six months of receipt.

(g) A school's governing body may adopt an update to an existing school action plan, rather than adopting a new school action plan, in order to address additional lead test results that reveal elevated lead levels at drinking water outlets, coordinate remediation activities at multiple buildings, or adjust the schedule of remediation activities.

(6) A school must post on a public website the most recent results of testing for lead contamination at drinking water outlets, no later than the time that the proposed school action plan is made publicly available, under subsection (5)(d) of this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of health.

(b) "Drinking water" means any water that students have access to where it is reasonably foreseeable that the water may be used for drinking, cooking, or food preparation.

(c) "Drinking water outlet" or "outlet" means any end point for delivery of drinking water, for example a tap, faucet, or fountain.

(d) "Elevated lead level" means a lead concentration in drinking water that exceeds five parts per billion, unless a lower concentration is specified by the state board of health in rule in accordance with RCW 43.20.265.

(e) "Public water system" has the same meaning as in RCW 70A.120.020.

(f) "School" means a school district and the common schools, as defined in RCW 28A.150.020, within the district; a charter school established under chapter 28A.710 RCW; or the state school for the blind or the state school for the deaf established under RCW 72.40.010.

(g) "Technical guidance" means the technical guidance for reducing lead in drinking water at schools issued by the United States environmental protection agency until the department complies with RCW 43.70.840 when the term means the technical guidance developed by the department. [2021 c 154 § 2.]

Findings—Intent—Short title—2021 c 154: See notes following RCW 43.70.830.

28A.210.420 Menstrual hygiene products. (1) By the beginning of the 2022-23 school year, school districts and private schools must make menstrual hygiene products available at no cost in all gender-neutral bathrooms and bathrooms designated for female students located in schools that serve students in any of grades six through twelve. If a school building serving grades six through twelve does not have a gender-neutral bathroom, then the products must also be available in at least one bathroom accessible to male students or in a school health room accessible to all students. For

schools that serve students in grades three through five, school districts and private schools must make menstrual hygiene products available in a school health room or other location as designated by the school principal.

(2) Menstrual hygiene products must include sanitary napkins, tampons, or similar items.

(3) School districts and private schools must bear the cost of supplying menstrual hygiene products. School districts and private schools may seek grants or partner with nonprofit or community-based organizations to fulfill this obligation.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal compact schools established under chapter 28A.715 RCW. [2021 c 163 § 1.]

Chapter 28A.215 RCW

EARLY CHILDHOOD, PRESCHOOLS, AND BEFORE-AND-AFTER SCHOOL CARE

Sections

NURSERY SCHOOLS, PRESCHOOLS, AND BEFORE-AND-AFTER SCHOOL CARE

28A.215.010	Authority of school boards.
28A.215.020	Allocations of state or federal funds—Rules.
28A.215.030	Allocations pending receipt of federal funds.
28A.215.040	Establishment and maintenance discretionary.
28A.215.050	Additional authority—Contracts with private and public entities—Charges—Transportation services.
28A.215.060	Community learning center program—Purpose—Grants—Reports.
28A.215.070	Condensed compliance reports—Second-class districts.
28A.215.080	Washington academic, innovation, and mentoring program.

Department of commerce: Chapter 43.330 RCW.

NURSERY SCHOOLS, PRESCHOOLS, AND BEFORE-AND-AFTER SCHOOL CARE

28A.215.010 Authority of school boards. The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such preschools as established by the United States department of health, education and welfare, or its successor agency, and the superintendent of public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district. [2006 c 263 § 410; 1995 c 335 § 104; 1969 ex.s. c 223 § 28A.34.010. Prior: 1945 c 247 § 1; 1943 c 220 § 1; Rem. Supp. 1945 § 5109-1. Formerly RCW 28A.34.010, 28.34.010.]

(2021 Ed.)

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.215.020 Allocations of state or federal funds—Rules. Expenditures under federal funds and/or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The superintendent of public instruction shall make necessary rules to carry out the purpose of RCW 28A.215.010. The superintendent shall consult with the department of children, youth, and families when establishing relevant rules. [2017 3rd sp.s. c 6 § 218; 2006 c 263 § 411; 1995 c 335 § 308; 1990 c 33 § 210; 1969 ex.s. c 223 § 28A.34.020. Prior: 1943 c 220 § 2; Rem. Supp. 1943 § 5109-2. Formerly RCW 28A.34.020, 28.34.020, 28.34.030.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.215.030 Allocations pending receipt of federal funds. In the event the legislature appropriates any moneys to carry out the purposes of RCW 28A.215.010 through 28A.215.050, allocations therefrom may be made to school districts for the purpose of underwriting allocations made or requested from federal funds until such federal funds are available. Any school district may allocate a portion of its funds for the purpose of carrying out the provisions of RCW 28A.215.010 through 28A.215.050 pending the receipt of reimbursement from funds made available by acts of congress. [1995 c 335 § 309; 1990 c 33 § 211; 1969 ex.s. c 223 § 28A.34.040. Prior: 1943 c 220 § 3; Rem. Supp. 1943 § 5109-3. Formerly RCW 28A.34.040, 28.34.040.]

Additional notes found at www.leg.wa.gov

28A.215.040 Establishment and maintenance discretionary. Every board of directors shall have power to establish, equip and maintain preschools and/or provide before-and-after-school care for children of working parents, in cooperation with the federal government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby. [1995 c 335 § 105; 1973 1st ex.s. c 154 § 45; 1969 ex.s. c 223 § 28A.34.050. Prior: 1943 c 220 § 5; Rem. Supp. 1943 § 5109-5. Formerly RCW 28A.34.050, 28.34.050.]

Additional notes found at www.leg.wa.gov

28A.215.050 Additional authority—Contracts with private and public entities—Charges—Transportation services. As a supplement to the authority otherwise granted by RCW 28A.215.010 through 28A.215.050 respecting the care or instruction, or both, of children in general, the board of directors of any school district may only utilize funds outside the state basic education appropriation and the state school transportation appropriation to:

(1) Contract with public and private entities to conduct all or any portion of the management and operation of a child care program at a school district site or elsewhere;

(2) Establish charges based upon costs incurred under this section and provide for the reduction or waiver of charges in individual cases based upon the financial ability of the parents or legal guardians of enrolled children to pay the charges, or upon their provision of other valuable consideration to the school district; and

(3) Transport children enrolled in a child care program to the program and to related sites using district-owned school buses and other motor vehicles, or by contracting for such transportation and related services: PROVIDED, That no child three years of age or younger shall be transported under the provisions of this section unless accompanied by a parent or guardian. [1995 c 335 § 310; 1990 c 33 § 212; 1987 c 487 § 1. Formerly RCW 28A.34.150.]

Additional notes found at www.leg.wa.gov

28A.215.060 Community learning center program—

Purpose—Grants—Reports. (1) The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, professional development, advocacy, and programmatic support to the Washington community learning center programs and after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that sup-

port and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009. [2008 c 169 § 1; 2007 c 400 § 5.]

Additional notes found at www.leg.wa.gov

28A.215.070 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 13.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.215.080 Washington academic, innovation, and mentoring program. (1) The Washington academic, innovation, and mentoring program is established.

(2) The purpose of the program is to enable eligible neighborhood youth development entities to provide out-of-school time programs for youth ages six to eighteen years of age that include educational services, social-emotional learning, mentoring, and linkages to positive, prosocial leisure, and recreational activities. The programs must be designed for mentoring and academic enrichment.

(3) Eligible entities must meet the following requirements:

(a) Ensure that sixty percent or more of the academic, innovation, and mentoring program participants must qualify for free or reduced-price lunch;

(b) Have an existing partnership with the school district and a commitment to develop a formalized data-sharing agreement;

(c) Be facility based;

(d) Combine, or have a plan to combine, academics and social-emotional learning;

(e) Engage in a continuous program quality improvement process;

(f) Conduct national criminal background checks for all employees and volunteers who work with children; and

(g) Have adopted standards for care including staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards.

(4) Nonprofit entities applying for funding as a statewide network must:

(a) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(b) Provide after-school and summer programs with youth development services; and

(c) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

(5) The office of the superintendent of public instruction must submit a report to the appropriate education and fiscal committees of the legislature by December 31, 2018, and an annual update by December 31 each year thereafter. The report must outline the programs established, target populations, and pretesting and posttesting results. [2017 c 180 § 1.]

- 28A.220.040 Fiscal support—Reimbursement to school districts—Enrollment fees—Deposit.
 28A.220.070 Rules.
 28A.220.090 Condensed compliance reports—Second-class districts.
 28A.220.900 Purpose.
 28A.220.901 Coordination of responsibilities with department of licensing—2017 c 197.

28A.220.010 Legislative declaration. It is the purpose of chapter 76, Laws of 1977 to provide the students of the state with an improved quality traffic safety education program and to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, an understanding of the causes and consequences of traffic accidents, and to provide training in the skills necessary for the safe operation of motor vehicles; to provide financial assistance to the various school districts while permitting them to achieve economies through options in the choice of course content and methods of instructions by adopting in whole or with modifications, a program prepared by the office of the superintendent of public instruction, and keeping to a minimum the amount of estimating, bookkeeping and reporting required of said school districts for financial reimbursement for such traffic safety education programs. [1977 c 76 § 1. Formerly RCW 28A.08.005, 46.81.005.]

Additional notes found at www.leg.wa.gov

28A.220.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appropriate course delivery standards" means the classroom and behind-the-wheel student learning experiences considered acceptable to the superintendent of public instruction under RCW 28A.220.030 that must be satisfactorily accomplished by the student in order to successfully complete the driver training education course.

(2) "Approved private school" means a private school approved by the board of education under chapter 28A.195 RCW.

(3) "Director" means the director of the department of licensing.

(4) "Driver training education course" means a course of instruction in traffic safety education (a) offered as part of a traffic safety education program authorized by the superintendent of public instruction and certified by the department of licensing and (b) taught by a qualified teacher of driver training education that consists of classroom and behind-the-wheel instruction using curriculum that meets joint superintendent of public instruction and department of licensing standards and the course requirements established by the superintendent of public instruction under RCW 28A.220.030. Behind-the-wheel instruction is characterized by driving experience.

(5) "Qualified teacher of driver training education" means an instructor who:

(a) Is certificated under chapter 28A.410 RCW and has obtained a traffic safety endorsement or a letter of approval to teach traffic safety education from the superintendent of public instruction or is certificated by the superintendent of public instruction to teach a driver training education course; or

(b) Is an instructor provided by a driver training school that has contracted with a school district's or districts' board

Chapter 28A.220 RCW TRAFFIC SAFETY

Sections

- 28A.220.010 Legislative declaration.
 28A.220.020 Definitions.
 28A.220.030 Traffic safety education section—Administration of traffic safety education program—Certification and endorsement of qualified teachers of driver training—Powers and duties of school officials—Administration of knowledge and driving portions of driver licensing examination.
 28A.220.035 Traffic safety education program—Required curriculum—Development by the office of the superintendent of public instruction and the department of licensing.
 28A.220.037 Traffic safety education program—Development and administration of certification process—Program audits—Suspension of program certification—Duties of department of licensing.

of directors under RCW 28A.220.030(3) to teach driver education for the school district.

(6) "Superintendent" or "state superintendent" means the superintendent of public instruction.

(7) "Traffic safety education program" means the administration and provision of driver training education courses offered by secondary schools of a school district or vocational-technical schools that are conducted by such schools in a like manner to their other regular courses. [2017 c 197 § 2; 1990 c 33 § 218; 1979 c 158 § 195; 1977 c 76 § 2; 1969 ex.s. c 218 § 1; 1963 c 39 § 2. Formerly RCW 28A.08.010, 46.81.010.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Findings—Intent—2017 c 197: "The legislature finds that there is a need to establish consistency in the quality of driver training education in this state to reduce the number of young driver accidents that are prematurely killing our youth. The traffic safety commission reports that out of two hundred forty-five fatalities in the first half of 2016, thirty-one involved young drivers aged sixteen to twenty-five. The intent of this act is to require driver training education curriculum to be developed and maintained jointly by the office of the superintendent of public instruction and the department of licensing. The legislature also finds that there is a need to audit driver training education courses; therefore, the intent of this act is also to provide the department of licensing with resources and authority to audit all driver training education courses, in consultation with the superintendent of public instruction for driver training education courses offered by school districts." [2017 c 197 § 1.]

Effective date—2017 c 197: "Except for section 13 of this act, this act takes effect August 1, 2018." [2017 c 197 § 16.]

Additional notes found at www.leg.wa.gov

28A.220.030 Traffic safety education section—Administration of traffic safety education program—Certification and endorsement of qualified teachers of driver training—Powers and duties of school officials—Administration of knowledge and driving portions of driver licensing examination. (1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define appropriate course delivery standards required to provide an effective driver training education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained; administer, supervise, and develop the traffic safety education program; and assist local school districts and approved private schools in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules governing the operation and scope of the traffic safety education program; and each school district and approved private school shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2)(a) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, or any approved private school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education program.

(b) Any school district or approved private school that offers a driver training education course must certify to the department of licensing that it is operating a traffic safety education program, that the driver training education course

follows the curriculum promulgated by the office of the superintendent of public instruction and the department of licensing, that it meets the course delivery standards promulgated by the office of the superintendent of public instruction, that a record retention policy is in place to meet the requirements of subsection (5) of this section, and that the school district or approved private school has verified that all instructors are authorized by the office of the superintendent of public instruction to teach a driver training education course.

(c) Any portion of a driver training education course offered by a school district may be taught before or after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school district. If a school district elects to offer a driver training education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one driver training education course must be given at times other than regular school hours if there is sufficient demand for it.

(3)(a) A qualified teacher of driver training education must be certificated under chapter 28A.410 RCW and obtain a traffic safety endorsement or a letter of approval to teach traffic safety education from the superintendent of public instruction to teach either the classroom instruction or the behind-the-wheel instruction portion of the driver training education course, or both, under rules adopted by the superintendent. The classroom or behind-the-wheel instruction portion of the driver training education course may also be taught by instructors certificated under rules adopted by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under chapter 28A.410 RCW.

(b) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for qualified teachers of driver training education.

(4) The board of directors of a school district, or combination of school districts, may contract with any driver training school licensed under chapter 46.82 RCW to teach the behind-the-wheel instruction portion of the driver training education course. Instructors provided by any such contracting driver training school must be properly qualified teachers of driver training education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(5) Each school district or approved private school offering a traffic safety education program must maintain: (a) Documentation of each instructor's name and address and that establishes the instructor as a qualified teacher of driver training education as defined in RCW 28A.220.020; and (b) student records that include the student's name, address, and telephone number, the date of enrollment and all dates of instruction, the student's driver's instruction permit or driver's license number, the type of training received, the total number of hours of instruction, and the name of the instructor or instructors. These records must be maintained for three years following the completion of the instruction and are subject to inspection upon request of the department of licensing or the office of the superintendent of public instruction. The superintendent may adopt rules regarding the retention of additional documents that are subject to inspection by the depart-

ment of licensing or the office of the superintendent of public instruction.

(6) A driver training education course may not be offered by a school district or an approved private school to a student who is under the age of fifteen, and behind-the-wheel instruction may not be given by an instructor to a student in a motor vehicle unless the student possesses either a current and valid driver's instruction permit issued under RCW 46.20.055 or a current and valid driver's license.

(7) School districts that offer a driver training education course under this chapter may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle as authorized under RCW 46.20.120(7). The superintendent shall work with the department of licensing, in consultation with school districts that offer a traffic safety education program, to develop standards and requirements for administering each portion of the driver licensing examination that are comparable to the standards and requirements for driver training schools under RCW 46.82.450.

(8) Before a school district may provide a portion of the driver licensing examination, the school district must, after consultation with the superintendent, enter into an agreement with the department of licensing that sets forth an accountability and audit process that takes into account the unique nature of school district facilities and school hours and, at a minimum, contains provisions that:

(a) Allow the department of licensing to conduct random examinations, inspections, and audits without prior notice;

(b) Allow the department of licensing to conduct on-site inspections at least annually;

(c) Allow the department of licensing to test, at least annually, a random sample of the drivers approved by the school district for licensure and to cancel any driver's license that may have been issued to any driver selected for testing who refuses to be tested; and

(d) Reserve to the department of licensing the right to take prompt and appropriate action against a school district that fails to comply with state or federal standards for a driver licensing examination or to comply with any terms of the agreement. [2017 c 197 § 3; 2011 c 370 § 2; 2000 c 115 § 9; 1979 c 158 § 196; 1977 c 76 § 3; 1969 ex.s. c 218 § 2; 1963 c 39 § 3. Formerly RCW 28A.08.020, 46.81.020.]

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

Intent—2011 c 370: "It is the intent of the legislature to utilize the infrastructure and resources of the commercial driver training schools and the school districts' traffic safety education programs by authorizing these entities to provide driver licensing examinations. The legislature intends for the department of licensing to authorize the administration of driver licensing examinations by these entities in order to maintain and reprioritize its staff for the purpose of reducing the wait times at its driver licensing offices.

Further, the legislature recognizes the growing importance of the work performed by department of licensing driver licensing services employees, who play an increasingly vital role in our security by ensuring that applicants are properly issued identification." [2011 c 370 § 1.]

Inclusion of stakeholder groups in communications to facilitate transition of driver licensing examination administration—2011 c 370: See note following RCW 46.82.450.

Finding—2000 c 115: See note following RCW 46.20.075.

Additional notes found at www.leg.wa.gov

28A.220.035 Traffic safety education program—Required curriculum—Development by the office of the superintendent of public instruction and the department of licensing. The office of the superintendent of public instruction and the department of licensing shall jointly develop and maintain a required curriculum for school districts and approved private schools operating a traffic safety education program. The jointly developed curriculum must be prepared by August 1, 2018. The curriculum and instructional materials must comply with the course content requirements of RCW 46.82.420(2) and 46.82.430. In developing the curriculum, the office of the superintendent of public instruction and the department of licensing shall consult with one or more of Central Washington University's traffic safety education instructors or program content developers. [2017 c 197 § 4.]

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

28A.220.037 Traffic safety education program—Development and administration of certification process—Program audits—Suspension of program certification—Duties of department of licensing. (1) The department of licensing shall develop and administer the certification process required under RCW 28A.220.030 for a school district's or approved private school's traffic safety education program in consultation with the superintendent.

(2) The department of licensing shall conduct audits of traffic safety education programs to ensure that the instructors are qualified teachers of driver training education and teaching the required curriculum material, and that accurate records are maintained and accurate information is provided to the department of licensing regarding student performance. Each school district and approved private school may be audited at least once every five years or more frequently. The audit process must take into account the unique nature of school district facilities, operations, and hours. As part of its audit process, the department of licensing may examine all relevant information, including driver training education course curriculum materials and student records, and visit any course in progress that is part of the traffic safety education program. The director shall consult with the superintendent in developing and carrying out these auditing practices.

(3) The department of licensing may suspend a school's or school district's traffic safety education program certification if: The school or school district does not follow the curriculum promulgated by the office of the superintendent of public instruction and the department of licensing, any program instructors are not qualified teachers of driver training education, accurate records have not been maintained under RCW 28A.220.030(5) or accurate information regarding student performance has not been provided to the department of licensing, or the school or school district refuses to cooperate with the department of licensing audit process authorized under this chapter. The director shall consult with the superintendent in developing and carrying out these program certification suspension practices. [2017 c 197 § 5.]

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

28A.220.040 Fiscal support—Reimbursement to school districts—Enrollment fees—Deposit. (1) Each school district shall be reimbursed from funds appropriated for traffic safety education.

(a) The state superintendent shall determine the per-pupil reimbursement amount for the *traffic safety education course to be funded by the state. Each school district offering an approved standard *traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirement of **RCW 28A.220.030(4).

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a *traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the *traffic safety education course. [2000 c 115 § 10; 1984 c 258 § 331; 1977 c 76 § 4; 1969 ex.s. c 218 § 6; 1967 ex.s. c 147 § 5; 1963 c 39 § 8. Formerly RCW 28A.08.070, 46.81.070.]

Reviser's note: *(1) The term "traffic safety education course" was renamed "driver training education course" by 2017 c 197 § 2.

** (2) RCW 28A.220.030 was amended by 2017 c 197 § 3, deleting subsection (4).

Finding—2000 c 115: See note following RCW 46.20.075.

Intent—1984 c 258: See note following RCW 3.34.130.

Traffic safety commission: Chapter 43.59 RCW.

Additional notes found at www.leg.wa.gov

28A.220.070 Rules. The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules for implementing RCW 46.20.075(1)(d). [2000 c 115 § 11.]

Finding—2000 c 115: See note following RCW 46.20.075.

28A.220.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 14.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.220.900 Purpose. It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents, with an emphasis on the consequences, both physical and legal, of the use of drugs or alcohol in relation to operating a motor vehicle. The course in traffic safety education shall further provide to the youthful drivers of this state training in the skills

necessary for the safe operation of motor vehicles. [1991 c 217 § 1; 1969 ex.s. c 218 § 7; 1963 c 39 § 1. Formerly RCW 28A.08.900, 46.81.900.]

28A.220.901 Coordination of responsibilities with department of licensing—2017 c 197. The department of licensing and the office of the superintendent of public instruction must work together on the transfer and coordination of responsibilities to comply with chapter 197, Laws of 2017. [2017 c 197 § 13.]

Findings—Intent—2017 c 197: See note following RCW 28A.220.020.

Chapter 28A.225 RCW COMPULSORY SCHOOL ATTENDANCE AND ADMISSION

Sections

- 28A.225.005 Information for students and parents.
- 28A.225.007 Student absence elimination and prevention—Guidance from the superintendent of public instruction.
- 28A.225.010 Attendance mandatory—Age—Exceptions.
- 28A.225.015 Attendance mandatory—Six or seven year olds—Unexcused absences—Petition.
- 28A.225.018 Conferences to identify barriers to child's school attendance.
- 28A.225.020 School's duties upon child's failure to attend school.
- 28A.225.023 Youth dependent pursuant to chapter 13.34 RCW—Review of unexpected or excessive absences—Support for youth's school work.
- 28A.225.025 Community engagement boards—Membership—Duties.
- 28A.225.026 Community engagement boards—Memoranda of understanding with juvenile courts—Designation of school district coordinators to address absenteeism and truancy—Community-wide partnerships.
- 28A.225.0261 Community engagement boards—Effect of diversion from truancy petitions—Evaluation by Washington state institute for public policy—Reports.
- 28A.225.027 Community engagement boards—Grants for training—Grants for services and treatment.
- 28A.225.030 Petition to juvenile court for violations by a parent or child—School district responsibilities.
- 28A.225.031 Alcohol or controlled substances testing—Authority to order.
- 28A.225.035 Petition to juvenile court—Contents—Court action—Referral to community engagement board or other coordinated intervention—Transfer of jurisdiction upon relocation.
- 28A.225.055 Excused absences—Search and rescue activities.
- 28A.225.060 Custody and disposition of child absent from school without excuse.
- 28A.225.080 Employment permits.
- 28A.225.090 Court orders—Penalties—Parents' defense.
- 28A.225.095 Authority of court commissioners and family law commissioners to hear cases under this chapter.
- 28A.225.110 Fines applied to support of schools.
- 28A.225.140 Enforcing officers not personally liable for costs.
- 28A.225.151 Student-level truancy data—Reports—Data protocols and guidance for school districts.
- 28A.225.155 Condensed compliance reports—Second-class districts.
- 28A.225.160 Qualification for admission to district's schools—Fees for preadmission screening.
- 28A.225.170 Admission to schools—Children on United States reservations—Idaho residents with Washington addresses.
- 28A.225.200 Education of pupils in another district—Limitation as to state apportionment—Exemption.
- 28A.225.210 Admission of district pupils tuition free.
- 28A.225.215 Enrollment of children without legal residences.
- 28A.225.216 Children of military families—Residency.
- 28A.225.217 Children of military families—Continued enrollment in district schools.
- 28A.225.220 Adults, children from other districts, agreements for attending school—Tuition.
- 28A.225.225 Applications from school employees' children, nonresident students, or students receiving home-based instruction to attend district school—Acceptance and rejection standards—Notification.
- 28A.225.230 Appeal from certain decisions to deny student's request to attend nonresident district—Procedure.
- 28A.225.240 Apportionment credit.

28A.225.250	Cooperative programs among school districts—Rules.
28A.225.260	Reciprocity exchanges with other states.
28A.225.270	Intradistrict enrollment options policies.
28A.225.280	Transfer students' eligibility for extracurricular activities.
28A.225.290	Enrollment options information booklet (<i>as amended by 2009 c 450</i>).
28A.225.290	Enrollment options information booklet—Posting on web site (<i>as amended by 2009 c 524</i>).
28A.225.290	Enrollment options information (<i>as amended by 2009 c 556</i>).
28A.225.300	Enrollment options information to parents.
28A.225.310	Attendance in school district of choice—Impact on existing cooperative arrangements.
28A.225.330	Enrolling students from other districts—Requests for information and permanent records—Immunity from liability—Rules.
28A.225.350	Students in out-of-home care—Best interest determinations.
28A.225.360	Students in out-of-home care—School districts and the department of children, youth, and families collaboration.
28A.225.370	Students subject to civil protection orders.
28A.225.900	Rules.

28A.225.005 Information for students and parents.

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site. [2016 c 205 § 2; 2009 c 556 § 5; 1992 c 205 § 201.]

Additional notes found at www.leg.wa.gov

28A.225.007 Student absence elimination and prevention—Guidance from the superintendent of public instruction. The office of the superintendent of public instruction shall develop and publish best practice guidance to eliminate or reduce student absences and to otherwise implement the requirements of this chapter. The guidance must focus on student and family engagement, be based in restorative justice practices, and emphasize integration of student and family support systems. The guidance must be developed in consultation with the educational opportunity gap oversight and accountability committee and updated periodically. [2021 c 119 § 2.]

(2021 Ed.)

Effective date—2021 c 119 §§ 1-6: "Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [April 26, 2021]." [2021 c 119 § 16.]

Findings—Intent—2021 c 119: "(1) The legislature acknowledges that student absences from school can be an indicator that the academic and social-emotional needs of the students are not being met in the public school or classroom or through the school culture or climate. Student absences can also signal to educators that families may need additional information and assistance in supporting student learning within the home.

(2) The legislature finds that as research and public awareness grows about the impact of school climate and culture on the academic and social-emotional experiences of students, the systems of public education must shift away from enforcing punitive, compliance-focused policies and toward enabling constructive, student-centered practices. The legislature further finds that a student-centered system of public education serves the individual needs of students with strong family engagement and through integrated supports provided by the state, public schools, and the greater community.

(3) Therefore, the legislature intends to refocus the attendance policies and practices of the public education system to emphasize individualized student and family supports that are culturally responsive, evidence-informed, and show promising practice for integrating multiple systems of support to effectively improve consistent student attendance at school and family engagement in student learning." [2021 c 119 § 1.]

28A.225.010 Attendance mandatory—Age—Exceptions. (1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services or the department of children, youth, and families, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220;

(e) The child is excused from school subject to approval by the student's parent for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, for up to two days per school year without any penalty. Such absences may not mandate school closures. Students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and

28A.150.260 and may not affect school district compliance with the provisions of RCW 28A.150.220; or

(f) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college-level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed. [2017 3rd sp.s. c 6 § 630; 2014 c 168 § 3; 1998 c 244 § 14; 1996 c 134 § 1; 1990 c 33 § 219; 1986 c 132 § 1; 1985 c 441 § 1; 1980 c 59 § 1; 1979 ex.s. c 201 § 4; 1973 c 51 § 1; 1972 ex.s. c 10 § 2. Prior: 1971 ex.s. c 215 § 2; 1971 ex.s. c 51 § 1; 1969 ex.s. c 109 § 2; 1969

ex.s. c 223 § 28A.27.010; prior: 1909 p 364 § 1; RRS § 5072; prior: 1907 c 240 § 7; 1907 c 231 § 1; 1905 c 162 § 1; 1903 c 48 § 1; 1901 c 177 § 11; 1899 c 140 § 1; 1897 c 118 § 71. Formerly RCW 28A.27.010, 28.27.010.]

Effective date—2017 3rd sp.s. c 6 §§ 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Private schools: RCW 28A.305.130(5), 28A.195.010 through 28A.195.050.

Work permits for minors required: RCW 49.12.123.

Additional notes found at www.leg.wa.gov

28A.225.015 Attendance mandatory—Six or seven year olds—Unexcused absences—Petition. (1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child is required to attend public school under subsection (1) of this section, after the child's seventh unexcused absence within any month during the current school year and not later than the 15th unexcused absence during the current school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section. [2021 c 119 § 4; 2017 c 291 § 1; 1999 c 319 § 6.]

Effective date—2021 c 119 §§ 1-6: See note following RCW 28A.225.007.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

28A.225.018 Conferences to identify barriers to child's school attendance. (1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind. [2016 c 205 § 3.]

28A.225.020 School's duties upon child's failure to attend school. (1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;

(b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day. If the child's parent does

(2021 Ed.)

not attend the scheduled conference, the conference may be conducted with the student and school official. However the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence; and

(c) At some point after the second and before the seventh unexcused absence, take data-informed steps to eliminate or reduce the child's absences.

(i) In middle school and high school, these steps must include application of the Washington assessment of the risks and needs of students (WARNS) or other assessment by a school district's designee under RCW 28A.225.026.

(ii) For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.

(iii) With respect to any child, without an existing individualized education plan or 504 plan, reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services. This includes children with suspected emotional or behavioral disabilities as defined in WAC 392-172A-01035. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the child is found to be eligible for special education services, accommodations, or related services, a plan developed to address the child's needs.

(iv) These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community engagement board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a)(i) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(ii) Has failed to meet the school district's policy for excused absences; or

(b) Has failed to comply with alternative learning experience program attendance requirements as described by the superintendent of public instruction.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes

of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. All school districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program. [2021 c 119 § 9; 2017 c 291 § 2; 2016 c 205 § 4; 2009 c 266 § 1; 1999 c 319 § 1; 1996 c 134 § 2; 1995 c 312 § 67; 1992 c 205 § 202; 1986 c 132 § 2; 1979 ex.s. c 201 § 1. Formerly RCW 28A.27.020.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Additional notes found at www.leg.wa.gov

28A.225.023 Youth dependent pursuant to chapter 13.34 RCW—Review of unexpected or excessive absences—Support for youth's school work. A school district representative or school employee shall review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth, to include the youth's caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents or the person providing placement for the youth. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, inpatient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the youth's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy. [2013 c 182 § 9.]

Findings—2013 c 182: See note following RCW 13.34.030.

28A.225.025 Community engagement boards—Membership—Duties. (1) For purposes of this chapter, "community engagement board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community engagement boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community engagement board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as

connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

(2) The legislature finds that utilization of community engagement boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community engagement boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3). [2021 c 119 § 10; 2017 c 291 § 3; 2016 c 205 § 5; 2009 c 266 § 2; 1999 c 319 § 5; 1996 c 134 § 9; 1995 c 312 § 66.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Additional notes found at www.leg.wa.gov

28A.225.026 Community engagement boards—Memoranda of understanding with juvenile courts—Designation of school district coordinators to address absenteeism and truancy—Community-wide partnerships. (1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community engagement board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community engagement board. A community engagement board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community engagement board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy. School districts with fewer than three hundred students may work cooperatively with other school districts or

the school district's educational service district to ensure access to a community engagement board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community engagement board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community engagement boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources. [2021 c 119 § 11; 2017 c 291 § 4; 2016 c 205 § 6.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

28A.225.0261 Community engagement boards—Effect of diversion from truancy petitions—Evaluation by Washington state institute for public policy—Reports.

(1) By requiring an initial stay of truancy petitions for diversion to community engagement boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community engagement boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community engagement board;

(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and

(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review. [2021 c 119 § 12; 2016 c 205 § 17.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

(2021 Ed.)

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

28A.225.027 Community engagement boards—Grants for training—Grants for services and treatment.

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community engagement boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memoranda of understanding, between a school district and a court, to institute a new or maintain an existing community engagement board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community engagement board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices. [2021 c 119 § 13; 2016 c 205 § 20.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

28A.225.030 Petition to juvenile court for violations by a parent or child—School district responsibilities.

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, after the child's seventh unexcused absence within any month during the current school year and not later than the 15th unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as

set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the seventh unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community engagement board as defined in RCW 28A.225.025. The community engagement board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with seven or more unexcused absences in any month during the current school year or upon the 15th unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required. [2021 c 119 § 7; (2021 c 119 § 5 expired August 1, 2021); 2017 c 291 § 6; 2016 c 205 § 7; 2012 c 157 § 1; 1999 c 319 § 2; 1996 c 134 § 3; 1995 c 312 § 68; 1992 c 205 § 203; 1990 c 33 § 220; 1986 c 132 § 3; 1979 ex.s. c 201 § 2. Formerly RCW 28A.27.022.]

Effective date—2021 c 119 §§ 7-15: "Sections 7 through 15 of this act take effect August 1, 2021." [2021 c 119 § 18.]

Expiration date—2021 c 119 §§ 5 and 6: "Sections 5 and 6 of this act expire August 1, 2021." [2021 c 119 § 17.]

Effective date—2021 c 119 §§ 1-6: See note following RCW 28A.225.007.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Additional notes found at www.leg.wa.gov

28A.225.031 Alcohol or controlled substances testing—Authority to order. The authority of a court to issue an order for testing to determine whether the child has consumed or used alcohol or controlled substances applies to all persons subject to a petition under RCW 28A.225.030 regardless of whether the petition was filed before July 27, 1997. [1997 c 68 § 3.]

28A.225.035 Petition to juvenile court—Contents—Court action—Referral to community engagement board or other coordinated intervention—Transfer of jurisdiction upon relocation. (1) A petition for a civil action under

RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community engagement board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community engagement board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community engagement board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community engagement board, the community engagement board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the community engagement board, the school district, and the child's parent. The court may permit the community engagement board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community engagement board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community engagement board, the community engagement board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community engagement board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of indi-

vidual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community engagement boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions

(2021 Ed.)

and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county. [2021 c 119 § 14; 2016 c 205 § 8; 2012 c 157 § 2; 2009 c 266 § 3; 2001 c 162 § 1; 1999 c 319 § 3; 1997 c 68 § 1. Prior: 1996 c 134 § 4; 1996 c 133 § 31; 1995 c 312 § 69.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Additional notes found at www.leg.wa.gov

28A.225.055 Excused absences—Search and rescue activities. The legislature finds that state-recognized search and rescue activities, as defined in chapter 38.52 RCW and the rules interpreting the chapter, are recognized as activities deserving of excuse from school. Therefore, the legislature strongly encourages that excused absences be granted to students for up to five days each year to participate in search and rescue activities, subject to approval by the student's parent and the principal of the student's school, and provided that the activities do not cause a serious adverse effect upon the student's educational progress. [2002 c 214 § 1.]

28A.225.060 Custody and disposition of child absent from school without excuse. Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district. [1995 c 312 § 73; 1990 c 33 s 223; 1979 ex.s. c 201 s 5; 1977 ex.s. c 291 s 52; 1969 ex.s. c 223 s 28A.27.070. Prior: 1909 c 97 p 366 s 5; RRS s 5076; prior: 1907 c 231 s 5; 1905 c 162 s 5. Formerly RCW 28A.27.070, 28.27.070.]

Additional notes found at www.leg.wa.gov

28A.225.080 Employment permits. Except as otherwise provided in this code, no child under the age of fifteen years shall be employed for any purpose by any person, company or corporation, in this state during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in RCW 28A.225.010, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, company or corporation shall keep such certificate on file so long as such child is employed by him or her. The form of said certificate shall be furnished by the superintendent of public instruction. Proof that any child

under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section. [1990 c 33 § 225; 1969 ex.s. c 223 § 28A.27.090. Prior: 1909 c 97 p 365 § 2; RRS § 5073; prior: 1907 c 231 § 2; 1905 c 162 § 2; 1903 c 48 § 2. Formerly RCW 28A.27.090, 28.27.090.]

28A.225.090 Court orders—Penalties—Parents' defense. (1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may impose:

(a) Community restitution;

(b) Nonresidential programs with intensive wraparound services;

(c) A requirement that the child meet with a mentor for a specified number of times; or

(d) Other services and interventions that the court deems appropriate.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the community engagement board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may impose alternatives to detention consistent with best practice models for reengagement with school.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015. [2021 c 119 § 15; 2019 c 312 § 14; 2019 c 312 § 13; 2017 c 291 § 5; 2016 c 205 § 9; 2009 c 266 § 4; 2008 c 171 § 1; 2002 c 175 § 29. Prior: 2000 c 162 § 15; 2000 c 162 § 6; 2000 c 61 § 1; 1999 c 319 § 4; 1998 c 296 § 39; 1997 c 68 § 2; prior: 1996 c 134 § 6; 1996 c 133 § 32; 1995 c 312 § 74; 1992 c 205 § 204; 1990 c 33 § 226; 1987 c 202 § 189; 1986 c 132 § 5; 1979 ex.s. c 201 § 6; 1969 ex.s. c 223 § 28A.27.100; prior: 1909 c 97 p 365 § 3; RRS § 5074; prior: 1907 c 231 § 3; 1905 c 162 § 3. Formerly RCW 28A.27.100, 28.27.100.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Effective date—2019 c 312 §§ 5 and 14: See note following RCW 7.21.030.

Effective date—Findings—Intent—2019 c 312: See notes following RCW 7.21.080.

Findings—Intent—Part headings not law—Short title—1998 c 296: See notes following RCW 74.13.025.

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Intent—1987 c 202: See note following RCW 2.04.190.

Additional notes found at www.leg.wa.gov

28A.225.095 Authority of court commissioners and family law commissioners to hear cases under this chapter. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and

jurisdiction, concurrent with a juvenile court judge, to hear all cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. [1995 c 312 § 71.]

Additional notes found at www.leg.wa.gov

28A.225.110 Fines applied to support of schools.

Notwithstanding the provisions of RCW 10.82.070, fifty percent of all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW, and fifty percent shall be paid to the county treasurer who shall deposit such amount to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140. [1995 c 312 § 75; 1990 c 33 § 228; 1987 c 202 § 191; 1969 ex.s. c 199 § 54; 1969 ex.s. c 223 § 28A.27.104. Prior: 1909 c 97 p 368 § 11; RRS § 5082; prior: 1907 c 231 § 12; 1905 c 162 § 11. Formerly RCW 28A.27.104, 28.27.104, 28.27.100, part.]

Intent—1987 c 202: See note following RCW 2.04.190.

Additional notes found at www.leg.wa.gov

28A.225.140 Enforcing officers not personally liable for costs. No officer performing any duty under any of the provisions of RCW 28A.225.010 through 28A.225.140, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by RCW 28A.225.010 through 28A.225.140. [1990 c 33 § 231; 1969 ex.s. c 223 § 28A.27.130. Prior: 1909 c 97 p 368 § 12; RRS § 5083; prior: 1907 c 231 § 13; 1905 c 162 § 12. Formerly RCW 28A.27.130, 28.27.130.]

28A.225.151 Student-level truancy data—Reports—Data protocols and guidance for school districts. (1) As required under subsection (2) of this section, the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.

(2) The reports under subsection (1) of this section shall include, disaggregated by student group:

(a) The number of enrolled students and the number of unexcused absences;

(b) The number of enrolled students with 15 or more unexcused absences in a school year or seven or more unexcused absences in a month during a school year;

(c) A description of any programs or schools developed to serve students who have had seven or more unexcused absences in a month or 15 in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090;

(d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:

(i) Referral to a community engagement board;

(ii) Other coordinated means of intervention;

(iii) A hearing in the juvenile court; or

(iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and

(e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of actions taken under RCW 28A.225.030. [2021 c 119 § 8; (2021 c 119 § 6 expired August 1, 2021); 2017 c 291 § 7; 1996 c 134 § 5; 1995 c 312 § 72.]

Effective date—2021 c 119 §§ 7-15: See note following RCW 28A.225.030.

Expiration date—2021 c 119 §§ 5 and 6: See note following RCW 28A.225.030.

Effective date—2021 c 119 §§ 1-6: See note following RCW 28A.225.007.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Additional notes found at www.leg.wa.gov

28A.225.155 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 15.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.225.160 Qualification for admission to district's schools—Fees for preadmission screening. (1) Except as provided in subsection (2) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifica-

tions, including but not limited to birthdate requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: **PROVIDED**, That in so establishing such fee or fees, the district shall adopt rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

(2) A student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of the student when attending school in the sending state as defined in Article II of RCW 28A.705.010, regardless of age or birthdate requirements. [2009 c 380 § 3; 2006 c 263 § 703; 1999 c 348 § 5; 1986 c 166 § 1; 1979 ex.s. c 250 § 4; 1977 ex.s. c 359 § 14; 1969 ex.s. c 223 § 28A.58.190. Prior: 1909 c 97 p 261 § 1, part; RRS § 4680, part; prior: 1897 c 118 § 64, part; 1890 p 371 § 44, part. Formerly RCW 28A.58.190, 28.58.190 part, 28.01.060.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1999 c 348: See note following RCW 28A.205.010.

Program of basic education, RCW 28A.225.160 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

28A.225.170 Admission to schools—Children on United States reservations—Idaho residents with Washington addresses. (1) Any child who is of school age and otherwise eligible residing within the boundaries of any military, naval, lighthouse, or other United States reservation, national park, or national forest or residing upon rented or leased undeeded lands within any Indian reservation within the state of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: **PROVIDED**, That the United States authorities in charge of such reservation or park shall cooperate fully with state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance.

(2) Any child who is of school age and otherwise eligible, residing in a home that is located in Idaho but that has a Washington address for the purposes of the United States postal service, shall be admitted, without payment of tuition, to the nearest Washington school district and shall be considered a resident student for state apportionment and all other purposes. [2003 c 411 § 1; 1969 ex.s. c 223 § 28A.58.210. Prior: 1945 c 141 § 10; 1933 c 28 § 10; 1925 ex.s. c 93 § 1; Rem. Supp. 1945 § 4680-1. Formerly RCW 28A.58.210, 28.58.210, 28.27.140.]

[Title 28A RCW—page 104]

28A.225.200 Education of pupils in another district—Limitation as to state apportionment—Exemption.

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, 28A.300.035, and 28A.300.170 shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration or to nonhigh school districts participating in an interdistrict cooperative under RCW 28A.340.080 through 28A.340.090. [2010 c 99 § 6; (2010 c 99 § 5 expired September 1, 2011); 2009 c 548 § 706; 1990 c 33 § 234; 1988 c 268 § 6; 1979 ex.s. c 140 § 1; 1975 1st ex.s. c 275 § 111; 1969 ex.s. c 176 § 141; 1969 ex.s. c 223 § 28A.58.225. Prior: 1965 ex.s. c 154 § 10. Formerly RCW 28A.58.225, 28.24.110.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

Additional notes found at www.leg.wa.gov

28A.225.210 Admission of district pupils tuition free.

Every school district shall admit on a tuition free basis: (1) All persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: **PROVIDED**, That nothing in this subsection shall be construed as affecting RCW 28A.225.220 or 28A.225.250; and (2) all students who meet the definition of children of military families in transition under Article II of RCW 28A.705.010 who are in the care of a noncustodial parent or other person standing in loco parentis and who lives in another state while the parent is under military orders. [2009 c 380 § 6; 1990 c 33 § 235; 1983 c 3 § 37; 1969 c 130 § 9; 1969 ex.s. c 223 § 28A.58.230. Prior: 1917 c 21 § 9; RRS § 4718. Formerly RCW 28A.58.230, 28.58.230.]

Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise: RCW 28A.540.110.

Education of children with disabilities: RCW 28A.155.050.

28A.225.215 Enrollment of children without legal residences. (1) A school district shall not require proof of residency or any other information regarding an address for any child who is eligible by reason of age for the services of the school district if the child does not have a legal residence.

(2021 Ed.)

(2) A school district shall enroll a child without a legal residence under subsection (1) of this section at the request of the child or parent or guardian of the child. [1989 c 118 § 1. Formerly RCW 28A.58.235.]

28A.225.216 Children of military families—Residency. (1)(a) A child of a military family complies with the residency requirements for enrollment in a school district if a parent of the child is transferred to, or is pending transfer to, a military installation within the state while on active duty pursuant to official military orders.

(b) A parent of the child must provide to the school district proof of residence in the school district within fourteen days of the arrival date provided on official military documentation. The parent may use the address of any of the following as proof of residence in the school district:

- (i) A temporary on-base billeting facility;
- (ii) A purchased or leased residence, or a signed purchase and sale agreement or lease agreement for a residence; or
- (iii) Any federal government housing or off-base military housing, including off-base military housing that may be provided through a public-private venture.

(2) A school district shall accept, on a conditional basis, an application for enrollment and course registration, including enrollment in a specific school or program within the school district, by electronic means for children of military families who meet the requirements of subsection (1)(a) of this section. Upon satisfaction of the requirements of subsection (1)(b) of this section, the school district shall finalize the enrollment of children of military families.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Active duty" has the same meaning as in RCW 28A.705.010.

(b) "Child of a military family" and "children of military families" have the same meaning as "children of military families" in RCW 28A.705.010.

(c) "Military installation" has the same meaning as in RCW 28A.705.010.

(d) "Parent" means a parent, guardian, or other person or entity having legal custody of a child of a military family. [2019 c 72 § 1.]

28A.225.217 Children of military families—Continued enrollment in district schools. (1) A student shall be permitted to remain enrolled in the school in which the student was enrolled while residing with the custodial parent if the student:

- (a) Meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010; and
- (b) Is placed in the care of a noncustodial parent or guardian when the custodial parent is required to relocate due to military orders.

(2) A nonresident school district shall not be required to provide transportation to and from the school unless otherwise required by state or federal law. [2009 c 380 § 8.]

28A.225.220 Adults, children from other districts, agreements for attending school—Tuition. (1) Any board

(2021 Ed.)

of directors may make agreements with adults choosing to attend school, and may charge the adults reasonable tuition.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district or the request of a parent or guardian for his or her child to transfer as a student receiving home-based instruction.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition; or

(d) The purpose of the transfer is for the student to enroll in an online course or online school program offered by an online provider approved under RCW 28A.250.020.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds. [2013 2nd sp.s. c 18 § 510. Prior: 1995 c 335 § 602; 1995 c 52 § 2; 1993 c 336 § 1008; 1990 1st ex.s. c 9 § 201; 1969 c 130 § 10; 1969 ex.s. c 223 § 28A.58.240; prior: 1963 c 47 § 2; prior: 1921 c 44 § 1, part; 1899 c 142 § 8, part; RRS § 4780, part. Formerly RCW 28A.58.240, 28.58.240.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Finding—1990 1st ex.s. c 9: "The legislature finds that academic achievement of Washington students can and should be improved. The legislature further finds that student success depends, in large part, on increased parental involvement in their children's education.

In order to take another step toward improving education in Washington, it is the purpose of this act to enhance the ability of parents to exercise choice in where they prefer their children attend school; inform parents of their options under local policies and state law for the intradistrict and inter-district enrollment of their children; and provide additional program opportunities for secondary students." [1990 1st ex.s. c 9 § 101.]

Education of children with disabilities: RCW 28A.155.040, 28A.155.050.

Additional notes found at www.leg.wa.gov

28A.225.225 Applications from school employees' children, nonresident students, or students receiving home-based instruction to attend district school—Accept-

tance and rejection standards—Notification. (1) Except for students who reside out-of-state and students under RCW 28A.225.217, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:

- (a) At the school to which the employee is assigned;
- (b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or
- (c) At a school in the district that provides early intervention services pursuant to RCW 43.216.580 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(2) A district may reject applications under this section if:

- (a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;
- (b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applicants;
- (c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling; or
- (d) The student has repeatedly failed to comply with requirements for participation in an online school program, such as participating in weekly direct contact with the teacher or monthly progress evaluations.

(3) A nonhigh district that is participating in an innovation academy cooperative may not accept an application from a high school student that conflicts with RCW 28A.340.080.

(4) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

- (a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;
- (b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;
- (c) Accepting of the nonresident student would conflict with RCW 28A.340.080; or

(d) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (4)(d) must apply uniformly to both resident and nonresident applicants.

For purposes of subsections (2)(a) and (4)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an

ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(5) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3). [2020 c 90 § 6; 2013 2nd sp.s. c 18 § 511; 2013 c 192 § 2; 2009 c 380 § 7; 2008 c 192 § 1; 2003 c 36 § 1; 1999 c 198 § 2; 1997 c 265 § 3; 1995 c 52 § 3; 1994 c 293 § 1; 1990 1st ex.s. c 9 § 203.]

Effective date—2020 c 90: See note following RCW 43.216.580.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.230 Appeal from certain decisions to deny student's request to attend nonresident district—Procedure.

(1) The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district pursuant to RCW 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee: PROVIDED, That the school district of proposed transfer is willing to accept the student.

(2) The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years if the requirements of RCW 28A.225.220 have been met. The decision of the superintendent of public instruction may be appealed to superior court pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

(3) The decision of a school district to deny the request for accepting the transfer of a nonresident student under RCW 28A.225.225 may be appealed to the superintendent of public instruction or his or her designee. The superintendent or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the district to accept the nonresident student if the district did not comply with the standards and procedures adopted under RCW 28A.225.225. The decision of the superintendent of public instruction may be appealed to the superior court under chapter 34.05 RCW. [1990 1st ex.s. c 9 § 204; 1990 c 33 § 236; 1977 c 50 § 1; 1975 1st ex.s. c 66 § 1. Formerly RCW 28A.58.242.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise: RCW 28A.540.110.

Additional notes found at www.leg.wa.gov

28A.225.240 Apportionment credit. If a student under the age of twenty-one years is allowed to enroll in any common school outside the school district within which the student resides or a school district of which the student is con-

sidered to be a resident for attendance purposes by operation of law, the student's attendance shall be credited to the non-resident school district of enrollment for state apportionment and all other purposes. [1975 1st ex.s. c 66 § 2. Formerly RCW 28A.58.243.]

Additional notes found at www.leg.wa.gov

28A.225.250 Cooperative programs among school districts—Rules. (1) The state superintendent of public instruction is directed and authorized to develop and adopt rules governing cooperative programs between and among school districts and educational service districts that the superintendent deems necessary to assure:

- (a) Correct calculation of state apportionment payments;
- (b) Proper budgeting and accounting for interdistrict cooperative program revenues and expenditures;
- (c) Reporting of student, personnel, and fiscal data to meet state needs; and
- (d) Protection of the right of residents of Washington under twenty-one years of age to a tuition-free program of basic education.

(2) Unless specifically authorized in law, interdistrict cooperative programs shall not be designed to systematically increase state allocation above amounts required if services were provided by the resident school district. [1995 c 335 § 603; 1969 c 130 § 11. Formerly RCW 28A.58.243.]

Education of children with disabilities: RCW 28A.155.040, 28A.155.050.

Additional notes found at www.leg.wa.gov

28A.225.260 Reciprocity exchanges with other states. If the laws of another state permit its school districts to extend similar privileges to pupils resident in this state, the board of directors of any school district contiguous to a school district in such other state may make agreements with the officers of the school district of that state for the attendance of any pupils resident therein upon the payment of tuition.

If a district accepts out-of-state pupils whose resident district is contiguous to a Washington school district, such district shall charge and collect the cost for educating such pupils and shall not include such out-of-state pupils in the computation of the district's share of state and/or county funds.

The board of directors of any school district which is contiguous to a school district in another state may make agreements for and pay tuition for any children of their district desiring to attend school in the contiguous district of the other state. The tuition to be paid for the attendance of resident pupils in an out-of-state school as provided in this section shall be no greater than the cost of educating such elementary or secondary pupils, as the case may be, in the out-of-state educating district. [1969 ex.s. c 223 § 28A.58.250. Prior: 1963 c 47 § 3; prior: 1921 c 44 § 1, part; 1899 c 142 § 8, part; RRS § 4780, part. Formerly RCW 28A.58.250, 28.58.250.]

Education of children with disabilities: RCW 28A.155.040.

28A.225.270 Intradistrict enrollment options policies. (1) Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its

(2021 Ed.)

own policy establishing standards on how the intradistrict enrollment options will be implemented.

(2) A district shall permit the children of full-time certificated and classified school employees to enroll at:

- (a) The school to which the employee is assigned;
- (b) A school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or
- (c) A school in the district that provides early intervention services pursuant to RCW 43.216.580 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(3) For the purposes of this section, "full-time employees" means employees who are employed for the full number of hours and days for their job description. [2020 c 90 § 7; 2008 c 192 § 2; 2003 c 36 § 2; 1990 1st ex.s. c 9 § 205.]

Effective date—2020 c 90: See note following RCW 43.216.580.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.280 Transfer students' eligibility for extracurricular activities. Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association. [2006 c 263 § 903; 1990 1st ex.s. c 9 § 206.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.290 Enrollment options information booklet (as amended by 2009 c 450). (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ((28A.175.090,)) 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160;

(b) Information about the running start ((community college or vocational technical institute)) choice program under RCW 28A.600.300 through ((28A.600.395)) 28A.600.400; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090. [2009 c 450 § 5; 1990 1st ex.s. c 9 § 207.]

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

28A.225.290 Enrollment options information booklet—Posting on web site (as amended by 2009 c 524). (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) ((Before the 1991-92 school year,)) The booklet shall be distributed to all school districts by the office of the superintendent of public instruction and shall be posted on the web site of the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ((28A.175.090,)) 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160;

(b) Information about the running start((community college or vocational-technical institute choice)) program under RCW 28A.600.300 through ((28A.600.395)) 28A.600.400; ((and))

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090; and

(d) Information about the college high school diploma options under RCW 28B.50.535. [2009 c 524 § 3; 1990 1st ex.s. c 9 § 207.]

Intent—2009 c 524: See note following RCW 28B.50.535.

28A.225.290 Enrollment options information (as amended by 2009 c 556). (1) The superintendent of public instruction shall prepare and annually ((distribute an)) provide access to information ((booklet)) outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries)) School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, *28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160;

(b) Information about **the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ((28A.600.395)) 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090. [2009 c 556 § 6; 1990 1st ex.s. c 9 § 207.]

Reviser's note: *(1) RCW 28A.175.090 expired December 31, 1994.

** (2) The program was named "the running start program" by 2009 c 450 § 7.

(3) RCW 28A.225.290 was amended three times during the 2009 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.300 Enrollment options information to parents. Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. [2009 c 556 § 7; 1990 1st ex.s. c 9 § 208.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.310 Attendance in school district of choice—Impact on existing cooperative arrangements. Any school district board of directors may make arrangements with the board of directors of other districts for chil-

dren to attend the school district of choice. Nothing under RCW 28A.225.220 and 28A.225.225 is intended to adversely affect agreements between school districts in effect on April 11, 1990. [1990 1st ex.s. c 9 § 209.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.330 Enrolling students from other districts—Requests for information and permanent records—Immunity from liability—Rules. (1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(6) A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department

of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days. [2021 c 120 § 2; 2020 c 167 § 8; 2013 c 182 § 10; 2009 c 380 § 2; 2006 c 263 § 805; 1999 c 198 § 3; 1997 c 266 § 4. Prior: 1995 c 324 § 2; 1995 c 311 § 25; 1994 c 304 § 2.]

Findings—2013 c 182: See note following RCW 13.34.030.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Additional notes found at www.leg.wa.gov

28A.225.350 Students in out-of-home care—Best interest determinations. (1) The protocols required by RCW 74.13.560 for making best interest determinations for students in out-of-home care must comply with the provisions of this section.

(2)(a) Best interest determinations should be made as quickly as possible in order to prevent educational discontinuity for the student.

(b) When making best interest determinations, every effort should be made to gather meaningful input from relevant and appropriate persons on their perspectives regarding which school the student should attend during his or her time in out-of-home care, consistent with the student's case plan. Relevant and appropriate persons include:

- (i) Representatives of the department of children, youth, and families;
- (ii) Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;
- (iii) Biological parents;
- (iv) Foster parents;
- (v) Educational liaisons identified under RCW 13.34.045;
- (vi) The student's relatives; and
- (vii) Depending on his or her age, the student.

(3) In accordance with RCW 74.13.550, whenever practical and in their best interest, students placed into out-of-home care must remain enrolled in the school that they were attending at the time they entered out-of-home care.

(4) Student-centered factors must be used to determine what is in a student's best interest. In order to make a well-informed best interest determination, a variety of student-centered factors should be considered, including:

- (a) How long is the student's current out-of-home care placement expected to last?
- (b) What is the student's permanency plan and how does it relate to school stability?
- (c) How many schools has the student attended in the current year?
- (d) How many schools has the student attended over the past few years?
- (e) Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?

(2021 Ed.)

(f) What are the immediate and long-term educational plans of, and for, the student?

(g) How strong is the student academically?

(h) If the student has special needs, what impact will transferring to a new school have on the student's progress and services?

(i) To what extent are the programs and activities at the potential new school comparable to, or more appropriate than, those at the school of origin?

(j) Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?

(k) Which school does the student prefer?

(l) How deep are the child's ties to his or her school of origin?

(m) Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event that is significant to the student, or at the end of the school year?

(n) How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extracurricular activities, proceed to the next grade, or graduate on time?

(o) How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?

(p) How anxious is the student about having been removed from the home or about any upcoming moves?

(q) What school does the student's sibling attend?

(r) Are there safety issues to consider?

(5) The student must remain in his or her school of origin while a best interest determination is made and while disputes are resolved in order to minimize disruption and reduce the number of school transfers.

(6) School districts are encouraged to use any:

(a) Best interest determination guide developed by the office of the superintendent of public instruction during the discussion about the advantages and disadvantages of keeping the student in the school of origin or transferring the student to a new school; and

(b) Dispute resolution process developed by the office of the superintendent of public instruction when there is a disagreement about school placement, the provision of educational services, or a dispute between agencies.

(7) The special education services of a student must not be interrupted by a transfer to a new school.

(8) For the purposes of this section, "out-of-home care" has the same meaning as in RCW 13.34.030. [2018 c 139 § 2.]

Effective date—2018 c 139: "This act takes effect September 1, 2018." [2018 c 139 § 7.]

28A.225.360 Students in out-of-home care—School districts and the department of children, youth, and families collaboration. School districts must collaborate with the department of children, youth, and families as provided in RCW 74.13.560. [2018 c 139 § 1.]

Effective date—2018 c 139: See note following RCW 28A.225.350.

28A.225.370 Students subject to civil protection orders. (Effective July 1, 2022.) (1) If any student is subject

to a civil protection order, the school district and school building staff will make adjustments to the student's schedule and other modifications to the student's school environment to support compliance with court orders and maintain the student's access to education.

(2) If a student is the subject of a civil protection order that prohibits regular attendance at the student's assigned school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall not charge tuition and must provide transportation at no cost. The district shall put in place any needed supports to make the transition to a new school environment successful for the student.

(3) A school district must provide notification to the parent or legal guardian of a student who is subject to a civil protection order of the modifications, accommodations, supports, and services being created or provided for the student pursuant to this section. [2021 c 215 § 86.]

Effective date—2021 c 215: See note following RCW 7.105.900.

28A.225.900 Rules. The superintendent of public instruction may adopt rules necessary to carry out the purposes of this chapter. [2021 c 119 § 3.]

Effective date—2021 c 119 §§ 1-6: See note following RCW 28A.225.007.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Chapter 28A.230 RCW

COMPULSORY COURSEWORK AND ACTIVITIES

Sections

- 28A.230.010 Course content requirements—Access to career and technical statewide equivalency courses—Duties of school district boards of directors—Waivers.
- 28A.230.015 Access to career and technical course waiver.
- 28A.230.020 Common school curriculum.
- 28A.230.030 Students taught in English language—Exception.
- 28A.230.040 Physical education in grades one through eight.
- 28A.230.050 Physical education in high schools.
- 28A.230.055 Physical education programs—Annual review.
- 28A.230.060 Waiver of course of study in Washington's history and government.
- 28A.230.070 AIDS education in public schools—Limitations—Program adoption—Model curricula—Student's exclusion from participation.
- 28A.230.080 Prevention of child abuse and neglect—Written policy—Participation in and establishment of programs.
- 28A.230.085 Curriculum for prevention of sexual abuse on superintendent's website.
- 28A.230.090 High school graduation requirements or equivalencies—High school and beyond plans—Career and college ready graduation requirements and waivers—Reevaluation of graduation requirements—Language requirements—Credit for courses taken before attending high school—Postsecondary credit equivalencies.
- 28A.230.091 High school and beyond plans—Best practices.
- 28A.230.094 High school civics course.
- 28A.230.095 Essential academic learning requirements and assessments—Verification reports.
- 28A.230.097 Career and technical high school course equivalencies.
- 28A.230.100 Rules implementing course requirements—Temporary exemptions and special alterations from requirements—Competency testing.
- 28A.230.120 High school diplomas—Issuance—Option to receive final transcripts—Notice.
- 28A.230.122 International baccalaureate diplomas.
- 28A.230.125 Standardized high school transcripts.
- 28A.230.130 Program to help students meet minimum entrance requirements at baccalaureate-granting institutions or to pursue career or other opportunities—High school course offerings for postsecondary credit.

- 28A.230.140 United States flag—Procurement, display, exercises—National anthem.
- 28A.230.150 Temperance and Good Citizenship Day—Aids in programming—Voter registration—Report.
- 28A.230.158 Disability history month—Activities.
- 28A.230.160 Educational activities in observance of Veterans' Day.
- 28A.230.170 Study of constitutions compulsory—Rules.
- 28A.230.178 Civil rights education.
- 28A.230.179 Cardiopulmonary resuscitation instruction.
- 28A.230.180 Access to campus and student information directories by official recruiting representatives—Informing students of educational and career opportunities.
- 28A.230.195 Test or assessment scores—Adjustments to instructional practices—Notification to parents.
- 28A.230.215 High school and beyond plans—Electronic platform.
- 28A.230.250 Coordination of procedures and content of assessments.
- 28A.230.265 Condensed compliance reports—Second-class districts.
- 28A.230.300 Computer science.
- 28A.230.310 Financial aid advising day.
- 28A.230.320 Emergency waivers from credit and subject area graduation requirements.

AIDS prevention education: Chapter 70.24 RCW.

28A.230.010 Course content requirements—Access to career and technical statewide equivalency courses—Duties of school district boards of directors—Waivers.

(1) School district boards of directors shall identify and offer courses with content that meet or exceed: (a) The basic education skills identified in RCW 28A.150.210; (b) the graduation requirements under RCW 28A.230.090; (c) the courses required to meet the minimum college entrance requirements under RCW 28A.230.130; and (d) the course options for career development under RCW 28A.230.130. Such courses may be applied or theoretical, academic, or vocational.

(2) Until September 1, 2021, school district boards of directors must provide high school students with the opportunity to access at least one career and technical education course that is considered a statewide equivalency course as determined by the office of the superintendent of public instruction under RCW 28A.700.070.

(3) On and after September 1, 2021, any statewide equivalency course offered by a school district or accessed at a skill center must be offered for academic credit.

(4) Students may access statewide equivalency courses at high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses.

(5) On and after January 1, 2019, school district boards of directors of school districts with fewer than two thousand students may apply to the superintendent of public instruction for a waiver from the provisions of subsections (2) and (3) of this section under RCW 28A.230.015. [2019 c 221 § 1; 2018 c 177 § 302; 2014 c 217 § 103; 2003 c 49 § 1; 1990 c 33 § 237; 1984 c 278 § 2. Formerly RCW 28A.05.005.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Effective date—2014 c 217 §§ 103 and 104: "Sections 103 and 104 of this act take effect September 1, 2015." [2014 c 217 § 208.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Additional notes found at www.leg.wa.gov

28A.230.015 Access to career and technical course waiver. (1) The superintendent of public instruction may grant a waiver from the provisions of RCW 28A.230.010(2) based on an application from a board of directors of a school district with fewer than two thousand students.

(2) The state board of education may adopt rules establishing the criteria to evaluate the need for a waiver or waivers under this section. [2018 c 177 § 504.]

Effective dates—2018 c 177 §§ 201, 202, 501-504, 507, and 701: See note following RCW 28A.150.222.

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

28A.230.020 Common school curriculum. All common schools shall give instruction in reading, handwriting, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule of the superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools. [2013 c 23 § 48; 2006 c 263 § 414; 1991 c 116 § 6; 1988 c 206 § 403; 1987 c 232 § 1; 1986 c 149 § 4; 1969 c 71 § 3; 1969 ex.s. c 223 § 28A.05.010. Prior: 1909 p 262 § 2; RRS § 4681; prior: 1897 c 118 § 65; 1895 c 5 § 1; 1890 p 372 § 45; 1886 p 19 § 52. Formerly RCW 28A.05.010, 28.05.010, and 28.05.020.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Districts to develop programs and establish programs regarding child abuse and neglect prevention: RCW 28A.230.080.

Sexual abuse of students, child abuse, and neglect—Coordinated prevention program: RCW 28A.300.160.

Additional notes found at www.leg.wa.gov

28A.230.030 Students taught in English language—

Exception. All students in the common schools of the state of Washington shall be taught in the English language: PROVIDED, That nothing in this section shall preclude the teaching of students in a language other than English when such instruction will aid the educational advancement of the student. [1969 c 71 § 4. Formerly RCW 28A.05.015.]

28A.230.040 Physical education in grades one through eight. Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule of the superintendent of public instruction: PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief, or participation in directed athletics. [2006 c 263 § 415; 1984 c 52 § 1; 1969 ex.s. c 223 § 28A.05.030. Prior: 1919 c 89 § 1; RRS § 4682. Formerly RCW 28A.05.030, 28.05.030.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.230.050 Physical education in high schools. All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education

requirements established by rule of the superintendent of public instruction: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause. [2006 c 263 § 416; 1985 c 384 § 3; 1984 c 52 § 2; 1969 ex.s. c 223 § 28A.05.040. Prior: 1963 c 235 § 1, part; prior: (i) 1923 c 78 § 1, part; 1919 c 89 § 2, part; RRS § 4683, part. (ii) 1919 c 89 § 5, part; RRS § 4686, part. Formerly RCW 28A.05.040, 28.05.040, part.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.230.055 Physical education programs—Annual review. (1) Beginning in the 2018-19 school year, all school districts must conduct an annual review of their physical education programs that includes:

(a) The number of individual students completing a physical education class during the school year;

(b) The average number of minutes per week of physical education received by students in grades one through eight, expressed in appropriate reporting ranges;

(c) The number of students granted waivers from physical education requirements;

(d) An indication of whether all physical education classes are taught by instructors who possess a valid health and fitness endorsement;

(e) The physical education class sizes, expressed in appropriate reporting ranges;

(f) The frequency with which physical education is provided to students;

(g) An indication of whether there is sufficient dedicated gym space and sheltered areas to support the minimum amount of physical activity required of students by law or agency rule;

(h) An indication of whether the physical education curriculum of the district addresses the Washington state K-12 learning standards;

(i) An indication of whether, as a matter of policy or procedure, the district routinely modifies and adapts its physical education curriculum for students with disabilities; and

(j) An indication of whether the district routinely excludes students from physical education classes for disciplinary reasons.

(2) The results of the review required by this section must be submitted by the school district to the district's wellness committee and to the office of the superintendent of public instruction. The office of the superintendent of public instruction, upon receipt of the review data, must aggregate and analyze the data, summarize the information provided by each district, and post the summarized information, by district, on its web site.

(3) In fulfilling the requirements of this section, the K-12 data governance group established under RCW 28A.300.507 shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of physical education instructional minutes and certification. [2017 c 80 § 1.]

28A.230.060 Waiver of course of study in Washington's history and government. Students in the twelfth grade who have not completed a course of study in Washington's history and state government because of previous residence outside the state may have the requirement in RCW 28A.230.090 waived by their principal. [1991 c 116 § 7; 1969 ex.s. c 57 § 2; 1969 ex.s. c 223 § 28A.05.050. Prior: 1967 c 64 § 1, part; 1963 c 31 § 1, part; 1961 c 47 § 2, part; 1941 c 203 § 1, part; Rem. Supp. 1941 § 4898-3, part. Formerly RCW 28A.05.050, 28.05.050.]

28A.230.070 AIDS education in public schools—Limitations—Program adoption—Model curricula—Student's exclusion from participation. (1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.

(2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either (a) are the model curricula and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in *RCW 70.24.250. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these materials until the approval procedure to be conducted by the office of AIDS has been completed.

(3) Model curricula and other resources available from the superintendent of public instruction may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be reviewed for medical accuracy by the office on AIDS established in *RCW 70.24.250 within the department of social and health services.

(4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education. The parents and guardians shall be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian, having attended one of the district presentations, objects in writing to the participation.

(5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

(6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:

(a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and

(b) The dangers of sexual intercourse, with or without condoms.

(7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease. [1994 c 245 § 7; 1988 c 206 § 402. Formerly RCW 28A.05.055.]

*Reviser's note: RCW 70.24.250 was repealed by 2020 c 76 § 22.

Additional notes found at www.leg.wa.gov

28A.230.080 Prevention of child abuse and neglect—Written policy—Participation in and establishment of programs. (1) Every school district board of directors shall develop a written policy regarding the district's role and responsibility relating to the prevention of child abuse and neglect.

(2) Every school district shall, within the resources available to it: (a) Participate in the primary prevention program established under RCW 28A.300.160; (b) develop and implement its own child abuse and neglect education and prevention program; or (c) continue with an existing local child abuse and neglect education and prevention program. [1990 c 33 § 238; 1987 c 489 § 6. Formerly RCW 28A.58.255.]

Intent—1987 c 489: See note following RCW 28A.300.150.

28A.230.085 Curriculum for prevention of sexual abuse on superintendent's website. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall make the curriculum included under RCW 28A.300.160(1)(b) available on its website. [2018 c 64 § 4.]

Findings—Intent—2018 c 64: See note following RCW 28A.300.160.

28A.230.090 High school graduation requirements or equivalencies—High school and beyond plans—Career and college ready graduation requirements and waivers—Reevaluation of graduation requirements—Language requirements—Credit for courses taken before attending high school—Postsecondary credit equivalencies. (1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student

is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c)(i) Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school.

(ii)(A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

(B) For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

(iii)(A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

(B) For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postschool transition plan. The high school and beyond plan must be updated in a similar manner and with similar school personnel as for all other students.

(iv) School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection (1)(c)(iv) prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

(v) All high school and beyond plans must, at a minimum, include the following elements:

(A) Identification of career goals, aided by a skills and interest assessment;

(B) Identification of educational goals;

(C) Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

(D) Information about the college bound scholarship program established in chapter 28B.118 RCW;

(E) A four-year plan for course taking that:

(I) Includes information about options for satisfying state and local graduation requirements;

(II) Satisfies state and local graduation requirements;

(III) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

(IV) Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

(V) Includes information about the college bound scholarship program, the Washington college grant, and other scholarship opportunities;

(F) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(I) Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

(II) Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.

(d) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(e)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(e). The rules must include authorization for a school district to waive up to two credits for individual students based on a student's circumstances,

provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal, or as provided in RCW 28A.230.300(4).

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(e) to an applying school district at the next subsequent meeting of the board after receiving an application.

(iii) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of

high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit. [2021 c 307 § 2; 2020 c 307 § 6; (2020 c 7 § 11 expired July 31, 2020); 2019 c 252 § 103; 2018 c 229 § 1; 2017 3rd sp.s. c 31 § 4; 2016 c 162 § 2; 2014 c 217 § 202; 2011 c 203 § 2. Prior: 2009 c 548 § 111; 2009 c 223 § 2; 2006 c 114 § 3; 2005 c 205 § 3; 2004 c 19 § 103; 1997 c 222 § 2; 1993 c 371 § 3; prior: 1992 c 141 § 402; 1992 c 60 § 1; 1990 1st ex.s. c 9 § 301; 1988 c 172 § 1; 1985 c 384 § 2; 1984 c 278 § 6. Formerly RCW 28A.05.060.]

Intent—Conflict with federal requirements—2020 c 307: See notes following RCW 28B.77.290.

Expiration date—2020 c 7 § 11: "Section 11 of this act expires July 31, 2020." [2020 c 7 § 12.]

Conflict with federal requirements—Effective date—2020 c 7: See notes following RCW 50.16.100.

Intent—2019 c 252: See note following RCW 28A.655.250.

Effective date—2017 3rd sp.s. c 31: See note following RCW 28A.655.061.

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Finding—2009 c 223: "The legislature finds that although the United States has long exemplified democratic practice to the rest of the world, we ought not to neglect it at home. Two-thirds of our nation's twelfth graders scored below proficient on the last national civics assessment, and fewer than ten percent could list two ways that a democracy benefits from citizen participation. A healthy democracy depends on the participation of citizens. But participation is learned behavior, and in recent years civic learning has been pushed aside. Preparation for citizenship is as important as preparation for college and a career, and should take its place as a requirement for receiving a high school diploma." [2009 c 223 § 1.]

Finding—Intent—2006 c 114: See note following RCW 28A.230.097.

Intent—Findings—2005 c 205: See note following RCW 28A.320.170.

Intent—1997 c 222: "In 1994, the legislature directed the higher education board and the state board of education to convene a task force to examine and provide recommendations on establishing credit equivalencies. In November 1994, the task force recommended unanimously that the state board of education maintain the definition of five quarter or three semester college credits as equivalent to one high school credit. Therefore, the legislature intends to adopt the recommendations of the task force." [1997 c 222 § 1.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.230.091 High school and beyond plans—Best practices. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall work with school districts, including teachers, principals, and school counselors, educational service districts, the Washington state school directors' association, institutions of higher education as defined in RCW 28B.10.016, students, and parents and guardians to identify best practices for high school and beyond plans that districts and schools may employ when complying with high school and beyond plan requirements adopted in accordance with RCW 28A.230.090. The identified best practices, which must consider differences in enrollment and other factors that distinguish districts from one another, must be posted on the web site of the office of the superintendent of public instruction by September 1, 2019, and may be revised periodically as necessary. [2018 c 229 § 2.]

28A.230.094 High school civics course. (1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

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

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

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

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

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

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

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

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

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

(3) By September 1, 2020, the office of the superintendent of public instruction, in collaboration with the Washing-

(2021 Ed.)

ton state association of county auditors and a 501(c)(3) non-profit organization engaged in voter outreach and increasing voter participation, shall identify and make available civics materials and resources for use in courses under this section. The materials and resources must be posted on the office of the superintendent of public instruction's web site. [2020 c 208 § 9; 2018 c 127 § 2.]

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

Finding—Intent—2018 c 127: "The legislature finds that effective civics education teaches students how to be active, informed, and engaged citizens. The legislature recognizes that RCW 28A.150.210 identifies civics as one component of a basic education and that one-half credit in civics is required for high school graduation. The required civics content, however, may be embedded in another social studies course.

Civics requirements are meant to ensure that every student receives a high quality civics education from kindergarten through twelfth grade. The legislature also recognizes, however, that two factors limit the effectiveness of civics education.

First, when the one-half civics credit is embedded in other courses rather than taught in a stand-alone civics course, the required content is easily diluted or ignored altogether. Pressure to emphasize other areas of the curriculum can relegate civics education to a lesser role.

Second, professional development opportunities for teachers in civics education are rare. In many districts, due to limited budgets and competing demands for funding, opportunities for teachers to deepen instructional and curricular practices in civics do not exist.

The legislature, therefore, intends to: Require school districts to provide a mandatory stand-alone civics course for all high school students; and support the development of an in-depth and interactive teacher professional development program to improve the ability of teachers throughout the state to provide students with an effective civics education from kindergarten through twelfth grade. This expanded civics education program seeks to ensure that students have basic knowledge about national, state, tribal, and local governments, and that they develop the skills and dispositions needed to become informed and engaged citizens." [2018 c 127 § 1.]

28A.230.095 Essential academic learning requirements and assessments—Verification reports. (1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Health and fitness includes, but is not limited to, mental health and suicide prevention education. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in the seventh or eighth grade, and the eleventh or twelfth grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall

annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section. [2011 c 185 § 5; 2009 c 556 § 8; 2006 c 113 § 2; 2004 c 19 § 203.]

Effective date—2011 c 185 § 5: "Section 5 of this act takes effect July 1, 2012." [2011 c 185 § 6.]

Finding—2011 c 185: See note following RCW 28A.300.2851.

Findings—2006 c 113: "The legislature finds that instruction in social studies, arts, health, and fitness is important to ensure a well-rounded and complete education. In particular, the civic mission of schools is strengthened and enhanced by comprehensive civics education and assessments. The legislature finds that effective and accountable democratic government depends upon an informed and engaged citizenry, and therefore, students should learn their rights and responsibilities as citizens, where those rights and responsibilities come from, and how to exercise them." [2006 c 113 § 1.]

Additional notes found at www.leg.wa.gov

28A.230.097 Career and technical high school course equivalencies. (1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year.

(2) Until September 1, 2021, a school district board of directors must, at a minimum, grant academic course equivalency for at least one statewide equivalency high school career and technical course from the list of courses approved by the superintendent of public instruction under RCW 28A.700.070.

(3)(a) If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(b) Each high school or school district board of directors may additionally adopt local course equivalencies for career and technical education courses that are not on the list of courses approved by the superintendent of public instruction under RCW 28A.700.070 as local equivalency courses in support of RCW 28A.700.070.

(4) On and after September 1, 2021, any statewide equivalency course offered by a school district or accessed at a skill center must be offered for academic credit.

(5) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed

as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be part of the student's high school and beyond plan. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion. [2019 c 221 § 2. Prior: 2018 c 177 § 301; 2018 c 73 § 1; prior: 2014 c 217 § 204; 2014 c 217 § 102; 2013 c 241 § 2; 2008 c 170 § 202; 2006 c 114 § 2.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Findings—Intent—2013 c 241: "(1) The legislature finds that:

(a) Through such initiatives as grants for high-demand career and technical education programs and participation in the Microsoft IT academy, the state has previously supported K-12 computer science education;

(b) However, even though there were nearly sixty-five thousand student enrollments in high school computer science courses in the 2011-12 school year, more than half of those enrollments were in beginning or exploratory courses. Fewer than twelve hundred students enrolled in AP computer science courses;

(c) National studies of K-12 computer science education indicate that, in part because computer science is not treated as an academic subject, students may not perceive advanced computer science as relevant to their future academic or career success;

(d) Public institutions of higher education have expanded capacity to grant certificates and degrees in computer science and related fields in response to high employer demand and high student demand. Additional expansion and improvement will be dependent on new resources, updated equipment, and the availability of expert faculty;

(e) Information technology job vacancies exist at all levels of training and education and across all industries that are critical to Washington's economy; and

(f) Strategies are needed to support additional opportunities for Washington students to have careers in the innovative, technology-based or technology-enhanced industries located in our state.

(2) Therefore the legislature intends to take additional steps to improve and expand access to computer science education, particularly in advanced courses that could prepare students for careers in the field." [2013 c 241 § 1.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

Finding—Intent—2006 c 114: "(1) The legislature finds that Washington's performance-based education system should seek to provide fundamental academic knowledge and skills for all students, and to provide the opportunity for students to acquire knowledge and skills likely to contribute to their own economic well-being and that of their families and communities.

(2) The legislature recognizes that career and technical options are available for students.

(3) High schools or school districts should take advantage of their opportunity to offer course credits, including credits toward graduation requirements, for knowledge and skills in fundamental academic content areas that students gain in career and technical education courses.

(4) Therefore the legislature intends to create a rigorous and high quality career and technical high school alternative assessment that assures students meet state standards, and also reflects nationally recognized standards for the knowledge and skills needed to pursue employment and careers in technical fields." [2006 c 114 § 1.]

28A.230.100 Rules implementing course requirements—Temporary exemptions and special alterations from requirements—Competency testing. (1) The superintendent of public instruction, in consultation with the student achievement council, the state board for community and technical colleges, and the workforce training and education coordinating board, shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the superintendent deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the superintendent shall recognize the relevance of vocational

and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090, as determined by the high school or school district in accordance with RCW 28A.230.097.

(2) The rules created under subsection (1) of this section must include provisions for:

(a) Competency testing in lieu of such courses required for graduation in RCW 28A.230.090;

(b) Competency testing in lieu of electives, including computer science electives created under RCW 28A.230.300, provided applicable state learning standards and equivalency requirements are met; and

(c) Demonstration of specific skill proficiency or understanding of concepts through work or experience. [2019 c 180 § 3; 2012 c 229 § 504. Prior: 2006 c 263 § 402; 2006 c 114 § 4; 1991 c 116 § 8; 1990 c 33 § 239; 1985 c 384 § 1. Formerly RCW 28A.05.062.]

Findings—2019 c 180: See note following RCW 28A.230.300.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Finding—Intent—2006 c 114: See note following RCW 28A.230.097.

28A.230.120 High school diplomas—Issuance—Option to receive final transcripts—Notice. (1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States; and

(ii) Left high school before graduation to serve in World War II, the Korean conflict, or the Vietnam era as defined in RCW 41.04.005.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma. [2008 c 185 § 1; 2003 c 234 § 1; 2002 c 35 § 1; 1984 c 178 § 2. Formerly RCW 28A.58.108.]

High school transcripts: RCW 28A.230.125.

Additional notes found at www.leg.wa.gov

(2021 Ed.)

28A.230.122 International baccalaureate diplomas.

(1) A student who fulfills the requirements specified in subsection (3) of this section toward completion of an international baccalaureate diploma programme is considered to have met the requirements of the graduation pathway option established in RCW 28A.655.250(1)(b)(iv) and to have satisfied state minimum requirements for graduation from a public high school, except that the provisions of RCW 28A.230.170 regarding study of the United States Constitution and the Washington state Constitution apply to students under this section.

(2) School districts may require students under this section to complete local graduation requirements that are in addition to state minimum requirements before issuing a high school diploma under RCW 28A.230.120. However, school districts are encouraged to waive local requirements as necessary to encourage students to pursue an international baccalaureate diploma.

(3) To receive a high school diploma under this section, a student must complete and pass all required international baccalaureate diploma programme courses as scored at the local level; pass all internal assessments as scored at the local level; successfully complete all required projects and products as scored at the local level; and complete the final examinations administered by the international baccalaureate organization in each of the required subjects under the diploma programme. [2019 c 252 § 110; 2011 c 203 § 1.]

Intent—2019 c 252: See note following RCW 28A.655.250.

28A.230.125 Standardized high school transcripts.

(1) The superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript may include a notation of whether the student has earned the Washington state seal of biliteracy established under RCW 28A.300.575. [2019 c 252 § 111; 2014 c 102 § 3; 2011 1st sp.s. c 11 § 130; 2009 c 556 § 9. Prior: 2006 c 263 § 401; 2006 c 115 § 6; 2004 c 19 § 108; 1984 c 178 § 1. Formerly RCW 28A.305.220, 28A.04.155.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—Intent—2014 c 102: See note following RCW 28A.300.575.

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

High school diplomas—Receiving final transcript optional: RCW 28A.230.120.

Additional notes found at www.leg.wa.gov

28A.230.130 Program to help students meet minimum entrance requirements at baccalaureate-granting institutions or to pursue career or other opportunities—

[Title 28A RCW—page 117]

High school course offerings for postsecondary credit. (1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills [skill] center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

(3) Within existing resources, all public high schools in the state shall:

(a) Work towards the goal of offering a sufficient number of high school courses that give students the opportunity to earn the equivalent of a year's worth of postsecondary credit towards a certificate, apprenticeship program, technical degree, or associate or baccalaureate degree. These high school courses are those advanced courses that have accompanying proficiency exams or demonstrated competencies that are used to demonstrate postsecondary knowledge and skills; and

(b) Inform students and their families, emphasizing communication to underrepresented groups, about the program offerings and the opportunities to take courses that qualify for postsecondary credit through demonstrated competencies or if the student earns the qualifying score on the proficiency exam. This information shall encourage students to use the twelfth grade as the launch year for an advance start on their career and postsecondary education.

(4) A middle school that receives approval from the office of the superintendent of public instruction to provide a career and technical program in science, technology, engineering, or mathematics directly to students shall receive funding at the same rate as a high school operating a similar program. Additionally, a middle school that provides a hands-on experience in science, technology, engineering, or mathematics with an integrated curriculum of academic content and career and technical education, and includes a career and technical education exploratory component shall also qualify for the career and technical education funding. [2011 c 77 § 2; 2009 c 212 § 2; 2007 c 396 § 14; (2007 c 396 § 13 expired September 1, 2009); 2006 c 263 § 407; 2003 c 49 § 2; 1991 c 116 § 9; 1988 c 172 § 2; 1984 c 278 § 16. Formerly RCW 28A.05.070.]

Findings—Intent—2011 c 77: "The legislature finds that approximately thirty-five percent of seniors in Washington high schools take less than a full load of classes during their senior year. The legislature further

finds that many high schools provide students opportunities to take advanced courses in career and technical or academic fields that give students a head start when they begin their career or enter a technical training program or a college or university. The legislature also finds that since each individual institution of higher education adopts its own rules for awarding credit for advanced high school work, students can encounter unanticipated barriers to advancing their dreams. Students can also be discouraged from putting in that extra effort in high school if they are not certain whether their extra work will be appropriately credited toward a certificate or degree.

The legislature intends to help students progress from high school to a certificate or degree by increasing opportunities and providing a clear pathway. Twelfth grade will truly be the launch year as high schools increase the opportunities for students to take more advanced classes. In addition, this act provides for community and technical colleges and four-year institutions of higher education to publish a list of high school courses and adopt uniform scores for proficiency exams or competency requirements that will be given credit toward certificate or degree requirements." [2011 c 77 § 1.]

Short title—2011 c 77: "This act may be known and cited as the launch year act." [2011 c 77 § 5.]

Finding—2009 c 212: "The legislature finds that significant efforts are under way to improve mathematics and science instruction in Washington's public schools through development and adoption of new learning standards, identification of aligned curriculum, and expanded opportunities for professional development for teachers. A significant emphasis has also been made on improving career and technical education programs focused on high-demand programs. Middle schools have successfully served one thousand four hundred full-time equivalent students in career and technical programs rich in science, technology, engineering, and mathematics through a grant program. The legislature concludes that opportunities for hands-on and applied learning in these programs should be extended to middle school students on an ongoing, statewide basis so that students are prepared to take advantage of more advanced coursework in high school and postsecondary education." [2009 c 212 § 1.]

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.230.140 United States flag—Procurement, display, exercises—National anthem. The board of directors of every school district shall cause a United States flag being in good condition to be displayed during school hours upon or near every public school plant, except during inclement weather. They shall cause appropriate flag exercises to be held in each classroom at the beginning of the school day, and in every school at the opening of all school assemblies, at which exercises those pupils so desiring shall recite the following salute to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all". Students not reciting the pledge shall maintain a respectful silence. The salute to the flag or the national anthem shall be rendered immediately preceding interschool events when feasible. [1981 c 130 § 1; 1969 ex.s. c 223 § 28A.02.030. Prior: (i) 1961 c 238 § 1; 1955 c 8 § 1; 1919 c 90 § 4; 1915 c 71 § 1; 1909 c 97 p 286 § 3; 1897 c 118 § 180; RRS § 4777. Formerly RCW 28.02.030. (ii) 1955 c 8 § 2; 1919 c 90 § 5; RRS § 4778. Formerly RCW 28A.02.030, 28.87.180.]

Display of national and state flags: RCW 1.20.015.

28A.230.150 Temperance and Good Citizenship Day—Aids in programming—Voter registration—Report. (1) On January 16th of each year or the preceding Friday when January 16th falls on a nonschool day, there shall be observed within each public school "Temperance and Good Citizenship Day." Annually the state superintendent of

public instruction shall duly prepare and publish for circulation among the teachers of the state a program for use on such day embodying topics pertinent thereto and may from year to year designate particular laws for special observance.

(2) Each year on "Temperance and Good Citizenship Day," social studies teachers must, as resources allow, coordinate a voter registration event in each history or social studies class attended by high school seniors. This event is part of the future voter program. Teachers must make voter sign up and registration available to all students.

(3) County auditors may, as resources allow, help coordinate elements of the future voter program, and participate in voter registration events for students on "Temperance and Good Citizenship Day."

(4) On each temperance and good citizenship day all students who will be eighteen years of age or older by the time of the next general election will be given the opportunity to register to vote online in the classroom. Paper registration must also be made available in the classroom. Students who do not possess a state identicard or driver's license must be provided a paper registration form. The event must include adequate time for students to complete the registration process in class.

(5) The superintendent of public instruction, in consultation with the secretary of state, must update and distribute youth voter registration materials annually, by December 1st, for eligible students to register to vote at school. Electronic notification of the availability of the materials must be distributed to high school principals and secondary social studies and history teachers.

(6) The superintendent of public instruction must consult with the secretary of state to provide registration methods that enable the electronic collection of information on the number of students who registered to vote on "Temperance and Good Citizenship Day," with the goal of achieving at least fifty thousand new voter registrations for seventeen and eighteen year olds annually, beginning in January 2020.

(7) Beginning March 1, 2020, and annually thereafter, the superintendent of public instruction must report on yearly progress toward the goal established in *subsection (5) of this section, including the number of seventeen and eighteen year olds registered to vote by county and recommendations for increasing youth voter registration, to the governor and the appropriate standing committees of the legislature in accordance with RCW 43.01.036.

(8) For the purposes of this section:

(a) "Future voter program" refers to the information that may be collected by a number of processes about a future voter. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches age eighteen, except for the purpose of processing and delivering ballots.

(b) "Sign up" means the act of providing information relevant to eventual official voter registration, prior to such time that he or she will be eighteen years of age by the next election. [2018 c 109 § 3; 1969 ex.s. c 223 § 28A.02.090. Prior: (i) 1923 c 76 § 1; RRS § 4901-1. (ii) 1923 c 76 § 2; RRS § 4901-2. Formerly RCW 28A.02.090, 28.02.090, and 28.02.095.]

*Reviser's note: The reference to subsection (5) appears to be erroneous. Reference to subsection (6) was apparently intended.

(2021 Ed.)

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

28A.230.158 Disability history month—Activities.

Annually, during the month of October, each public school shall conduct or promote educational activities that provide instruction, awareness, and understanding of disability history and people with disabilities. The activities may include, but not be limited to, school assemblies or guest speaker presentations. [2008 c 167 § 3.]

Findings—2008 c 167: "The legislature finds that annually recognizing disability history throughout our entire public educational system, from kindergarten through grade twelve and at our colleges and universities, during the month of October will help to increase awareness and understanding of the contributions that people with disabilities in our state, nation, and the world have made to our society. The legislature further finds that recognizing disability history will increase respect and promote acceptance and inclusion of people with disabilities. The legislature further finds that recognizing disability history will inspire students with disabilities to feel a greater sense of pride, reduce harassment and bullying, and help keep students with disabilities in school." [2008 c 167 § 2.]

Additional notes found at www.leg.wa.gov

28A.230.160 Educational activities in observance of Veterans' Day. During the school week preceding the eleventh day of November of each year, there shall be presented in each common school as defined in RCW 28A.150.020 educational activities suitable to the observance of Veterans' Day.

The responsibility for the preparation and presentation of the activities approximating at least sixty minutes total throughout the week shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and each educational service district superintendent, by advice and suggestion, shall aid in the preparation of these activities if such aid be solicited. [1990 c 33 § 241; 1985 c 60 § 1; 1977 ex.s. c 120 § 2; 1975 1st ex.s. c 275 § 45; 1970 ex.s. c 15 § 12. Prior: 1969 ex.s. c 283 § 24; 1969 ex.s. c 176 § 101; 1969 ex.s. c 223 § 28A.02.070; prior: 1955 c 20 § 3; prior: (i) 1939 c 21 § 1; 1921 c 56 § 1; RRS § 4899. (ii) 1921 c 56 § 2; RRS § 4900. (iii) 1921 c 56 § 3; RRS § 4901. Formerly RCW 28A.02.070, 28.02.070.]

Additional notes found at www.leg.wa.gov

28A.230.170 Study of constitutions compulsory—

Rules. The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public and private high schools of this state. The superintendent of public instruction shall provide by rule for the implementation of this section. The superintendent of public instruction may adopt a rule permitting students who meet the criteria in RCW 28A.230.122 to meet the prerequisite through non-credit-based study. [2011 c 203 § 3; 2006 c 263 § 403; 1985 c 341 § 1; 1969 ex.s. c 223 § 28A.02.080. Prior: (i) 1925 ex.s. c 134 § 1; RRS § 4898-1. (ii) 1925 ex.s. c 134 § 2; RRS § 4898-2. Formerly RCW 28A.02.080, 28.02.080, and 28.02.081.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

[Title 28A RCW—page 119]

28A.230.178 Civil rights education. School districts are encouraged to prepare and conduct a program at least once a year to commemorate the history of civil rights in our nation, including providing an opportunity for students to learn about the personalities and convictions of heroes of the civil rights movement and the importance of the fundamental principle and promise of equality under our nation's Constitution. [2011 c 44 § 2.]

Findings—2011 c 44: "The legislature finds that:

(1) The civil rights movement did not begin or end with the dramatic events of the 1950s and 1960s. Since our nation's founding, ordinary citizens have struggled to fulfill America's promise of equality under the law.

(2) Heroes of the civil rights movement include those who are well known such as Thurgood Marshall, Rosa Parks, Cesar Chavez, and Dr. Martin Luther King, Jr. But the list of heroes also includes those who are perhaps less well known, but each of whom gave something of themselves on behalf of their fellow citizens and in defense of equality and justice.

(3) The significant milestones and fundamental principles of civil rights should be a part of every student's understanding of our nation's history. School districts should not only try to incorporate the history of civil rights into their regular curriculum at all grade levels, but should also take the opportunity to make this history come alive through the personalities and convictions of civil rights heroes." [2011 c 44 § 1.]

28A.230.179 Cardiopulmonary resuscitation instruction. (1) Each school district that operates a high school must offer instruction in cardiopulmonary resuscitation to students as provided in this section. Beginning with the 2013-14 school year, instruction in cardiopulmonary resuscitation must be included in at least one health class necessary for graduation.

(2) Instruction in cardiopulmonary resuscitation under this section must:

(a) Be an instructional program developed by the American heart association or the American red cross or be nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation;

(b) Include appropriate use of an automated external defibrillator, which may be taught by video; and

(c) Incorporate hands-on practice in addition to cognitive learning.

(3) School districts may offer the instruction in cardiopulmonary resuscitation directly or arrange for the instruction to be provided by available community-based providers. The instruction is not required to be provided by a certificated teacher. Certificated teachers providing the instruction are not required to be certified trainers of cardiopulmonary resuscitation. A student is not required to earn certification in cardiopulmonary resuscitation to successfully complete the instruction for the purposes of this section. [2013 c 181 § 3.]

Findings—Intent—2013 c 181: "The legislature finds that more than three hundred sixty thousand people in the United States experience cardiac arrest outside of a hospital every year, and only ten percent survive because the remainder do not receive timely cardiopulmonary resuscitation. When administered immediately, cardiopulmonary resuscitation doubles or triples survival rates from cardiac arrest. Sudden cardiac arrest can happen to anyone at any time. Many victims appear healthy and have no known heart disease or other risk factors. The legislature finds that schools are the hearts of our community, and preparing students to help with a sudden cardiac arrest emergency could save the life of a child, parent, or teacher. Washington state has a long-standing history of training members of the public in cardiopulmonary resuscitation with community-based training programs. The legislature finds that training students will continue the legacy of providing high quality emergency cardiac care to its citizens. Therefore, the legislature intends to create a generation of lifesavers by putting cardiopulmonary resuscitation skills in the hands of all high school graduates and providing

schools with a flexible framework to prepare for an emergency." [2013 c 181 § 1.]

28A.230.180 Access to campus and student information directories by official recruiting representatives—Informing students of educational and career opportunities. If the board of directors of a school district provides access to the campus and the student information directory to persons or groups which make students aware of occupational or educational options, the board shall provide access to official recruiting representatives of the job corps, peace corps, and AmeriCorps, and to official recruiting representatives of the military forces of the state and the United States for the purpose of informing students of educational and career opportunities available in the military, which must be equal to and no less than access provided to other postsecondary occupational or educational representatives. As used in this section, "access" includes, but is not limited to, the number of days provided and the type of presentation space. [2013 c 25 § 1; 1980 c 96 § 1. Formerly RCW 28A.58.535.]

28A.230.195 Test or assessment scores—Adjustments to instructional practices—Notification to parents. (1) If students' scores on the test or assessments under RCW 28A.655.070 indicate that students need help in identified areas, the school district shall evaluate its instructional practices and make appropriate adjustments.

(2) Each school district shall notify the parents of each student of their child's performance on the test and assessments conducted under this chapter. [2005 c 217 § 1; 1999 c 373 § 603; 1992 c 141 § 401.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.230.215 High school and beyond plans—Electronic platform. (1) The legislature finds that fully realizing the potential of high school and beyond plans as meaningful tools for articulating and revising pathways for graduation will require additional school counselors and family coordinators. The legislature further finds that the development and implementation of an online electronic platform for high school and beyond plans will be an appropriate and supportive action that will assist students, parents and guardians, educators, and counselors as the legislature explores options for funding additional school counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall facilitate the creation of a list of available electronic platforms for the high school and beyond plan. Platforms eligible to be included on the list must meet the following requirements:

(a) Enable students to create, personalize, and revise their high school and beyond plan as required by RCW 28A.230.090;

(b) Grant parents or guardians, educators, and counselors appropriate access to students' high school and beyond plans;

(c) Employ a sufficiently flexible technology that allows for subsequent modifications necessitated by statutory changes, administrative changes, or both, as well as enhance-

ments to improve the features and functionality of the platform;

(d) Include a sample financial aid letter and a link to the financial aid calculator created in RCW 28B.77.280, at such a time as those materials are finalized;

(e) Comply with state and federal requirements for student privacy;

(f) Allow for the portability between platforms so that students moving between school districts are able to easily transfer their high school and beyond plans; and

(g) To the extent possible, include platforms in use by school districts during the 2018-19 school year.

(3) Beginning in the 2020-21 school year, each school district must ensure that an electronic high school and beyond plan platform is available to all students who are required to have a high school and beyond plan.

(4) The office of the superintendent of public instruction may adopt and revise rules as necessary to implement this section. [2020 c 307 § 7; 2019 c 252 § 504.]

Intent—Conflict with federal requirements—2020 c 307: See notes following RCW 28B.77.290.

Intent—2019 c 252: See note following RCW 28A.655.250.

28A.230.250 Coordination of procedures and content of assessments. The superintendent of public instruction shall coordinate both the procedures and the content of the tests and assessments required by the state to maximize the value of the information provided to students as they progress and to teachers and parents about students' talents, interests, and academic needs or deficiencies so that appropriate programs can be provided to enhance the likelihood of students' success both in school and beyond. [1999 c 373 § 602; 1990 c 101 § 4.]

Additional notes found at www.leg.wa.gov

28A.230.265 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 16.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.230.300 Computer science. (1) Beginning no later than the 2022-23 school year, each school district that operates a high school must, at a minimum, provide an opportunity to access an elective computer science course that is available to all high school students. School districts are encouraged to consider community-based or public-private partnerships in establishing and administering a course, but any course offered in accordance with this section must be aligned to the state learning standards for computer science or mathematics.

(2) In accordance with the requirements of this section, beginning in the 2019-20 school year, school districts may award academic credit for computer science to students based on student completion of a competency examination that is aligned with the state learning standards for computer science or mathematics and course equivalency requirements adopted by the office of the superintendent of public instruction to implement this section. Each school district board of

(2021 Ed.)

directors in districts that award credit under this subsection shall develop a written policy for awarding such credit that includes:

(a) A course equivalency approval procedure;

(b) Procedures for awarding competency-based credit for skills learned partially or wholly outside of a course; and

(c) An approval process for computer science courses taken before attending high school under RCW 28A.230.090 (4) and (5).

(3) Prior to the use of any competency examination under this section that may be used to award academic credit to students, the office of the superintendent of public instruction must review the examination to ensure its alignment with:

(a) The state learning standards for computer science or mathematics; and

(b) Course equivalency requirements adopted by the office of the superintendent of public instruction to implement this section.

(4)(a) For purposes of meeting graduation requirements under RCW 28A.230.090, a student may substitute a computer science course aligned to state computer science learning standards as an alternative to a third year mathematics or third year science course if:

(i) Prior to the substitution, the school counselor provides the student and the student's parent or guardian with written notification of the consequences of the substitution on postsecondary opportunities;

(ii) The student, the student's parent or guardian, and the student's school counselor or principal agree to the substitution; and

(iii) The substitution is aligned with the student's high school and beyond plan.

(b) A substitution permitted under this subsection (4) may only be used once per student. [2021 c 307 § 1; 2019 c 180 § 2.]

Findings—2019 c 180: "The legislature recognizes the benefit of computer science and computational thinking in education, not only with respect to educational development, but also in cultivating the skills needed to compete and excel in our state's career landscape. By providing more opportunities to take courses and earn credit in computer science, Washington can better prepare students to excel both in school and after graduation." [2019 c 180 § 1.]

28A.230.310 Financial aid advising day. (1)(a) Beginning with the 2020-21 school year, all school districts with a high school must provide a financial aid advising day, as defined in RCW 28A.300.815.

(b) Districts must provide both a financial aid advising day and notification of financial aid opportunities at the beginning of each school year to parents and guardians of any student entering the twelfth grade. The notification must include information regarding:

(i) The eligibility requirements of the Washington college grant;

(ii) The requirements of the financial aid advising day;

(iii) The process for opting out of the financial aid advising day; and

(iv) Any community-based resources available to assist parents and guardians in understanding the requirements of and how to complete the free application for federal student aid and the Washington application for state financial aid.

(2) Districts may administer the financial aid advising day, as defined in RCW 28A.300.815, in accordance with information-sharing requirements set in the high school and beyond plan in RCW 28A.230.090.

(3) The Washington state school directors' association, with assistance from the office of the superintendent of public instruction and the Washington student achievement council, shall develop a model policy and procedure that school district board of directors may adopt. The model policy and procedure must describe minimum standards for a financial aid advising day as defined in RCW 28A.300.815.

(4) School districts are encouraged to engage in the Washington student achievement council's financial aid advising training.

(5) The office of the superintendent of public instruction may adopt rules for the implementation of this section. [2020 c 307 § 4.]

Intent—Conflict with federal requirements—2020 c 307: See notes following RCW 28B.77.290.

28A.230.320 Emergency waivers from credit and subject area graduation requirements. (1) Beginning with the class of 2020, the state board of education may authorize school districts to grant individual student emergency waivers from credit and subject area graduation requirements established in RCW 28A.230.090, the graduation pathway requirement established in RCW 28A.655.250, or both if:

(a) The student's ability to complete the requirement was impeded due to a significant disruption resulting from a local, state, or national emergency;

(b) The school district demonstrates a good faith effort to support the individual student in meeting the requirement before considering an emergency waiver;

(c) The student was reasonably expected to graduate in the school year when the emergency waiver is granted; and

(d) The student has demonstrated skills and knowledge indicating preparation for the next steps identified in their high school and beyond plan under RCW 28A.230.090 and for success in postsecondary education, gainful employment, and civic engagement.

(2) A school district that is granted emergency waiver authority under this section shall:

(a) Maintain a record of courses and requirements waived as part of the individual student record;

(b) Include a notation of waived credits on the student's high school transcript;

(c) Maintain records as necessary and as required by rule of the state board of education to document compliance with subsection (1)(b) of this section;

(d) Report student level emergency waiver data to the office of the superintendent of public instruction in a manner determined by the superintendent of public instruction in consultation with the state board of education;

(e) Determine if there is disproportionality among student subgroups receiving emergency waivers and, if so, take appropriate corrective actions to ensure equitable administration. At a minimum, the subgroups to be examined must include those referenced in RCW 28A.300.042(3). If further disaggregation of subgroups is available, the school district shall also examine those subgroups; and

(f) Adopt by resolution a written plan that describes the school district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district a decision to not grant an emergency waiver.

(3)(a) By November 1, 2021, and annually thereafter, the office of the superintendent of public instruction shall provide the data reported under subsection (2) of this section to the state board of education.

(b) The state board of education, by December 15, 2021, and within existing resources, shall provide the education committees of the legislature with a summary of the emergency waiver data provided by the office of the superintendent of public instruction under this subsection (3) for students in the graduating classes of 2020 and 2021. The summary must include the following information:

(i) The total number of emergency waivers requested and issued, by school district, including an indication of what requirement or requirements were waived. Information provided in accordance with this subsection [(3)](b)(i) must also indicate the number of students in the school district grade cohort of each student receiving a waiver; and

(ii) An analysis of any concerns regarding school district implementation, including any concerns related to school district demonstrations of good faith efforts as required by subsection (1)(b) of this section, identified by the state board of education during its review of the data.

(4) The state board of education shall adopt and may periodically revise rules for eligibility and administration of emergency waivers under this section. The rules may include:

(a) An application and approval process that allows school districts to apply to the state board of education to receive authority to grant emergency waivers in response to an emergency;

(b) Eligibility criteria for meeting the requirements established in subsection (1) of this section;

(c) Limitations on the number and type of credits that can be waived; and

(d) Expectations of the school district regarding communication with students and their parents or guardians.

(5) For purposes of this section:

(a) "Emergency" has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

(b) "School district" means any school district, charter school established under chapter 28A.710 RCW, tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW, private school, state school established under chapter 72.40 RCW, and community and technical college granting high school diplomas. [2021 c 7 § 2.]

Finding—Intent—2021 c 7: "(1) The legislature recognizes that the COVID-19 pandemic illuminated the need for an emergency waiver program that would prevent students from being unduly impacted by unforeseen disruptions to coursework and assessments that are beyond the student's control. The legislature finds that a new and ongoing emergency waiver program would ensure the state is better prepared to respond to future emergencies at both the state and local levels.

(2) Therefore, the legislature intends to provide the state board of education with the authority to establish an emergency waiver program to allow school districts to waive certain graduation requirements on an individual student basis after the district makes a good faith effort to help the student

meet the requirements. The legislature further intends for the emergency waiver program to be administered in an equitable manner and in furtherance of the opportunity for students to graduate ready for success in postsecondary education, gainful employment, and civic engagement, and equipped with the skills to be a lifelong learner, consistent with the purpose of the high school diploma as established in RCW 28A.230.090(1)." [2021 c 7 § 1.]

Effective date—2021 c 7: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 2, 2021]." [2021 c 7 § 4.]

Chapter 28A.232 RCW

ALTERNATIVE LEARNING EXPERIENCE COURSES

Sections

28A.232.005	Finding—Intent.
28A.232.010	Alternative learning experience courses—Generally—Definitions—Rules—Reports.
28A.232.020	Calculation and allocation of appropriations.
28A.232.030	Attendance and truancy definitions—Rules.

28A.232.005 Finding—Intent. (1) Under Article IX of the Washington state Constitution, all children are entitled to an opportunity to receive a basic education. Although the state must assure that students in public schools have opportunities to participate in the instructional program of basic education, there is no obligation for either the state or school districts to provide that instruction using a particular delivery method or through a particular program.

(2) The legislature finds ample evidence of the need to examine and reconsider policies under which alternative learning that occurs outside the classroom using an individual student learning plan may be considered equivalent to full-time attendance in school, including for funding purposes. Previous legislative studies have raised questions about financial practices and accountability in alternative learning experience courses. Since 2005, there has been significant enrollment growth in alternative learning experience online courses, with evidence of unexpected financial impact when large numbers of nonresident students enroll in courses. Based on this evidence, there is a rational basis on which to conclude that there are different costs associated with providing courses not primarily based on full-time, daily contact between teachers and students and not primarily occurring on-site in a classroom.

(3) For these reasons, the legislature intends to allow for continuing review and revision of the way in which state funding allocations are used to support alternative learning experience courses. [2013 2nd sp.s. c 18 § 501; 2011 1st sp.s. c 34 § 1.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.232.010 Alternative learning experience courses—Generally—Definitions—Rules—Reports. (1) The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(a) "Alternative learning experience course" means a course, or for grades kindergarten through eight grade-level coursework, that is a delivery method for the program of basic education and is:

(i) Provided in whole or in part independently from a regular classroom setting or schedule, but may include some components of direct instruction;

(ii) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or under contract as permitted by applicable rules; and

(iii) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's policy and rules adopted by the superintendent of public instruction for alternative learning experiences.

(b) "In-person" means face-to-face instructional contact in a physical classroom environment.

(c) "Instructional contact time" means instructional time with a certificated teacher. Instructional contact time must be for the purposes of actual instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the student's written student learning plan. Instructional contact time must be related to an alternative learning experience course identified in the student's written student learning plan. Instructional contact time may occur in a group setting between the teacher and multiple students and may be delivered either in-person or remotely using technology.

(d) "Online course" means an alternative learning experience course that has the same meaning as provided in RCW 28A.250.010.

(e) "Remote course" means an alternative learning experience course that is not an online course where the written student learning plan for the course does not include a requirement for in-person instructional contact time. No minimum in-person instructional contact time is required.

(f) "Site-based course" means an alternative learning experience course where the written student learning plan for the course includes a requirement for in-person instructional contact time.

(g) "Total weekly time" means the estimated average hours per school week the student will engage in learning activities to meet the requirements of the written student learning plan.

(2) School districts may claim state funding under RCW 28A.232.020, to the extent otherwise allowed by state law including the provisions of RCW 28A.250.060, for students enrolled in remote, site-based, or online alternative learning experience courses. High school courses must meet district or state graduation requirements and be offered for high school credit.

(3) School districts that offer alternative learning experience courses may not provide any compensation, reimbursement, gift, reward, or gratuity to any parents, guardians, or students for participation in the courses. School district employees are prohibited from receiving any compensation or payment as an incentive to increase student enrollment of out-of-district students in alternative learning experience courses. This prohibition includes, but is not limited to, providing funds to parents, guardians, or students for the purchase of educational materials, supplies, experiences, services, or technological equipment. A district may purchase educational materials, equipment, or other nonconsumable supplies for students' use in alternative learning experience courses if the purchase is consistent with the district's

approved curriculum, conforms to applicable laws and rules, and is made in the same manner as such purchases are made for students in the district's regular instructional program. Items so purchased remain the property of the school district upon program completion. School districts may not purchase or contract for instructional or cocurricular experiences and services that are included in an alternative learning experience written student learning plan, including but not limited to lessons, trips, and other activities, unless substantially similar experiences and services are available to students enrolled in the district's regular instructional program. School districts that purchase or contract for such experiences and services for students enrolled in an alternative learning experience course must submit an annual report to the office of the superintendent of public instruction detailing the costs and purposes of the expenditures. These requirements extend to contracted providers of alternative learning experience courses, and each district shall be responsible for monitoring the compliance of its providers with these requirements. However, nothing in this subsection shall prohibit school districts from contracting with school district employees to provide services or experiences to students, or from contracting with online providers approved by the office of the superintendent of public instruction pursuant to chapter 28A.250 RCW.

(4) Each school district offering or contracting to offer alternative learning experience courses must:

(a) Report annually to the superintendent of public instruction regarding the course types and offerings, and number of students participating in each;

(b) Document the district of residence for each student enrolled in an alternative learning experience course; and

(c) Beginning in the 2013-14 school year and continuing through the 2016-17 school year, pay costs associated with a biennial measure of student outcomes and financial audit of the district's alternative learning experience courses by the office of the state auditor.

(5) A school district offering or contracting to offer an alternative learning experience course to a nonresident student must inform the resident school district if the student drops out of the course or is otherwise no longer enrolled.

(6) School districts must assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students must also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules must address how students who reside outside the geographic service area of the school district are to be assessed.

(7) Beginning with the 2013-14 school year, school districts must designate alternative learning experience courses as such when reporting course information to the office of the superintendent of public instruction under RCW 28A.300.500.

(8)(a) The superintendent of public instruction shall adopt rules necessary to implement this section.

(b) Rules adopted for weekly direct personal contact requirements and monthly progress evaluation must be flexible and reflect the needs of the student and the student's individual learning plan rather than specifying an amount of time. In addition, the rules must reduce documentation requirements, particularly for students making satisfactory progress, based on the unique aspects of the alternative learning experience course types defined in this section and taking into consideration the technical and system capabilities associated with the different course types.

(c) The rules must establish procedures that address how the counting of students must be coordinated by resident and nonresident districts for state funding so that no student is counted for more than one full-time equivalent in the aggregate. [2018 c 56 § 1; 2013 2nd sp.s. c 18 § 502; 2011 1st sp.s. c 34 § 2. Formerly RCW 28A.150.325.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

28A.232.020 Calculation and allocation of appropriations. The superintendent of public instruction shall separately calculate and allocate moneys appropriated under RCW 28A.150.260 to school districts for each full-time equivalent student enrolled in an alternative learning experience course. The calculation shall be based on the estimated statewide annual average allocation per full-time equivalent student in grades nine through twelve in general education, excluding small high school enhancements, and including applicable rules and provisions of the omnibus appropriations act. [2013 2nd sp.s. c 18 § 503.]

Effective date—2013 2nd sp.s. c 18 § 503: "Section 503 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 30, 2013]." [2013 2nd sp.s. c 18 § 602.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.232.030 Attendance and truancy definitions—Rules. The superintendent of public instruction may adopt rules to bring consistency and uniformity to attendance and truancy definitions in the alternative learning experience setting, establish procedures for addressing truancy in all alternative learning experience courses, leverage existing systems to facilitate truancy actions between school districts and courts when the student has transferred out of his or her resident district to enroll in an alternative learning experience course; and clarify the responsibility of school districts in the event of rescinding a student transfer. [2017 c 291 § 9.]

**Chapter 28A.235 RCW
FOOD SERVICES**

Sections

- 28A.235.010 Superintendent of public instruction authorized to receive and disburse federal funds.
- 28A.235.020 Payment of costs—Federal food services revolving fund—Disbursements.
- 28A.235.030 Rules.
- 28A.235.036 Condensed compliance reports—Second-class districts.
- 28A.235.040 Acquisition authorized.
- 28A.235.050 Contracts for—Other law applicable to.

- 28A.235.060 Advancement of costs from revolving fund moneys—Reimbursement by school district to include transaction expense.
- 28A.235.070 Revolving fund created.
- 28A.235.080 Revolving fund—Administration of fund—Use—School district requisition as prerequisite.
- 28A.235.090 Revolving fund—Depositories for fund, bond or security for—Manner of payments from fund.
- 28A.235.100 Rules.
- 28A.235.110 Suspension of laws, rules, inconsistent herewith.
- 28A.235.120 Meal programs—Establishment and operation—Personnel—Agreements.
- 28A.235.130 Milk for children at school expense.
- 28A.235.140 School breakfast programs.
- 28A.235.145 School breakfast and lunch programs—Use of state funds.
- 28A.235.150 School breakfast and lunch programs—Grants to increase participation—Increased state support.
- 28A.235.155 Federal summer food service program—Administration of funds—Grants.
- 28A.235.160 Requirements to implement school breakfast, lunch, and summer food service programs—Exemptions.
- 28A.235.170 Washington grown fresh fruit and vegetable grant program.
- 28A.235.180 Farm-to-school initiatives.
- 28A.235.200 Breakfast after the bell program—Definitions.
- 28A.235.210 Breakfast after the bell program.
- 28A.235.220 Breakfast after the bell program—Guidelines and training.
- 28A.235.230 Breakfast after the bell program—Funding for implementation.
- 28A.235.240 Breakfast after the bell program—Analysis.
- 28A.235.250 Free or reduced-price meals—Applications.
- 28A.235.260 Free or reduced-price meals—Student assistance.
- 28A.235.270 Free or reduced-price meals—School prohibitions.
- 28A.235.280 Free school meals—Systems to identify students.
- 28A.235.290 Department of agriculture community eligibility provision—Plan to increase participation—Reports.
- 28A.235.300 Department of agriculture community eligibility provision—Required participation—Exemption.

Food donation and distribution—Liability: Chapter 69.80 RCW.

28A.235.010 Superintendent of public instruction authorized to receive and disburse federal funds. The superintendent of public instruction is hereby authorized to receive and disburse federal funds made available by acts of congress for the assistance of private nonprofit organizations in providing food services to children and adults according to the provisions of 20 U.S.C. Sec. 1751 et seq., the national school lunch act as amended, and 20 U.S.C. Sec. 1771, et seq., the child nutrition act of 1966, as amended. [1987 c 193 § 1. Formerly RCW 28A.29.010.]

28A.235.020 Payment of costs—Federal food services revolving fund—Disbursements. All reasonably ascertainable costs of performing the duties assumed and performed under RCW 28A.235.010 through 28A.235.030 and 28A.235.140 by either the superintendent of public instruction or another state or local governmental entity in support of the superintendent of public instruction's duties under RCW 28A.235.010 through 28A.235.030 and 28A.235.140 shall be paid exclusively with federal funds and, if any, private gifts and grants. The federal food services revolving fund is hereby established in the custody of the state treasurer. The office of the superintendent of public instruction shall deposit in the fund federal funds received under RCW 28A.235.010, recoveries of such funds, and gifts or grants made to the revolving fund. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. The superintendent of public instruction is authorized to expend from the federal food services revolving fund such

funds as are necessary to implement RCW 28A.235.010 through 28A.235.030 and 28A.235.140. [1990 c 33 § 242; 1987 c 193 § 2. Formerly RCW 28A.29.020.]

28A.235.030 Rules. The superintendent shall have the power to promulgate such rules in accordance with chapter 34.05 RCW as are necessary to implement this chapter. [1987 c 193 § 3. Formerly RCW 28A.29.030.]

28A.235.036 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 17.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.235.040 Acquisition authorized. Notwithstanding any other provision of law or chapter 39.32 RCW, the state superintendent of public instruction is hereby authorized to purchase, or otherwise acquire from the government of the United States or any property or commodity disposal agency thereof, surplus or donated food commodities for the use by any school district for their hot lunch program. [1969 ex.s. c 223 § 28A.30.010. Prior: 1967 ex.s. c 92 § 1. Formerly RCW 28A.30.010, 28.30.010.]

28A.235.050 Contracts for—Other law applicable to. The state superintendent of public instruction is hereby authorized to enter into any contract with the United States of America, or any agency thereof, for the purchase of any surplus or donated food commodities, without regard to the provisions of any other law requiring the advertising, giving notice, inviting or receiving bids, or which may require the delivery of purchases before payment. [1969 ex.s. c 223 § 28A.30.020. Prior: 1967 ex.s. c 92 § 7. Formerly RCW 28A.30.020, 28.30.020.]

28A.235.060 Advancement of costs from revolving fund moneys—Reimbursement by school district to include transaction expense. In purchasing or otherwise acquiring surplus or donated commodities on the requisition of a school district the superintendent may advance the purchase price and other cost of acquisition thereof from the surplus and donated food commodities revolving fund and the superintendent shall in due course bill the proper school district for the amount paid by him or her for the commodities plus a reasonable amount to cover the expenses incurred by the superintendent's office in connection with the transaction. All payments received for surplus or donated commodities from school districts shall be deposited by the superintendent in the surplus and donated food commodities revolving fund. [1990 c 33 § 243; 1969 ex.s. c 223 § 28A.30.030. Prior: 1967 ex.s. c 92 § 4. Formerly RCW 28A.30.030, 28.30.030.]

28A.235.070 Revolving fund created. There is created in the office of the state superintendent of public instruction a revolving fund to be designated the surplus and donated food commodities revolving fund. [1985 c 341 § 10; 1979 ex.s. c 20 § 1; 1969 ex.s. c 223 § 28A.30.040. Prior: 1967 ex.s. c 92 § 2. Formerly RCW 28A.30.040, 28.30.040.]

28A.235.080 Revolving fund—Administration of fund—Use—School district requisition as prerequisite. The surplus and donated food commodities revolving fund shall be administered by the state superintendent of public instruction and be used solely for the purchase or other acquisition, including transportation, storage and other cost, of surplus or donable food commodities from the federal government. The superintendent may purchase or otherwise acquire such commodities only after requisition by a school district requesting such commodities. [1969 ex.s. c 223 § 28A.30.050. Prior: 1967 ex.s. c 92 § 3. Formerly RCW 28A.30.050, 28.30.050.]

28A.235.090 Revolving fund—Depositories for fund, bond or security for—Manner of payments from fund. The surplus and donated food commodities revolving fund shall be deposited by the superintendent in such banks as he or she may select, but any such depository shall furnish a surety bond executed by a surety company or companies authorized to do business in the state of Washington, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each depository bank. Moneys shall be paid from the surplus and donated food commodities revolving fund by voucher and check in such form and in such manner as shall be prescribed by the superintendent. [1990 c 33 § 244; 1969 ex.s. c 223 § 28A.30.060. Prior: 1967 ex.s. c 92 § 5. Formerly RCW 28A.30.060, 28.30.060.]

28A.235.100 Rules. The superintendent of public instruction shall have power to adopt rules as may be necessary to effectuate the purposes of this chapter. [1993 c 333 § 5; 1990 c 33 § 245; 1969 ex.s. c 223 § 28A.30.070. Prior: 1967 ex.s. c 92 § 6. Formerly RCW 28A.30.070, 28.30.070.]

28A.235.110 Suspension of laws, rules, inconsistent herewith. Any provision of law, or any resolution, rule or regulation which is inconsistent with the provisions of RCW 28A.235.040 through 28A.235.110 is suspended to the extent such provision is inconsistent herewith. [1990 c 33 § 246; 1969 ex.s. c 223 § 28A.30.080. Prior: 1967 ex.s. c 92 § 8. Formerly RCW 28A.30.080, 28.30.080.]

28A.235.120 Meal programs—Establishment and operation—Personnel—Agreements. The directors of any school district may establish, equip and operate meal programs in school buildings for pupils; certificated and classified employees; volunteers; public agencies, political subdivisions, or associations that serve public entities while using school facilities; other local, state, or federal child nutrition programs; and for school or employee functions: PROVIDED, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of meals, federal aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose: PROVIDED FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in RCW 28A.623.020: PROVIDED, FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals at cost

as provided in RCW 28A.623.030 to children who are participating in educational or training or care programs or activities conducted by private, nonprofit organizations and entities and to students who are attending private elementary and secondary schools. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement with a private agency for the establishment, management and/or operation of a food service program or any part thereof. [2002 c 36 § 1; 1997 c 13 § 4; 1990 c 33 § 247; 1979 ex.s. c 140 § 3; 1979 c 58 § 1; 1973 c 107 § 2; 1969 ex.s. c 223 § 28A.58.136. Prior: (i) 1947 c 31 § 1; 1943 c 51 § 1; 1939 c 160 § 1; Rem. Supp. 1947 § 4706-1. Formerly RCW 28A.58.136, 28.58.260. (ii) 1943 c 51 § 2; Rem. Supp. 1943 § 4706-2. Formerly RCW 28.58.270.]

Nonprofit meal program for elderly—Purpose: RCW 28A.623.010.

Additional notes found at www.leg.wa.gov

28A.235.130 Milk for children at school expense. The board of directors of any school district may cause to be furnished free of charge, in a suitable receptacle on each and every school day to such children in attendance desiring or in need of the same, not less than one-half pint of milk. The cost of supplying such milk shall be paid for in the same manner as other items of expense incurred in the conduct and operation of said school, except that available federal or state funds may be used therefor. [1969 ex.s. c 223 § 28A.31.020. Prior: 1935 c 15 § 1; 1923 c 152 § 1; 1921 c 190 § 1; RRS § 4806. Formerly RCW 28A.31.020, 28.31.020.]

Food services—Use of federal funds: Chapter 28A.235 RCW.

28A.235.140 School breakfast programs. (1) For the purposes of this section:

(a) "Free or reduced-price lunches" means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation

of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. Requirements that school districts have school breakfast programs under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution. [1993 c 333 § 1; 1989 c 239 § 2. Formerly RCW 28A.29.040.]

Additional notes found at www.leg.wa.gov

28A.235.145 School breakfast and lunch programs—Use of state funds. State funds received by school districts under this chapter for school breakfast and lunch programs shall be used to support the operating costs of the program, including labor, unless specific appropriations for nonoperating costs are provided. [1993 c 333 § 2.]

28A.235.150 School breakfast and lunch programs—Grants to increase participation—Increased state support. (1)(a) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction may award grants to school districts to:

(i) Increase awareness of and participation in school breakfast and lunch programs, including breakfast after the bell programs;

(ii) Improve program quality, including the nutritional content of program food and the promotion of nutritious food choices by students;

(iii) Promote innovative school-based programs, including but not limited to developing gardens that provide produce used in school breakfast or lunch programs; and

(iv) Improve the equipment and facilities used in the programs.

(b) If applicable, school districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall increase the state support for school breakfasts and lunches, including breakfast after the bell programs.

(3) As used in this section, "breakfast after the bell" has the definition in RCW 28A.235.200. [2018 c 8 § 7; 1993 c 333 § 3.]

Findings—Intent—Short title—2018 c 8: See notes following RCW 28A.235.210.

28A.235.155 Federal summer food service program—Administration of funds—Grants. (1) The superintendent of public instruction shall administer funds for the federal summer food service program.

(2) The superintendent of public instruction may award grants, to the extent funds are appropriated, to eligible organizations to help start new summer food service programs for children or to help expand summer food services for children. [1993 c 333 § 4.]

28A.235.160 Requirements to implement school breakfast, lunch, and summer food service programs—Exemptions. (1) For the purposes of this section:

(a) "Free or reduced-price lunch" means a lunch served by a school district participating in the national school lunch program to a student qualifying for national school lunch program benefits based on family size-income criteria.

(b) "Lunch copay" means the amount a student who qualifies for a reduced-price lunch is charged for a reduced-price lunch.

(c) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(d) "School lunch program" means a meal program meeting the requirements defined by the superintendent of public instruction under subsection (2)(b) of this section.

(e) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(f) "Summer food service program" means a meal or snack program meeting the requirements defined by the superintendent of public instruction under subsection (4) of this section.

(2) School districts shall implement a school lunch program in each public school in the district in which educational services are provided to children in any of the grades kindergarten through four and in which twenty-five percent

or more of the enrolled students qualify for a free or reduced-price lunch. In developing and implementing its school lunch program, each school district may consult with an advisory committee including school staff, community members, and others appointed by the board of directors of the district.

(a) Applications to determine free or reduced-price lunch eligibility shall be distributed and collected for all households of children in schools containing any of the grades kindergarten through four and in which there are no United States department of agriculture child nutrition programs. The applications that are collected must be reviewed to determine eligibility for free or reduced-price lunches. Nothing in this section shall be construed to require completion or submission of the application by a parent or guardian.

(b) Using the most current available school data on free and reduced-price lunch eligibility, the superintendent of public instruction shall adopt a schedule for implementation of school lunch programs at each school required to offer such a program under subsection (2) of this section as follows:

(i) Schools not offering a school lunch program and in which twenty-five percent or more of the enrolled students are eligible for free or reduced-price lunch shall implement a school lunch program not later than the second day of school in the 2005-06 school year and in each school year thereafter.

(ii) The superintendent shall establish minimum standards defining the lunch meals to be served, and such standards must be sufficient to qualify the meals for any available federal reimbursement.

(iii) Nothing in this section shall be interpreted to prevent a school from implementing a school lunch program earlier than the school is required to do so.

(3) To the extent funds are appropriated for this purpose, each school district shall implement a school breakfast program in each school where more than forty percent of students eligible to participate in the school lunch program qualify for free or reduced-price meal reimbursement by the school year 2005-06. For the second year before the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify for this requirement. Schools where lunch programs start after the 2003-04 school year, where forty percent of students qualify for free or reduced-price meals, must begin school breakfast programs the second year following the start of a lunch program.

(4) Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which 50 percent or more of the children enrolled in the school qualify for free or reduced-price lunch. However, the superintendent of public instruction shall develop rules establishing criteria to permit an exemption for a school that can demonstrate availability of an adequate alternative summer feeding program. Sites providing meals should be open to all children in the area, unless a compelling case can be made to limit access to the program. The superintendent of public instruction shall adopt a definition of compelling case and a schedule for implementation as follows:

(a) Beginning the summer of 2005 if the school currently offers a school breakfast or lunch program; or

(b) Beginning the summer following the school year during which a school implements a school lunch program under subsection (2)(b) of this section.

(5) Schools not offering a breakfast or lunch program may meet the meal service requirements of subsections (2)(b) and (4) of this section through any of the following:

(a) Preparing the meals on-site;

(b) Receiving the meals from another school that participates in a United States department of agriculture child nutrition program; or

(c) Contracting with a nonschool entity that is a licensed food service establishment under RCW 69.07.010.

(6) Requirements that school districts have a school lunch, breakfast, or summer nutrition program under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the state Constitution.

(7) Beginning in the 2021-22 school year, school districts with school lunch programs must eliminate lunch copays for students in prekindergarten through 12th grade who qualify for reduced-price lunches, and the superintendent of public instruction must allocate funding for this purpose.

(8) The requirements in this section shall lapse if the federal reimbursement for any school breakfasts, lunches, or summer food service programs is eliminated.

(9) School districts may be exempted from the requirements of this section by showing good cause why they cannot comply with the office of the superintendent of public instruction to the extent that such exemption is not in conflict with federal or state law. The process and criteria by which school districts are exempted shall be developed by the office of the superintendent of public instruction in consultation with representatives of school directors, school food service, community-based organizations and the Washington state PTA. [2021 c 74 § 2; 2005 c 287 § 1; 2004 c 54 § 2.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Findings—2021 c 74: "The legislature recognizes that the challenges and difficulties of food insecurity affect Washington households throughout the state. The legislature recognizes also that many families rely on the food and nutritional benefits of reduced-price school lunches, and that hungry students face additional barriers to academic success.

The legislature further recognizes that the state's 2019-2021 omnibus operating appropriations act includes funding for eliminating lunch copays for qualifying kindergarten through third grade students, and that extending this copay elimination to students in prekindergarten and the fourth through 12th grades is an appropriate and cost-effective way to promote the health and academic success of students who qualify for reduced-price lunches." [2021 c 74 § 1.]

Findings—2005 c 287; 2004 c 54: "The legislature recognizes that hunger and food insecurity are serious problems in the state. Since the United States department of agriculture began to collect data on hunger and food insecurity in 1995, Washington has been ranked each year within the top ten states with the highest levels of hunger. A significant number of these households classified as hungry are families with children.

The legislature recognizes the correlation between adequate nutrition and a child's development and school performance. This problem can be greatly diminished through improved access to federal nutrition programs.

The legislature also recognizes that improved access to federal nutrition and assistance programs, such as the federal food stamp program and child nutrition programs, can be a critical factor in enabling recipients to gain the

ability to support themselves and their families. This is an important step towards self-sufficiency and decreased long-term reliance on governmental assistance and will serve to strengthen families in this state." [2005 c 287 § 2; 2004 c 54 § 1.]

Additional notes found at www.leg.wa.gov

28A.235.170 Washington grown fresh fruit and vegetable grant program. (1) The Washington grown fresh fruit and vegetable grant program is created in the office of the superintendent of public instruction. The purpose of the program is to facilitate consumption of Washington grown nutritious snacks in order to improve student health and expand the market for locally grown fresh produce.

(2) For purposes of this section, "fresh fruit and vegetables" includes perishable produce that is unprocessed, minimally processed, frozen, dried, or otherwise prepared, stored, and handled to maintain its fresh nature while providing convenience to the user. Producing minimally processed food involves cleaning, washing, cutting, or portioning.

(3) The program shall increase the number of school children with access to Washington grown fresh fruits and vegetables and shall be modeled after the United States department of agriculture fresh fruit and vegetable program, as described in 42 U.S.C. Sec. 1769(g). Schools receiving funds under the federal program are not eligible for grants under the Washington grown fresh fruit and vegetable grant program.

(4)(a) To the extent that state funds are appropriated specifically for this purpose, the office of the superintendent of public instruction shall solicit applications, conduct a competitive process, and make one or two-year grants to a mix of urban and rural schools to enable eligible schools to provide free Washington grown fresh fruits and vegetables throughout the school day.

(b) When evaluating applications and selecting grantees, the superintendent of public instruction shall consider and prioritize the following factors:

(i) The applicant's plan for ensuring the use of Washington grown fruits and vegetables within the program;

(ii) The applicant's plan for incorporating nutrition, agricultural stewardship education, and environmental education into the snack program;

(iii) The applicant's plan for establishing partnerships with state, local, and private entities to further the program's objectives, such as helping the school acquire, handle, store, and distribute Washington grown fresh fruits and vegetables.

(5)(a) The office of the superintendent of public instruction shall give funding priority to applicant schools with any of grades kindergarten through eight that: Participate in the national school lunch program and have fifty percent or more of their students eligible for free or reduced-price meals under the federal national school lunch act, 42 U.S.C. Sec. 1751 et seq.

(b) If any funds remain after all eligible priority applicant schools have been awarded grants, the office of the superintendent of public instruction may award grants to applicant schools having less than fifty percent of the students eligible for free or reduced-price meals.

(6) The office of the superintendent of public instruction may adopt rules to carry out the grant program.

(2021 Ed.)

(7) With assistance from the Washington department of agriculture, the office of the superintendent of public instruction shall develop and track specific, quantifiable outcome measures of the grant program such as the number of students served by the program, the dollar value of purchases of Washington grown fruits and vegetables resulting from the program, and development of state, local, and private partnerships that extend beyond the cafeteria.

(8) As used in this section, "Washington grown" has the definition in RCW 15.64.060. [2008 c 215 § 3.]

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

28A.235.180 Farm-to-school initiatives. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

(2) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture must be a centralized connection point for schools and other institutions for accessing and sharing information, tools, ideas, and best practices for purchasing Washington-grown food.

(a) In accordance with this subsection (2), program staff from the department of agriculture may provide:

(i) Scale-appropriate information and resources to farms to help them respond to the growing demand for local and direct marketed products; and

(ii) Targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

(b) In accordance with this subsection (2), program staff from the department of agriculture may provide technical assistance to:

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

(iii) Support compliance with applicable federal, state, and local requirements; and

(iv) Support access and preparation efforts for competing in markets that are a good fit for their scale and products, including schools and public institutions, and direct-to-consumer markets that include, but are not limited to, farmers markets, local retailers, restaurants, value-added product developments, and agritourism opportunities.

(3) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture may support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food. In accordance with this

subsection (3), regional markets program activities may include, but are not limited to:

- (a) Connecting schools and other institutions with farmers and distribution chains;
- (b) Overcoming seasonality constraints;
- (c) Providing budgeting assistance;
- (d) Navigating procurement requirements; and
- (e) Developing educational materials that can be used in cafeterias, classrooms, and in other educational environments.

(4) Subject to the availability of amounts appropriated for this specific purpose, school districts and other institutions may coordinate with the department of agriculture to promote and facilitate new and existing farm-to-school initiatives. School district representatives involved in these initiatives may include, but [are] not limited to, school nutrition staff, purchasing staff, student representatives, and parent organizations.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through farm engagement projects. Projects established by school districts that receive grants in accordance with this section must:

- (a) Primarily target low-income and disengaged youth who have dropped out or who are at risk of dropping out of high school; and
- (b) Provide participating youth with opportunities for:
 - (i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through farm or garden programs;
 - (ii) Earning core and elective credits applied toward high school graduation, including but not limited to, science, health, and career and technical education credits;
 - (iii) Receiving development support and services, including social and emotional learning, counseling, leadership training, and career and college guidance; and
 - (iv) Improving food security for themselves and their community through the project. [2018 c 8 § 8.]

Short title—2018 c 8: See note following RCW 28A.235.210.

28A.235.200 Breakfast after the bell program—Definitions. The definitions in this section apply throughout RCW 28A.235.210 and 28A.235.220 unless the context clearly requires otherwise.

(1) "Breakfast after the bell" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models include, but are not limited to:

- (a) "Grab and go," where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;
- (b) "Second chance breakfast," where breakfast foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and

(c) "Breakfast in the classroom," where breakfast is served in the classroom, often during homeroom or first period.

(2) "Eligible for free or reduced-price meals" means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

(3) "High-needs school" means any public school: (a) That has enrollment of seventy percent or more students eligible for free or reduced-price meals in the prior school year; or (b) that is using provision two of the national school lunch act or the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 to provide universal meals and that has a claiming percentage for free or reduced-price meals of seventy percent or more.

(4) "Public school" has the same meaning as provided in RCW 28A.150.010.

(5) "School breakfast program" means a program meeting federal requirements under 42 U.S.C. Sec. 1773.

(6) "School lunch program" means a program meeting federal requirements under 42 U.S.C. Sec. 1751. [2018 c 8 § 2.]

Findings—Intent—Short title—2018 c 8: See notes following RCW 28A.235.210.

28A.235.210 Breakfast after the bell program. (Expires June 30, 2028.) (1)(a) In accordance with RCW 28A.235.230 and except as provided in subsection (2) of this section, beginning in the 2019-20 school year, each high-needs school shall offer breakfast after the bell to each student and provide adequate time for students to consume the offered food.

(b) Public schools that are not obligated by this section to offer breakfast after the bell are encouraged to do so. Nothing in this section is intended to prevent a high-needs school from implementing a breakfast after the bell program before the 2019-20 school year.

(2) High-needs schools with at least seventy percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from the provisions of subsection (1) of this section. The office of the superintendent of public instruction shall evaluate individual participation rates annually, and make the participation rates publicly available.

(3) Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast.

(4) All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under the federal healthy, hunger-free kids act of 2010, (P.L. 111-296) and any federal regulations implementing that act. By December 1, 2018, and as needed thereafter, the office of the superintendent of public instruction must develop and distribute best practices and provide technical assistance to school districts on strategies for selecting food items that are low in added sugar. When choosing foods to serve in a breakfast after the bell program, schools must give preference to foods that are

healthful and fresh, and if feasible, give preference to Washington-grown food.

(5) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall administer one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under this section. Grant funds provided under this section must be used for the costs associated with launching a breakfast after the bell program, including but not limited to equipment purchases, training, additional staff costs, and janitorial services.

(6) The legislature does not intend to include the breakfast after the bell programs under this section, including the provision of breakfast, within the definition or funding of the program of basic education under Article IX of the state Constitution. [2018 c 8 § 3.]

Expiration date—2018 c 8 §§ 3, 4, and 6: "Sections 3, 4, and 6 of this act expire June 30, 2028." [2018 c 8 § 10.]

Findings—Intent—2018 c 8: "(1) The legislature finds that thoughtful and evidence-based school food programs are associated with improved outcomes for students, including reductions in tardiness, absenteeism, suspensions, and reported illnesses and visits to nurses' offices. The legislature further finds that thoughtful and evidence-based school food programs are also associated with improved student results on standardized tests and improved graduation rates.

(2) The legislature acknowledges that existing school-related farm programs play an important role in helping students to better understand the relationships between academics, food, farming, and good health.

(3) The legislature finds that the purpose of sections 1 through 7 of this act is to achieve the public policy benefits specified in subsection (1) of this section: Improved student outcomes. To do so, the legislature intends to:

(a) Expand opportunities for students to have a healthy breakfast by requiring schools with large populations of qualifying low-income students to offer breakfast after the bell programs, a program model that has increased breakfast participation rates in other states; and

(b) Increase support for school-related farm programs that have proven successful in supporting students through policies that, among other benefits, promote student health and readiness through healthy local foods and school garden projects; and

(c) Conduct an analysis of breakfast after the bell programs established in accordance with section 3 of this act." [2018 c 8 § 1.]

Short title—2018 c 8: "This act may be known and cited as the Washington kids ready to learn act of 2018." [2018 c 8 § 11.]

28A.235.220 Breakfast after the bell program—Guidelines and training. (Expires June 30, 2028.) (1) Before January 2, 2019, the office of the superintendent of public instruction shall develop and distribute procedures and guidelines for the implementation of RCW 28A.235.210 that comply with federal regulations governing the school breakfast program. The guidelines and procedures must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of breakfast after the bell programs. The guidelines and procedures must also include recommendations and best practices for designing, implementing, and operating breakfast after the bell programs that are based upon the implementation and operational experiences of schools of differing sizes and in different geographic regions of the state that have implemented breakfast after the bell programs.

(2) The office of the superintendent of public instruction shall offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various funding options available to high-needs schools such as the

(2021 Ed.)

community eligibility provision under 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national school lunch act, and claims for reimbursement under the school breakfast program.

(3) In accordance with this section, the office of the superintendent of public instruction shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The office shall maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in breakfast after the bell programs.

(4) The office of the superintendent of public instruction shall incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available. [2018 c 8 § 4.]

Expiration date—2018 c 8 §§ 3, 4, and 6: See note following RCW 28A.235.210.

Findings—Intent—Short title—2018 c 8: See notes following RCW 28A.235.210.

28A.235.230 Breakfast after the bell program—Funding for implementation. (Expires June 30, 2028.)

The office of the superintendent of public instruction, school districts, and affected schools shall implement sections 2 through 4, chapter 8, Laws of 2018 only in years in which funding is specifically provided for the purposes of chapter 8, Laws of 2018, referencing chapter 8, Laws of 2018 by bill or chapter number or statutory references, in a biennial or supplemental operating budget. [2018 c 8 § 6.]

Expiration date—2018 c 8 §§ 3, 4, and 6: See note following RCW 28A.235.210.

Findings—Intent—Short title—2018 c 8: See notes following RCW 28A.235.210.

28A.235.240 Breakfast after the bell program—

Analysis. (1) The joint legislative audit and review committee shall conduct an analysis of breakfast after the bell programs established in schools in accordance with RCW 28A.235.210. The analysis of the schools establishing breakfast after the bell programs shall include a review of any changes in student:

- (a) Tardiness and absenteeism;
- (b) Suspensions;
- (c) Reported illnesses and visits to nurses' offices;
- (d) Results on standardized tests; and
- (e) Graduation rates.

(2) The analysis shall also include a review of the outcomes of similar programs or efforts in other states.

(3) The office of the superintendent of public instruction and the education and research data center of the office of financial management shall assist in providing any data required to conduct the analysis. The analysis, including any findings and recommendations, must be completed and submitted to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2026. [2018 c 8 § 9.]

Short title—2018 c 8: See note following RCW 28A.235.210.

28A.235.250 Free or reduced-price meals—Applications. (1)(a) Except as provided otherwise in subsection (2) of this section, each school that participates in the national school lunch program, the school breakfast program, or both, shall annually distribute and collect an application for all households of children in kindergarten through grade twelve to determine student eligibility for free or reduced-price meals. If a parent or guardian of a student needs assistance with application materials in a language other than English, the school shall offer appropriate assistance to the parent or guardian.

(b) If a student who, based on information available to the school, is likely eligible for free or reduced-price meals but has not submitted an application to determine eligibility, the school shall, in accordance with the authority granted under 7 C.F.R. Sec. 245.6(d), complete and submit the application for the student.

(2) Subsection (1) of this section does not apply to a school that provides free meals to all students in a year in which the school does not collect applications to determine student eligibility for free or reduced-price meals. [2018 c 271 § 1.]

Short title—2018 c 271: "This act may be known and cited as the hunger-free students' bill of rights act." [2018 c 271 § 7.]

28A.235.260 Free or reduced-price meals—Student assistance. If a student has not paid for five or more previous meals, the school shall:

(1) Determine whether the student is categorically eligible for free meals;

(2) If no application has been submitted for the student to determine his or her eligibility for free or reduced-price meals, make no fewer than two attempts to contact the student's parent or guardian to have him or her submit an application; and

(3) Have a principal, assistant principal, or school counselor contact the parent or guardian for the purpose of: (a) Offering assistance with completing an application to determine the student's eligibility for free or reduced-price meals; (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals; and (c) offering any appropriate assistance. [2018 c 271 § 3.]

Short title—2018 c 271: See note following RCW 28A.235.250.

28A.235.270 Free or reduced-price meals—School prohibitions. (1) No school or school district personnel or school volunteer may:

(a) Take any action that would publicly identify a student who cannot pay for a school meal or for meals previously served to the student, including but not limited to requiring the student to wear a wristband, hand stamp, or other identifying marker, or by serving the student an alternative meal;

(b) Require a student who cannot pay for a school meal or for meals previously served to the student to perform chores or other actions in exchange for a meal or for the reduction or elimination of a school meal debt, unless all students perform similar chores or work;

(c) Require a student to dispose of an already served meal because of the student's inability to pay for the meal or

because of money owed for meals previously served to the student;

(d) Allow any disciplinary action that is taken against a student to result in the denial or delay of a nutritionally adequate meal to the student; or

(e) Require a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

(2) Communications from a school or school district about amounts owed for meals previously served to a student under the age of fifteen may only be directed to the student's parent or guardian. Nothing in this subsection prohibits a school or school district from sending a student home with a notification that is addressed to the student's parent or guardian.

(3)(a) A school district shall notify a parent or guardian of the negative balance of a student's school meal account no later than ten days after the student's school meal account has reached a negative balance. Within thirty days of sending this notification, the school district shall exhaust all options to directly certify the student for free or reduced-price meals. Within these thirty days, while the school district is attempting to certify the student for free or reduced-price meals, the student may not be denied access to a school meal unless the school district determines that the student is ineligible for free or reduced-price meals.

(b) If the school district is unable to directly certify the student for free or reduced-price meals, the school district shall provide the parent or guardian with a paper copy of or an electronic link to an application for free or reduced-price meals with the notification required by (a) of this subsection and encourage the parent or guardian to submit the application. [2018 c 271 § 4.]

Short title—2018 c 271: See note following RCW 28A.235.250.

28A.235.280 Free school meals—Systems to identify students. (1) Local liaisons for homeless children and youths designated by districts in accordance with the federal McKinney-Vento homeless assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to identify homeless students and coordinate with the applicable school nutrition program to ensure that each homeless student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(2) Schools and school districts shall improve systems to identify students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(3) At least monthly, schools and school districts shall directly certify students for free school meals if the students qualify because of enrollment in assistance programs, including but not limited to the supplemental nutrition assistance program, the temporary assistance for needy families, and medicaid. [2018 c 271 § 2.]

Short title—2018 c 271: See note following RCW 28A.235.250.

28A.235.290 Department of agriculture community eligibility provision—Plan to increase participation—Reports. (1) The office of the superintendent of public instruction shall develop and implement a plan to increase the

number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, 2021, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts. In completing the duties required by this subsection (2), the office of the superintendent of public instruction and the organizations working jointly on the plan shall also, by December 1, 2020, examine the impacts to schools and districts that can result from participation in the community eligibility provision and identify approaches to addressing those impacts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by December 1st of each year. The report shall identify:

(a) Any barriers to implementation;

(b) Recommendations on policy and legislative solutions to overcome barriers to implementation;

(c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and

(d) Approaches in other states to adopting the community eligibility provision. [2020 c 288 § 2; 2019 c 208 § 2; 2018 c 271 § 6.]

Short title—2020 c 288: See note following RCW 28A.235.300.

Short title—2018 c 271: See note following RCW 28A.235.250.

28A.235.300 Department of agriculture community eligibility provision—Required participation—Exemption. (1) Except as provided otherwise by this section, each school with students in or below grade eight that has an identified student percentage of at least sixty-two and one-half percent, as determined annually by April 1st, must participate

(2021 Ed.)

in the United States department of agriculture's community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle.

(2) Schools that, through an arrangement with a local entity, provide meals to all students and at no costs to the students are exempt from the requirements of this section.

(3) For the purposes of this section, "identified student" means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification. [2020 c 288 § 3.]

Short title—2020 c 288: "This act may be known and cited as the hunger-free schools act." [2020 c 288 § 1.]

Chapter 28A.245 RCW SKILL CENTERS

Sections

28A.245.005	Findings.
28A.245.010	Skill centers—Purpose—Operation.
28A.245.020	Funding—Equivalency and apportionment.
28A.245.030	Revised guidelines for skill centers—Satellite and branch campus programs—Capital plan—Studies—Master plan—Rules.
28A.245.040	Expanded access—Targeted populations—Evaluation.
28A.245.050	Skill centers of excellence—Running start for career and technical education grant program—Career and technical programs of study.
28A.245.060	Director of skill centers.
28A.245.070	High school diplomas—Agreements with cooperating school districts—High school completion programs.
28A.245.080	Contracts with community or technical colleges—Courses leading to industry certificates or credentials for high school graduates.
28A.245.090	Contracts with community colleges—Enrollment lid—Fees.
28A.245.100	Minor repair and maintenance capital accounts.

28A.245.005 Findings. The legislature finds that student access to programs offered at skill centers can help prepare them for careers, apprenticeships, and postsecondary education. The legislature further finds that current limits on how school districts and skill centers report full-time equivalent students and the time students are served provide a disincentive for school districts to send their students to skill centers. The legislature further finds that there are barriers to providing access to students in rural and remote areas but that there are opportunities to do so with satellite and branch campus programs, distance and online learning programs, and collaboration with higher education, business, and labor. The legislature further finds that skill centers provide opportunities for dropout prevention and retrieval programs by offering programs that accommodate students' work schedules and provide credit retrieval opportunities. The legislature further finds that implementing the recommendations from the study by the workforce training and education coordinating board will enhance skill center programs and student access to those programs. [2007 c 463 § 1.]

28A.245.010 Skill centers—Purpose—Operation. A skill center is a regional career and technical education partnership established to provide access to comprehensive industry-defined career and technical programs of study that prepare students for careers, employment, apprenticeships,

and postsecondary education. A skill center is operated by a host school district and governed by an administrative council in accordance with a cooperative agreement. [2007 c 463 § 2.]

28A.245.020 Funding—Equivalency and apportionment. (1) Beginning in the 2007-08 school year and thereafter, students attending skill centers shall be funded for all classes at the skill center and the sending districts, up to one and six-tenths full-time equivalents or as determined in the omnibus appropriations act. The office of the superintendent of public instruction shall develop procedures to ensure that the school district and the skill center report no student for more than one and six-tenths full-time equivalent students combining both their high school enrollment and skill center enrollment. Additionally, the office of the superintendent of public instruction shall develop procedures for determining the appropriate share of the full-time equivalent enrollment count between the resident high school and skill center.

(2)(a) A rural satellite skill center must report direct enrollment and receive direct funding if it meets the following criteria:

(i) The center is located at least thirty miles from a core campus or other satellite program and enrolls students from a minimum of two school districts;

(ii) The center is solely responsible for hiring staff and covering all staffing costs;

(iii) The center is solely responsible for providing facilities, equipment, materials, supplies, and training;

(iv) The center has demonstrated the ability to build successful community and local business partnerships;

(v) The center has been operational and has secured agreements for at least one year with two or more rural districts in the area to accept and enroll students in the center, has completed the required feasibility study, and has secured commitments from local businesses or industries;

(vi) The career and technical education advisory committee and the local school district board of directors recommend and support the direct funding; and

(vii) The center shares liability of all reviews for the purposes of auditing and the consolidated program review including state and federal monitoring of the career and technical education programs.

(b) A core campus skill center may receive, for administrative purposes, up to seven percent of the funding provided to a partnered rural satellite skill center under (a) of this subsection.

(c) A core campus skill center may charge the annually required per-pupil facility fee consistent with RCW 28A.245.100 related to minor repair and maintenance capital accounts as negotiated in the interdistrict cooperative agreement.

(3) For the purposes of this section, "rural," consistent with the definition in the small, rural school achievement program and the rural education achievement program eligibility criteria, means:

(a) A local education agency that serves only schools that have a national center for education statistics school locale code of forty-one, forty-two, or forty-three; or

(b) A local education agency that is located entirely within counties with a population density less than one hun-

dred persons per square mile or counties smaller than two hundred twenty-five square miles as determined and published by the office of financial management each year for the period of July 1st to June 30th. [2019 c 197 § 1; 2007 c 463 § 3.]

28A.245.030 Revised guidelines for skill centers—Satellite and branch campus programs—Capital plan—Studies—Master plan—Rules. (1) The office of the superintendent of public instruction shall review and revise the guidelines for skill centers to encourage skill center programs. The superintendent, in cooperation with the workforce training and education coordinating board, skill center directors, and the Washington association for career and technical education, shall review and revise the existing skill centers' policy guidelines and create and adopt rules governing skill centers as follows:

(a) The threshold enrollment at a skill center shall be revised so that a skill center program need not have a minimum of seventy percent of its students enrolled on the skill center core campus in order to facilitate serving rural students through expansion of skill center programs by means of satellite programs or branch campuses;

(b) The developmental planning for branch campuses shall be encouraged. Underserved rural areas or high-density areas may partner with an existing skill center to create satellite programs or a branch campus. Once a branch campus reaches sufficient enrollment to become self-sustaining, it may become a separate skill center or remain an extension of the founding skill center; and

(c) Satellite and branch campus programs shall be encouraged to address high-demand fields.

(2) Rules adopted under this section shall allow for innovative models of satellite and branch campus programs, and such programs shall not be limited to those housed in physical buildings.

(3) The superintendent of public instruction shall develop and deliver a ten-year capital plan for legislative review before implementation. The superintendent of public instruction shall adopt rules that set as a goal a ten percent minimum local project contribution threshold for major skill center projects, unless there is a compelling rationale not to do so, including but not limited to local economic conditions, as determined by the superintendent of public instruction. This applies to the acquisition or major capital costs of skill center projects as outlined in the ten-year capital plan.

(4) Subject to available funding, the superintendent shall:

(a) Conduct approved feasibility studies for serving non-cooperative rural and high-density area students in their geographic areas; and

(b) Develop a statewide master plan that identifies standards and resources needed to create a technology infrastructure for connecting all skill centers to the K-20 network. [2008 c 179 § 302; 2007 c 463 § 4.]

Additional notes found at www.leg.wa.gov

28A.245.040 Expanded access—Targeted populations—Evaluation. Subject to available funding, skill centers shall provide access to late afternoon and evening sessions and summer school programs, to rural and high-density

area students aligned with regionally identified high-demand occupations. When possible, the programs shall be specifically targeted for credit retrieval, dropout prevention and intervention for at-risk students, and retrieval of dropouts. Skill centers that receive funding for these activities must participate in an evaluation that is designed to quantify results and identify best practices, collaborate with local community partners in providing a comprehensive program, and provide matching funds. [2007 c 463 § 5.]

28A.245.050 Skill centers of excellence—Running start for career and technical education grant program—Career and technical programs of study. (1) The superintendent of public instruction shall establish and support skill centers of excellence in key economic sectors of regional significance. The superintendent shall broker the development of skill centers of excellence and identify their roles in developing curriculum and methodologies for reporting skill center course equivalencies for purposes of high school graduation.

(2) Once the skill centers of excellence are established, the superintendent of public instruction shall develop and seek funding for a running start for career and technical education grant program to develop and implement career and technical programs of study targeted to regionally determined high-demand occupations. Grant recipients should be partnerships of skill centers of excellence, community college centers of excellence, tech-prep programs, industry advisory committees, area workforce development councils, and skill panels in the related industry. Grant recipients should be expected to develop and assist in the replication of model career and technical education programs of study. The career and technical education programs of study developed should be consistent with the expectations in the applicable federal law. [2007 c 463 § 6.]

28A.245.060 Director of skill centers. To the extent funds are available, the superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the director of skill centers. [2009 c 578 § 7; 2007 c 463 § 7.]

28A.245.070 High school diplomas—Agreements with cooperating school districts—High school completion programs. Skill centers may enter into agreements with one or more cooperating school districts to grant a high school diploma on behalf of the district so that students who are juniors and seniors have an opportunity to attend the skill center on a full-time basis without coenrollment at a district high school. To avoid competition with other high schools in the cooperating district, high school completion programs operated by skill centers shall be designed as dropout prevention and retrieval programs for at-risk and credit-deficient students or for fifth-year seniors. A skill center may use grant awards from the building bridges program under RCW 28A.175.025 to develop high school completion programs as provided in this section. [2008 c 170 § 203.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

(2021 Ed.)

28A.245.080 Contracts with community or technical colleges—Courses leading to industry certificates or credentials for high school graduates. (1) Subject to the provisions of this section and RCW 28B.50.532, a skill center may enter into an agreement with the community or technical college in which district the skill center is located to provide career and technical education courses necessary to complete an industry certificate or credential for students who have received a high school diploma.

(2) To qualify for enrollment under this section, a student must have been enrolled in the skill center before receiving the high school diploma and must remain continuously enrolled in the skill center. A student may enroll only in those courses necessary to complete the industry certificate or credential associated with the student's career and technical program.

(3) Students enrolled in a skill center under this section shall be considered community and technical college students for purposes of enrollment reporting, tuition, and financial aid. The skill center shall maintain enrollment data for students enrolled under this section separately from data on secondary school enrollment. [2008 c 170 § 304.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

28A.245.090 Contracts with community colleges—Enrollment lid—Fees. The community colleges are encouraged to contract with skill centers to use the skill center facilities. The community colleges shall not be required to count the enrollments under these agreements toward the community college enrollment lid. Skill centers may charge fees to adult students under RCW 28A.225.220. [1993 c 380 § 3. Formerly RCW 28C.22.020.]

28A.245.100 Minor repair and maintenance capital accounts. A host district of a cooperative skill center must maintain a separate minor repair and maintenance capital account for facilities constructed or renovated with state funding. Participating school districts must make annual deposits into the account to pay for future minor repair and maintenance costs of those facilities. The host district has authority to collect those deposits by charging participating districts an annual per-pupil facility fee. [2017 c 187 § 1.]

Chapter 28A.250 RCW ONLINE LEARNING

Sections

28A.250.005	Findings—Intent.
28A.250.010	Definitions.
28A.250.020	Multidistrict online providers—Approval criteria—Advisory committee.
28A.250.030	Office of online learning—Duties.
28A.250.040	Duties of the superintendent of public instruction.
28A.250.048	Condensed compliance reports—Second-class districts.
28A.250.050	Student access to online courses and online learning programs—Policies and procedures—Course credit—Dissemination of information—Development of local or regional online learning programs.
28A.250.060	Availability of state funding for students enrolled in online courses or programs.
28A.250.070	Rights of students to attend nonresident school district for the purposes of enrolling in alternative learning experience programs—Standard release form.
28A.250.080	Administration of statewide student assessment—Waiver of scheduled dates.

28A.250.005 Findings—Intent. (1) The legislature finds that online learning provides tremendous opportunities for students to access curriculum, courses, and a unique learning environment that might not otherwise be available. The legislature supports and encourages online learning opportunities.

(2) However, the legislature also finds that there is a need to assure quality in online learning, both for the programs and the administration of those programs. The legislature is the steward of public funds that support students enrolled in online learning and must ensure an appropriate accountability system at the state level.

(3) Therefore, the legislature intends to take a first step in improving oversight and quality assurance of online learning programs, and intends to examine possible additional steps that may need to be taken to improve financial accountability.

(4) The first step in improving quality assurance is to:

(a) Provide objective information to students, parents, and educators regarding available online learning opportunities, including program and course content, how to register for programs and courses, teacher qualifications, student-to-teacher ratios, prior course completion rates, and other evaluative information;

(b) Create an approval process for online providers;

(c) Enhance statewide equity of student access to high quality online learning opportunities; and

(d) Require school district boards of directors to develop policies and procedures for student access to online learning opportunities. [2011 1st sp.s. c 34 § 4; 2009 c 542 § 1.]

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

28A.250.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Multidistrict online provider" means:

(i) A private or nonprofit organization that enters into a contract with a school district to provide online courses or programs to K-12 students from more than one school district;

(ii) A private or nonprofit organization that enters into contracts with multiple school districts to provide online courses or programs to K-12 students from those districts; or

(iii) Except as provided in (b) of this subsection, a school district that provides online courses or programs to students who reside outside the geographic boundaries of the school district.

(b) "Multidistrict online provider" does not include a school district online learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. "Multidistrict online provider" also does not include regional online learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students.

(2)(a) "Online course" means a course or grade-level coursework where:

(i) More than half of the course content is delivered electronically using the internet or other computer-based methods;

(ii) More than half of the teaching is conducted from a remote location through an online course learning management system or other online or electronic tools;

(iii) A certificated teacher has the primary responsibility for the student's instructional interaction. Instructional interaction between the teacher and the student includes, but is not limited to, direct instruction, review of assignments, assessment, testing, progress monitoring, and educational facilitation; and

(iv) Students have access to the teacher synchronously, asynchronously, or both.

(b) "Online school program" means a school program that offers a sequential set of online courses or grade-level coursework that may be taken in a single school term or throughout the school year in a manner that could provide a full-time basic education program if so desired by the student. Students may enroll in the program as part-time or full-time students.

(c) An online course or online school program may be delivered to students at school as part of the regularly scheduled school day. An online course or online school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such courses or programs must comply with RCW 28A.232.010 and associated rules adopted by the superintendent of public instruction to qualify for state basic education funding.

(3) "Online provider" means any provider of an online course or program, including multidistrict online providers, all school district online learning programs, and all regional online learning programs. [2013 2nd sp.s. c 18 § 504; 2011 1st sp.s. c 34 § 5; 2009 c 542 § 2.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

28A.250.020 Multidistrict online providers—Approval criteria—Advisory committee. (1) The superintendent of public instruction, in collaboration with the state board of education, shall develop and implement approval criteria and a process for approving online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online provider; and an appeals process. The criteria and processes for multidistrict online providers shall be adopted by rule by December 1, 2009.

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation, or are candidates for accreditation, through the Northwest accreditation commission or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction. In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When reviewing online providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school

credit. However, final decisions regarding whether credit meets the school district's graduation requirements shall remain the responsibility of the school districts.

(3) Initial approval of online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. The first round of decisions regarding approval of online providers that are not multidistrict online providers shall be made by April 1, 2013. Thereafter, the superintendent of public instruction shall make annual approval decisions no later than November 1st of each year.

(5) The superintendent of public instruction shall establish an online learning advisory committee within existing resources that shall provide advice to the superintendent regarding the approval criteria, major components of the web site, the model school district policy, model agreements, and other related matters. The committee shall include a representative of each of the following groups: Private and public online providers, parents of online students, accreditation organizations, educational service districts, school principals, teachers, school administrators, school board members, institutions of higher education, and other individuals as determined by the superintendent. Members of the advisory committee shall be selected by the superintendent based on nominations from statewide organizations, shall serve three-year terms, and may be reappointed. The superintendent shall select the chair of the committee. [2013 2nd sp.s. c 18 § 505; 2011 1st sp.s. c 34 § 6; 2009 c 542 § 3.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

28A.250.030 Office of online learning—Duties. The superintendent of public instruction shall create an office of online learning. In the initial establishment of the office, the superintendent shall hire staff who have been employed by the digital learning commons to the extent such hiring is in accordance with state law and to the extent funds are available. The office shall:

(1) Develop and maintain a web site that provides objective information for students, parents, and educators regarding online learning opportunities offered by online providers that have been approved in accordance with RCW 28A.250.020. The web site shall include information regarding the online course provider's overall instructional program, specific information regarding the content of individual online courses and online school programs, a direct link to each online course provider's web site, how to register for

(2021 Ed.)

online learning programs and courses, teacher qualifications, student-to-teacher ratios, course completion rates, and other evaluative and comparative information. The web site shall also provide information regarding the process and criteria for approving online providers. To the greatest extent possible, the superintendent shall use the framework of the course offering component of the web site developed by the digital learning commons;

(2) Develop model agreements with approved online providers that address standard contract terms and conditions that may apply to contracts between a school district and the approved provider. The purpose of the agreements is to provide a template to assist individual school districts, at the discretion of the district, in contracting with online providers to offer the online provider's courses and programs to students in the district. The agreements may address billing, fees, responsibilities of online course providers and school districts, and other issues; and

(3) In collaboration with the educational service districts:

(a) Provide technical assistance and support to school district personnel through the educational technology centers in the development and implementation of online learning programs in their districts; and

(b) To the extent funds are available, provide online learning tools for students, teachers, administrators, and other educators. [2011 1st sp.s. c 34 § 7; 2009 c 542 § 4.]

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

28A.250.040 Duties of the superintendent of public instruction. The superintendent of public instruction shall:

(1) Develop model policies and procedures, in consultation with the Washington state school directors' association, that may be used by school district boards of directors in the development of the school district policies and procedures required in RCW 28A.250.050. The model policies and procedures shall be disseminated to school districts by February 1, 2010;

(2) By December 1, 2009, modify the standards for school districts to report course information to the office of the superintendent of public instruction under RCW 28A.300.500 to designate if the course was an online course. The reporting standards shall be required beginning with the 2010-11 school year; and

(3) Beginning January 15, 2011, and annually thereafter, submit a report regarding online learning to the state board of education, the governor, and the legislature. The report shall cover the previous school year and include but not be limited to student demographics, course enrollment data, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews. [2009 c 542 § 5.]

28A.250.048 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 18.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.250.050 Student access to online courses and online learning programs—Policies and procedures—Course credit—Dissemination of information—Development of local or regional online learning programs. (1)

By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

(2) School districts must award credit and grades for online high school courses successfully completed by a student that meet the school district's graduation requirements and are provided by an approved online provider.

(3) School districts shall provide students with information regarding online courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

(4) When developing local or regional online learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under RCW 28A.250.020. [2013 2nd sp.s. c 18 § 506; 2011 1st sp.s. c 34 § 11; 2009 c 542 § 6.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

28A.250.060 Availability of state funding for students enrolled in online courses or programs. (1) Beginning with the 2011-12 school year, school districts may claim state funding under RCW 28A.232.020, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under RCW 28A.250.020 by the superintendent of public instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

(2) Beginning with the 2013-14 school year, school districts may claim state funding under RCW 28A.232.020, to

the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are offered by an online provider approved under RCW 28A.250.020 by the superintendent of public instruction.

(3) Criteria shall be established by the superintendent of public instruction to allow online courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements. [2013 2nd sp.s. c 18 § 507; 2011 1st sp.s. c 34 § 8; 2009 c 542 § 7.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See RCW 28A.232.005.

28A.250.070 Rights of students to attend nonresident school district for the purposes of enrolling in alternative learning experience programs—Standard release form.

Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in alternative learning experience programs. The office of online learning under RCW 28A.250.030 shall develop a standard form, which must be used by all school districts, for releasing a student to a nonresident school district for the purposes of enrolling in an alternative learning experience program. [2017 c 291 § 8; 2013 2nd sp.s. c 18 § 508; 2009 c 542 § 8.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.250.080 Administration of statewide student assessment—Waiver of scheduled dates.

An online school program may request a waiver from the office of the superintendent of public instruction to administer one or more sections of the statewide student assessment for grades three through eight for some or all students enrolled in the program on alternate days or on an alternate schedule, as long as the administration is within the testing period established by the office. The office may deny a request for a waiver if the online school program's proposal does not maintain adequate test security or would reduce the reliability of the assessment results by providing an inequitable advantage for some students. [2013 2nd sp.s. c 18 § 509.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Chapter 28A.300 RCW

SUPERINTENDENT OF PUBLIC INSTRUCTION

Sections

28A.300.010	Election—Term of office.
28A.300.020	Assistant superintendents, deputy superintendent, assistants—Terms for exempt personnel.
28A.300.030	Assistance of educational service district boards and superintendents—Scope.
28A.300.035	Assistance of certificated or classified employee—Reimbursement for substitute.
28A.300.039	Condensed compliance reports—Second-class districts.
28A.300.040	Powers and duties.
28A.300.0401	School district fiscal notes.

- 28A.300.041 Statewide student assessment system—Redesign—Reports to the legislature.
- 28A.300.042 Collection and submittal of student-level data—Student data-related reports—Disaggregation of data by sub-groups—Modification of statewide student data systems.
- 28A.300.045 Pupil tests and records—Rules.
- 28A.300.046 "Student absence from school"—Rules—Collection of attendance and discipline data.
- 28A.300.050 Assistance to professional educator standards board for activities involving professional educator excellence.
- 28A.300.060 Studies and adoption of classifications for school district budgets—Publication.
- 28A.300.065 Classification and numbering system of school districts.
- 28A.300.070 Receipt of federal funds for school purposes—Superintendent of public instruction to administer.
- 28A.300.080 Vocational agriculture education—Intent.
- 28A.300.090 Vocational agriculture education—Service area established—Duties.
- 28A.300.100 Vocational agriculture education—Superintendent to adopt rules.
- 28A.300.105 Office of Native education—Duties—Report.
- 28A.300.106 Native education public-private partnership account.
- 28A.300.109 State-tribal education compact schools—Modifications to school requirements—Pilot project.
- 28A.300.112 Ethnic studies materials and resources.
- 28A.300.115 Holocaust instruction—Preparation and availability of instructional materials.
- 28A.300.116 Holocaust instruction—Teacher training.
- 28A.300.118 College credit program information—Notification to schools and parents.
- 28A.300.119 Online learning programs for college credit—Information.
- 28A.300.120 Administrative hearing—Contract to conduct authorized—Final decision.
- 28A.300.130 Center for the improvement of student learning.
- 28A.300.131 Parental involvement—Measures to evaluate level—Models and practices—Recognition.
- 28A.300.135 Center for the improvement of student learning account.
- 28A.300.136 Educational opportunity gap oversight and accountability committee—Policy and strategy recommendations.
- 28A.300.1361 Closing the achievement gap—Enhancing data collection and data system capacity—Securing federal funds.
- 28A.300.137 Strategies to address the achievement gap—Improvement of education performance measures—Annual report.
- 28A.300.139 Washington integrated student supports protocol.
- 28A.300.145 Educational materials regarding sex offenses, sex offenders, and victims of sexual assault (*as amended by 2013 c 10*).
- 28A.300.145 Educational materials regarding sex offenses, sex offenders, and victims of sexual assault (*as amended by 2013 c 85*).
- 28A.300.147 Students required to register as sex or kidnapping offenders—Sample policy—Educational materials.
- 28A.300.150 Information on and curricula for the prevention of sexual abuse of students, child abuse, and neglect—Rules.
- 28A.300.160 Coordinated program for the prevention of sexual abuse of students, child abuse, and neglect.
- 28A.300.164 Energy information program.
- 28A.300.165 National guard high school career training and national guard youth challenge program—Rules.
- 28A.300.170 State general fund—Estimates for state support to public schools, from.
- 28A.300.172 Prototypical funding allocation model—Determination of educational system's capacity to accommodate increased resources—Identification of limitations—Reports.
- 28A.300.173 Prototypical funding model—District allocation of state resources—Public access on internet-based portal.
- 28A.300.175 Recovery of payments to recipients of state money—Basis—Resolution of audit findings—Rules.
- 28A.300.185 Family preservation education program.
- 28A.300.190 Coordination of video telecommunications programming in schools.
- 28A.300.195 Work-integrated learning matching grant program.
- 28A.300.196 Work-integrated learning advisory committee.
- 28A.300.220 Cooperation with workforce training and education coordinating board.
- 28A.300.230 Findings—Integration of vocational and academic education.
- 28A.300.235 Development of model curriculum integrating vocational and academic education.
- 28A.300.236 Career and technical education courses—Methodologies for implementing equivalency crediting—Report to the office of the superintendent of public instruction, the governor, the state board of education, and the legislature.
- 28A.300.238 Career and technical education equipment—Competitive grant process—Rules.
- 28A.300.240 International student exchange.
- 28A.300.250 Participation in federal nutrition programs—Superintendent's duties.
- 28A.300.255 Meal charge policies.
- 28A.300.270 Violence prevention training.
- 28A.300.273 Annual school safety summits.
- 28A.300.275 Alternative school start-up grants—School safety grants—Report to legislative committees.
- 28A.300.280 Conflict resolution program.
- 28A.300.2851 School bullying and harassment—Work group.
- 28A.300.288 Youth suicide prevention activities.
- 28A.300.290 Effective reading programs—Identification.
- 28A.300.295 Identified programs—Grants for in-service training and instructional materials.
- 28A.300.300 Effective reading programs—Information—Development and implementation of strategies.
- 28A.300.310 Second grade reading assessment—Selection of reading passages—Costs.
- 28A.300.320 Second grade reading assessment—Pilot projects—Assessment selection—Assessment results.
- 28A.300.330 Primary grade reading grant program.
- 28A.300.340 Primary grade reading grant program—Timelines—Rules.
- 28A.300.360 Grants for programs and services—Truant, at-risk, and expelled students.
- 28A.300.370 World War II oral history project.
- 28A.300.375 Washington history day program.
- 28A.300.380 Career and technical student organizations—Support services.
- 28A.300.390 Kip Tokuda memorial Washington civil liberties public education program—Findings.
- 28A.300.395 Kip Tokuda memorial Washington civil liberties public education program—Intent.
- 28A.300.400 Kip Tokuda memorial Washington civil liberties public education program—Definition.
- 28A.300.405 Kip Tokuda memorial Washington civil liberties public education program—Created—Purpose.
- 28A.300.410 Kip Tokuda memorial Washington civil liberties public education program—Grants—Acceptance of gifts, grants, or endowments.
- 28A.300.415 Kip Tokuda memorial Washington civil liberties public education program—Short title.
- 28A.300.420 Student court programs.
- 28A.300.430 Collaboration with children's system of care demonstration sites.
- 28A.300.440 Natural science, wildlife, and environmental education grant program.
- 28A.300.444 Integration of environmental and sustainability content.
- 28A.300.450 Financial education public-private partnership—Established.
- 28A.300.460 Financial education public-private partnership responsibilities—Annual report.
- 28A.300.462 Financial education public-private partnership—Jumpstart coalition national standards—Financial education learning standards—Technical assistance and grants for demonstration projects—Report.
- 28A.300.464 Financial education public-private partnership—Contents of report.
- 28A.300.465 Financial education public-private partnership account.
- 28A.300.468 Financial education standards—Availability of materials.
- 28A.300.469 State financial education learning standards.
- 28A.300.471 Medical emergency response and automated external defibrillator program.
- 28A.300.473 Medical use of marijuana-infused products—Suspension of policies that authorize student use on school grounds.
- 28A.300.475 Comprehensive sexual health education.
- 28A.300.477 Social-emotional learning committee.
- 28A.300.478 Social-emotional learning standards and benchmarks.
- 28A.300.479 Social-emotional learning resources.
- 28A.300.480 Civic education travel grant program.
- 28A.300.485 Enhanced civics education demonstration sites.
- 28A.300.490 Task force on gangs in schools—Reports.
- 28A.300.500 Longitudinal student data system.
- 28A.300.505 School data systems—Standards—Reporting format.
- 28A.300.507 K-12 data governance group—Duties—Reports.
- 28A.300.510 After-school mathematics support program—Reports.
- 28A.300.520 Policies to support children of incarcerated parents.
- 28A.300.525 Students in department of children, youth, and families out-of-home care—Report on educational experiences.
- 28A.300.530 Individuals with dyslexia—Identification and instruction—Handbook—Reports.
- 28A.300.535 Transgender student policy and procedure—Healthy youth survey.
- 28A.300.537 Adverse childhood experiences—Healthy youth survey.
- 28A.300.540 Homeless students—Uniform process to track expenditures for transporting—Rules—Information to be posted on

- web site—Reports—Video on identifying homeless students—Best practices.
- 28A.300.542 Students experiencing homelessness—Grant process to identify students and district capacity for support—Award criteria—Districts' responsibilities.
- 28A.300.544 Students in foster care, experiencing homelessness, or both—Work group—Report.
- 28A.300.545 Condensed compliance report form—Audit of districts submitting condensed compliance report forms.
- 28A.300.550 Innovation schools—Identification—Web site—Publicity.
- 28A.300.555 Finding—Grants to improve readiness to learn.
- 28A.300.560 Data on college credit through dual credit courses—Posting on website.
- 28A.300.565 Grants to implement emergency response systems.
- 28A.300.570 Support of reading and early literacy.
- 28A.300.574 Dual language learning cohorts—Rules.
- 28A.300.575 Washington state seal of biliteracy.
- 28A.300.580 Phone interpretation services—Posting vendor information on web site.
- 28A.300.585 Computer science learning standards.
- 28A.300.587 Computer science report.
- 28A.300.590 Educational outcomes—Program of education for dependent youth—Responsibilities of department of social and health services, superintendent of public instruction, and nongovernmental entity—Reports.
- 28A.300.592 Educational outcomes—On-site individualized education services for dependent students—Public-private partnership—Reports.
- 28A.300.606 Teacher and administrator professional learning—Working with paraeducators.
- 28A.300.615 Substitute teachers—Hiring and compensation reporting.
- 28A.300.620 Mentor training program goals—Professional development curricula.
- 28A.300.630 School safety center.
- 28A.300.635 School safety and student well-being advisory committee.
- 28A.300.640 School-based threat assessment program—Model policy and procedure.
- 28A.300.645 Monitoring and data collection—Comprehensive safe school plans, student distress, and school-based threat assessment programs.
- 28A.300.650 School resource officer training—Materials—Grant program—Report.
- 28A.300.700 Dyslexia screening tools.
- 28A.300.710 Dyslexia advisory council.
- 28A.300.720 Dyslexia recommendations.
- 28A.300.730 Dyslexia rules.
- 28A.300.750 Basic education waivers for school districts.
- 28A.300.760 Waiver applications annual report.
- 28A.300.770 Highly capable students—Identification procedures.
- 28A.300.790 Outdoor-based activities—Instructional days.
- 28A.300.802 Advisory groups—Travel—Compensation.
- 28A.300.803 Openly licensed courseware—Identifying and developing library—Reports—Open educational resources account.
- 28A.300.805 K-3 class size reduction construction grant pilot program—Classroom counting method and funding formula—Prioritizing grant applications—Recommendations—Annual reports.
- 28A.300.807 Task force—Review of federal 2007 race and ethnicity reporting guidelines—Development of state guidelines.
- 28A.300.810 Innovative learning pilot program.
- 28A.300.815 Financial aid advising day.
- 28A.300.820 Elementary and secondary school emergency relief III account.
- 28A.300.825 Secondary traumatic stress—Resources.
- 28A.300.830 Funding, services, and outcomes for children and youth who are neglected, delinquent, or at risk—Report.
- 28A.300.840 Media literacy and digital citizenship—Grant program.
- 28A.300.845 Media literacy and digital citizenship—Regional conferences.
- 28A.300.900 Registered preapprenticeship and youth apprenticeship recommendations.

Corporal punishment prohibited—Adoption of policy: RCW 28A.150.300.

Driving instructor's licensing, adoption by superintendent of rules: RCW 46.82.320.

Interagency agreement on fetal alcohol exposure programs: RCW 71.24.610.

Mental health first aid training for teachers and educational staff: RCW 43.20A.765.

Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students: RCW 28A.320.1271.

Occupational forecast—Agency consultation: RCW 50.38.030.

State investment board, appointment of member by superintendent: RCW 43.33A.020.

28A.300.010 Election—Term of office. A superintendent of public instruction shall be elected by the qualified electors of the state, on the first Tuesday after the first Monday in November of the year in which state officers are elected, and shall hold his or her office for the term of four years, and until his or her successor is elected and qualified. [1990 c 33 § 250; 1969 ex.s. c 223 § 28A.03.010. Prior: 1909 c 97 p 231 § 1; RRS § 4521; prior: 1897 c 118 § 20; 1891 c 127 § 1; 1890 p 348 § 3; Code 1881 § 3154; 1873 p 419 § 1; 1861 p 55 § 1. Formerly RCW 28A.03.010, 28.03.010, 43.11.010.]

28A.300.020 Assistant superintendents, deputy superintendent, assistants—Terms for exempt personnel. The superintendent of public instruction may appoint assistant superintendents of public instruction, a deputy superintendent of public instruction, and may employ such other assistants and clerical help as are necessary to carry out the duties of the superintendent and the state board of education. However, the superintendent shall employ without undue delay the executive director of the state board of education and other state board of education office assistants and clerical help, appointed by the state board under RCW 28A.305.130, whose positions are allotted and funded in accordance with moneys appropriated exclusively for the operation of the state board of education. The rate of compensation and termination of any such executive director, state board office assistants, and clerical help shall be subject to the prior consent of the state board of education. The assistant superintendents, deputy superintendent, and such other officers and employees as are exempted from the provisions of chapter 41.06 RCW, shall serve at the pleasure of the superintendent or at the pleasure of the superintendent and the state board of education as provided in this section. Expenditures by the superintendent of public instruction for direct and indirect support of the state board of education are valid operational expenditures by and in behalf of the office of the superintendent of public instruction. [2005 c 497 § 403; 1996 c 25 § 2; 1969 ex.s. c 223 § 28A.03.020. Prior: 1967 c 158 § 3; 1909 c 97 p 234 § 4; RRS § 4524; prior: 1905 c 56 § 1; 1903 c 104 § 10; 1897 c 118 § 23; 1890 p 351 § 5. Formerly RCW 28A.03.020, 28.03.020, 43.11.020.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.300.030 Assistance of educational service district boards and superintendents—Scope. The superintendent of public instruction, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the superintendent of public instruction by law or by the Constitution of the state of Washington, upon such terms and conditions as the superintendent of public instruction shall establish. Such authority to assist the superintendent of public instruction shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness

of submitted information. [1975 1st ex.s. c 275 § 46; 1971 ex.s. c 282 § 29. Formerly RCW 28A.03.028.]

Additional notes found at www.leg.wa.gov

28A.300.035 Assistance of certificated or classified employee—Reimbursement for substitute. If the superintendent of public instruction, the Washington professional educator standards board, or the state board of education, in carrying out their powers and duties under Title 28A RCW, request the service of any certificated or classified employee of a school district upon any committee formed for the purpose of furthering education within the state, or within any school district therein, and such service would result in a need for a school district to employ a substitute for such certificated or classified employee during such service, payment for such a substitute may be made by the superintendent of public instruction from funds appropriated by the legislature for the current use of the common schools and such payments shall be construed as amounts needed for state support to the common schools under RCW 28A.150.380. If such substitute is paid by the superintendent of public instruction, no deduction shall be made from the salary of the certificated or classified employee. In no event shall a school district deduct from the salary of a certificated or classified employee serving on such committee more than the amount paid the substitute employed by the district. [2017 c 17 § 1; 1994 c 113 § 1; 1990 c 33 § 147; 1973 1st ex.s. c 3 § 1. Formerly RCW 28A.160.220, 28A.41.180.]

28A.300.039 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 19.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.300.040 Powers and duties. In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

- (1) To have supervision over all matters pertaining to the public schools of the state;
- (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;
- (3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;
- (4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;
- (5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and which shall be sold at approximate actual cost of publication and distribution per

(2021 Ed.)

volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law. [2011 1st sp.s. c 43 § 302; 2009 c 556 § 10; 2006 c 263 § 104; 2005 c 360 § 6; 1999 c 348 § 6; 1992 c 198 § 6; 1991 c 116 § 2; 1990 c 33 § 251; 1982 c 160 § 2; 1981 c 249 § 1; 1977 c 75 § 17; 1975 1st ex.s. c 275 § 47; 1971 ex.s. c 100 § 1; 1969 ex.s. c 176 § 102; 1969 ex.s. c 223 § 28A.03.030. Prior: 1967 c 158 § 4; 1909 c 97 p 231 § 3; RRS § 4523; prior: 1907 c 240 § 1; 1903 c 104 § 9; 1901 c 177 § 5; 1901 c 41 §

1; 1899 c 142 § 4; 1897 c 118 § 22; 1891 c 127 §§ 1, 2; 1890 pp 348-351 §§ 3, 4; Code 1881 §§ 3155-3160; 1873 p 419 §§ 2-6; 1861 p 55 §§ 2, 3, 4. Formerly RCW 28A.03.030, 28.03.030, 43.11.030.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Intent—2005 c 360: See note following RCW 36.70A.070.

Intent—1999 c 348: See note following RCW 28A.205.010.

Additional notes found at www.leg.wa.gov

28A.300.0401 School district fiscal notes. (1) The office of the superintendent of public instruction shall, where it is practicable to do so within available resources, prepare school district fiscal notes on proposed legislation that increases or decreases, or tends to increase or decrease, school district revenues or expenditures in a manner that uniquely affects school districts. Proposed legislation that uniquely affects school districts includes, but is not limited to, legislation that affects school districts' responsibilities as providers of educational services under this title, as employers under chapter 41.59 RCW, or as excess levy taxing authorities under RCW 84.52.053 and 84.52.0531, but excludes proposed legislation that affects school districts only in the same manner that it affects other units of local government.

(2) Where practicable, the school district fiscal note shall show the fiscal impact of the proposed legislation on each school district. Where it is not practicable to do so, the school district fiscal note shall show the effect of the legislation on a range of representative school districts. The fiscal note must set forth any assumptions that were used in selecting the representative districts, along with any other assumptions made about the fiscal impact.

(3) School district fiscal notes prepared under this section are subject to coordination by the office of financial management under RCW 43.88A.020 and are otherwise subject to the requirements and procedures of chapter 43.88A RCW. [2011 c 140 § 3.]

28A.300.041 Statewide student assessment system—Redesign—Reports to the legislature. (1) The legislature finds that a statewide student assessment system should improve and inform classroom instruction, support accountability, and provide useful information to all levels of the educational system, including students, parents, teachers, schools, school districts, and the state. The legislature intends to redesign the current statewide system, in accordance with the recommendations of the Washington assessment of student learning legislative work group, to:

(a) Include multiple assessment formats, including both formative and summative, as necessary to provide information to help improve instruction and inform accountability;

(b) Enable collection of data that allows both statewide and nationwide comparisons of student learning and achievement; and

(c) Be balanced so that the information used to make significant decisions that affect school accountability or student educational progress includes many data points and does not rely on solely the results of a single assessment.

(2) The legislature further finds that one component of the assessment system should be instructionally supportive formative assessments. The key design elements or characteristics of an instructionally supportive assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Measure student growth and competency at multiple points throughout the year in a manner that allows instructors to monitor student progress and have the necessary trend data with which to improve instruction;

(c) Provide rapid feedback;

(d) Link student growth with instructional elements in order to gauge the effectiveness of educators and curricula;

(e) Provide tests that are appropriate to the skill level of the student;

(f) Support instruction for students of all abilities, including highly capable students and students with learning disabilities;

(g) Be culturally, linguistically, and cognitively relevant, appropriate, and understandable to each student taking the assessment;

(h) Inform parents and draw parents into greater participation of the student's study plan;

(i) Provide a way to analyze the assessment results relative to characteristics of the student such as, but not limited to, English language learners, gender, ethnicity, poverty, age, and disabilities;

(j) Strive to be computer-based and adaptive; and

(k) Engage students in their learning.

(3) The legislature further finds that a second component of the assessment system should be a state-administered summative achievement assessment that can be used as a check on the educational system in order to guide state expectations for the instruction of children and satisfy legislative demands for accountability. The key design elements or characteristics of the state administered achievement assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Maintain and increase academic rigor;

(c) Measure student learning growth over years; and

(d) Strengthen curriculum.

(4) The legislature further finds that a third component of the assessment system should include classroom-based assessments, which may be formative, summative, or both. Depending on their use, classroom-based assessments should have the same design elements and characteristics described in this section for formative and summative assessments.

(5) The legislature further finds that to sustain a strong and viable assessment system, preservice and ongoing training should be provided for teachers and administrators on the effective use of different types of assessments.

(6) The legislature further finds that as the statewide data system is developed, data should be collected for all state-required statewide assessments to be used for accountability and to monitor overall student achievement.

(7) The superintendent of public instruction, in consultation with the state board of education, shall begin design and development of an overall assessment system that meets the principles and characteristics described in this section. In designing formative and summative assessments, the super-

intendent shall solicit bids for the use of computerized adaptive testing methodologies.

(8) Beginning December 1, 2009, and annually thereafter, the superintendent and state board shall jointly report to the legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments. [2009 c 310 § 1.]

28A.300.042 Collection and submittal of student-level data—Student data-related reports—Disaggregation of data by subgroups—Modification of statewide student data systems. (1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
 - (i) Bullying;
 - (ii) Tobacco;
 - (iii) Alcohol;
 - (iv) Illicit drug;

- (v) Fighting without major injury;
- (vi) Violence without major injury;
- (vii) Violence with major injury;
- (viii) Possession of a weapon; and
- (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

- (i) Short-term suspension;
- (ii) Long-term suspension;
- (iii) Emergency expulsion;
- (iv) Expulsion;
- (v) Interim alternative education settings;
- (vi) No intervention applied; and
- (vii) Other intervention applied that is not described in

this subsection (4)(h);

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and

(j) Any other categories added at a future date by the data governance group.

(5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

(c) Behavior infraction code; and

(d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office. [2016 c 72 § 501; 2013 2nd sp.s. c 18 § 307; 2009 c 468 § 4.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.300.045 Pupil tests and records—Rules. The superintendent of public instruction shall adopt rules relating to pupil tests and records. [2006 c 263 § 704.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.300.046 "Student absence from school"—Rules—Collection of attendance and discipline data. (1)(a) The superintendent of public instruction shall adopt rules establishing a standard definition of student absence from school. In adopting the definition, the superintendent shall review current practices in Washington school districts, definitions used in other states, and any national standards or

definitions used by the national center for education statistics or other national groups. The superintendent shall also consult with the building bridges work group established under *RCW 28A.175.075.

(b) Using the definition of student absence adopted under this section, the superintendent shall establish an indicator for measuring student attendance in high schools for purposes of the PASS program under RCW 28A.175.130.

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of: (i) Student attendance data using the definitions of student absence adopted under this section; and (ii) student discipline data with a focus on suspensions and expulsions from school.

(b) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

(i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and

(ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

(c) School districts must collect and submit student attendance data and student discipline data for high school students through the comprehensive education and data research system for purposes of the PASS program under RCW 28A.175.130 beginning in the 2012-13 school year. [2013 2nd sp.s. c 18 § 306; 2011 c 288 § 10.]

*Reviser's note: RCW 28A.175.075 was amended by 2020 c 114 § 2, renaming the "building bridges work group" to the "graduation: a team effort partnership advisory committee."

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.300.050 Assistance to professional educator standards board for activities involving professional educator excellence. The superintendent of public instruction shall provide technical assistance to the professional educator standards board in the conduct of the activities described in RCW 28A.410.040 and 28A.410.050. [2006 c 263 § 819; 1990 c 33 § 252; 1987 c 525 § 227. Formerly RCW 28A.03.375.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Short title—1987 c 525 §§ 202-233: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.300.060 Studies and adoption of classifications for school district budgets—Publication. The superintendent of public instruction and the state auditor jointly, and in cooperation with the senate and house committees on education, shall conduct appropriate studies and adopt classifications or revised classifications under RCW 28A.505.100, defining what expenditures shall be charged to each budget class including administration. The studies and classifications shall be published in the form of a manual or revised manual, suitable for use by the governing bodies of school districts, by the superintendent of public instruction, and by the legislature. [1991 c 116 § 3; 1990 c 33 § 253; 1975-'76 2nd ex.s. c 118 § 23; 1975 1st ex.s. c 5 § 1. Formerly RCW 28A.03.350.]

[Title 28A RCW—page 144]

Additional notes found at www.leg.wa.gov

28A.300.065 Classification and numbering system of school districts. (1) The superintendent of public instruction is responsible for the classification and numbering system of school districts.

(2) Any school district in the state that has a student enrollment in its public schools of two thousand pupils or more, as shown by evidence acceptable to the educational service district superintendent and the superintendent of public instruction, is a school district of the first class. Any other school district is a school district of the second class.

(3) Whenever the educational service district superintendent finds that the classification of a school district should be changed, and upon the approval of the superintendent of public instruction, the educational service district superintendent shall make an order in conformity with his or her findings and alter the records of his or her office accordingly. Thereafter, the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which the district then belongs.

(4) Notwithstanding any other provision of chapter 43, Laws of 1975, the educational service district superintendent, with the concurrence of the superintendent of public instruction, may delay approval of a change in classification of any school district for a period not exceeding three years when, in fact, the student enrollment of the district within any such time period does not exceed ten percent, either in a decrease or increase thereof. [1999 c 315 § 202.]

28A.300.070 Receipt of federal funds for school purposes—Superintendent of public instruction to administer. The state of Washington and/or any school district is hereby authorized to receive federal funds made or hereafter made available by acts of congress for the assistance of school districts in providing physical facilities and/or maintenance and operation of schools, or for any other educational purpose, according to provisions of such acts, and the state superintendent of public instruction shall represent the state in the receipt and administration of such funds. [1969 ex.s. c 223 § 28A.02.100. Prior: 1943 c 220 § 4; Rem. Supp. 1943 § 5109-4. Formerly RCW 28A.02.100, 28.02.100.]

28A.300.080 Vocational agriculture education—Intent. The legislature recognizes that agriculture is the most basic and singularly important industry in the state, that agriculture is of central importance to the welfare and economic stability of the state, and that the maintenance of this vital industry requires a continued source of trained and qualified individuals who qualify for employment in agriculture and agribusiness. The legislature declares that it is within the best interests of the people and state of Washington that a comprehensive vocational education program in agriculture be maintained in the state's secondary school system. [1983 1st ex.s. c 34 § 1. Formerly RCW 28A.03.415.]

28A.300.090 Vocational agriculture education—Service area established—Duties. (1) A vocational agriculture education service area within the office of the superintendent of public instruction shall be established. Adequate staffing of individuals trained or experienced in the field of voca-

(2021 Ed.)

tional agriculture shall be provided for the vocational agriculture education service area for coordination of the state program and to provide assistance to local school districts for the coordination of the activities of student agricultural organizations and associations.

(2) The vocational agriculture education service area shall:

(a) Assess needs in vocational agriculture education, assist local school districts in establishing vocational agriculture programs, review local school district applications for approval of vocational agriculture programs, evaluate existing programs, plan research and studies for the improvement of curriculum materials for specialty areas of vocational agriculture. Standards and criteria developed under this subsection shall satisfy the mandates of federally-assisted vocational education;

(b) Develop in-service programs for teachers and administrators of vocational agriculture, review application for vocational agriculture teacher certification, and assist in teacher recruitment and placement in vocational agriculture programs;

(c) Serve as a liaison with the Future Farmers of America, representatives of business, industry, and appropriate public agencies, and institutions of higher education in order to disseminate information, promote improvement of vocational agriculture programs, and assist in the development of adult and continuing education programs in vocational agriculture; and

(d) Establish an advisory task force committee of agriculturists, who represent the diverse areas of the agricultural industry in Washington, which shall make annual recommendations including, but not limited to, the development of curriculum, staffing, strategies for the purpose of establishing a source of trained and qualified individuals in agriculture, and strategies for articulating the state program in vocational agriculture education, including youth leadership throughout the state school system. [1983 1st ex.s. c 34 § 2. Formerly RCW 28A.03.417.]

28A.300.100 Vocational agriculture education—Superintendent to adopt rules. The superintendent of public instruction, pursuant to chapter 34.05 RCW, shall adopt such rules as are necessary to carry out the provisions of RCW 28A.300.090. [1990 c 33 § 254; 1983 1st ex.s. c 34 § 3. Formerly RCW 28A.03.419.]

28A.300.105 Office of Native education—Duties—Report. (1) To the extent funds are available, an Indian education division, to be known as the office of Native education, is created within the office of the superintendent of public instruction. The superintendent shall appoint an individual to be responsible for the office of Native education.

(2) To the extent state funds are available, with additional support of federal and local funds where authorized by law, the office of Native education shall:

(a) Provide assistance to school districts in meeting the educational needs of American Indian and Alaska Native students;

(b) Facilitate the development and implementation of curricula and instructional materials in native languages, cul-

(2021 Ed.)

ture and history, and the concept of tribal sovereignty pursuant to RCW 28A.320.170;

(c) Provide assistance to districts in the acquisition of funding to develop curricula and instructional materials in conjunction with native language practitioners and tribal elders;

(d) Coordinate technical assistance for public schools that serve American Indian and Alaska Native students;

(e) Seek funds to develop, in conjunction with the Washington state native American education advisory committee, and implement the following support services for the purposes of both increasing the number of American Indian and Alaska Native teachers and principals and providing continued professional development for educational assistants, teachers, and principals serving American Indian and Alaska Native students:

(i) Recruitment and retention;

(ii) Academic transition programs;

(iii) Academic financial support;

(iv) Teacher preparation;

(v) Teacher induction; and

(vi) Professional development;

(f) Facilitate the inclusion of native language programs in school districts' curricula;

(g) Work with all relevant agencies and committees to highlight the need for accurate, useful data that is appropriately disaggregated to provide a more accurate picture regarding American Indian and Alaska Native students; and

(h) Report to the governor, the legislature, and the governor's office of Indian affairs on an annual basis, beginning in December 2012, regarding the state of Indian education and the implementation of all state laws regarding Indian education, specifically noting system successes and accomplishments, deficiencies, and needs. [2011 c 270 § 2.]

Findings—2011 c 270: "The legislature finds:

(1) Leadership, technical assistance, and advocacy is important to promoting the academic success of all students, particularly including American Indian and Alaska Native students;

(2) American Indian and Alaska Native students make up two and one-half percent of the total student population in the state and twenty-five percent or more of the student population in fifty-seven schools across the state;

(3) The annual dropout rate for American Indian and Alaska Native students has hovered around ten or eleven percent over the past three school years and, while the on-time graduation rate for these students has improved between the 2006-07 and 2008-09 school years, it is still only fifty-two and seven-tenths percent; and

(4) Despite the passage of House Bill No. 1495 in 2005, with its goal of educating citizens of the state about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations, and the contribution of American Indians and Alaska Natives to the state, that goal has yet to be achieved in many schools." [2011 c 270 § 1.]

28A.300.106 Native education public-private partnership account. The Native education public-private partnership account is created in the custody of the state treasurer. The purpose of the account is to support the activities of the office of Native education within the office of the superintendent of public instruction under RCW 28A.300.105. Receipts from any appropriations made by the legislature for the purposes of RCW 28A.300.105, federal funds, gifts or grants from the private sector or foundations, and other sources must be deposited into the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account.

The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2011 c 270 § 3.]

Findings—2011 c 270: See note following RCW 28A.300.105.

28A.300.109 State-tribal education compact schools—Modifications to school requirements—Pilot project. (Expires September 1, 2023.) (1) The superintendent of public instruction shall, upon receipt of an application from a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in RCW 28A.715.800:

(a) Grant a waiver from the requirements for a one hundred eighty-day school year under RCW 28A.150.220; and

(b) Authorize the school to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5).

(2) This section expires September 1, 2023. [2018 c 290 § 2.]

Conflict with federal requirements—2018 c 290: See note following RCW 28A.715.800.

28A.300.112 Ethnic studies materials and resources.

(1) By September 1, 2021, the office of the superintendent of public instruction shall identify and make available ethnic studies materials and resources for use in grades kindergarten through twelve. The materials and resources must be designed to prepare students to be global citizens in a global society with an appreciation for the contributions of multiple cultures. The materials and resources must be posted on the office of the superintendent of public instruction's web site.

(2)(a) Public schools with students in grades seven through twelve are encouraged to offer an ethnic studies course that incorporates the materials and resources identified under subsection (1) of this section.

(b) Public schools with students in grades kindergarten through six are encouraged to incorporate the materials and resources identified under subsection (1) of this section. [2020 c 59 § 2; 2019 c 279 § 3.]

Intent—2019 c 279: "The legislature intends that nothing in this act supersedes the use of the Since Time Immemorial: Tribal sovereignty in Washington state curriculum, developed as required under RCW 28A.320.170(1)(b)." [2019 c 279 § 5.]

Intent—2019 c 279: See note following RCW 28A.655.300.

28A.300.115 Holocaust instruction—Preparation and availability of instructional materials. (1) Every public middle school, junior high school, and high school is strongly encouraged to include in its curriculum instruction on the events of the period in modern world history known as the Holocaust, the systemic, German state-sponsored persecution and murder of Jews and other innocent victims by the Nazi regime and its collaborators between the years 1933 and 1945. The instruction may also include other examples of genocide and crimes against humanity. The studying of this material is intended to: Examine the ramifications of prejudice, racism, and intolerance; prepare students to be responsible citizens in a pluralistic democracy; and be a reaffirmation of the commitment of free peoples never again to permit such occurrences.

(2) The office of the superintendent of public instruction, in collaboration with an expert Washington nonprofit organization that teaches the lessons of the Holocaust, must:

(a) Develop best practices and guidelines for high quality instruction under this section; and

(b) Encourage and support middle school, junior high school, and high school teachers in implementing these best practices and guidelines.

(3) Beginning September 1, 2020, middle schools, junior high schools, and high schools that offer instruction as described in subsection (1) of this section must follow the best practices and guidelines developed under subsection (2) of this section.

(4) The office of the superintendent of public instruction must electronically publish the best practices and guidelines developed under this section on an annual basis. [2019 c 85 § 1; 1992 c 24 § 1.]

28A.300.116 Holocaust instruction—Teacher training. Subject to the availability of amounts appropriated for this specific purpose, and in order to broaden the reach of the instruction to public school students, the office of the superintendent of public instruction must work with an expert Washington nonprofit organization that teaches the lessons of the Holocaust, to support and train Washington middle school, junior high school, and high school teachers who teach in subjects relevant to the topic, in instructing the lessons of the Holocaust and other acts of genocide using the best practices and guidelines for the high quality instruction developed under RCW 28A.300.115. [2019 c 85 § 2.]

28A.300.118 College credit program information—Notification to schools and parents. (1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities. [2000 c 126 § 1.]

28A.300.119 Online learning programs for college credit—Information. (1) The office of the superintendent

of public instruction shall compile information about online learning programs for high school students to earn college credit and place the information on its web site. Examples of information to be compiled and placed on the web site include links to purveyors of online learning programs, comparisons among various types of programs regarding costs or awarding of credit, advantages and disadvantages of online learning programs, and other general assistance and guidance for students, teachers, and counselors in selecting and considering online learning programs. The office shall use the expertise of the digital learning commons and WashingtonOnline to provide assistance and suggest resources.

(2) High schools shall ensure that teachers and counselors have information about online learning programs for high school students to earn college credit and are able to assist parents and students in accessing the information. High schools shall ensure that parents and students have opportunities to learn about online learning programs under this section.

(3) For the purposes of this section, online learning programs for high school students to earn college credit include such programs as the running start program under RCW 28A.600.300 through 28A.600.400, advanced placement courses authorized by the college board, the digital learning commons, University of Washington extension, WashingtonOnline, and other programs and providers that meet qualifications under current laws and rules to offer courses that high schools may accept for credit toward graduation requirements or that offer courses generally accepted for credit by public institutions of higher education in Washington. [2008 c 95 § 2.]

Finding—2008 c 95: "The legislature finds that student interest and participation in online learning continues to grow. At the same time, the legislature, business community, and public are encouraging additional programs for high school students to earn college credits. Fortunately for students attending schools in rural areas, the two trends can be combined to provide learning opportunities that are both rigorous and accessible, and in some cases available free to the student. In 2006-07, more than four thousand five hundred students were able to take an online college course through the running start program, which the community and technical college system makes accessible statewide through its WashingtonOnline consortium. A more concerted effort is needed to make schools and students aware of these opportunities." [2008 c 95 § 1.]

28A.300.120 Administrative hearing—Contract to conduct authorized—Final decision. Whenever a statute or rule provides for a formal administrative hearing before the superintendent of public instruction under chapter 34.05 RCW, the superintendent of public instruction may contract with the office of administrative hearings to conduct the hearing under chapter 34.12 RCW and may delegate to a designee of the superintendent of public instruction the authority to render the final decision. [1985 c 225 § 1. Formerly RCW 28A.03.500.]

28A.300.130 Center for the improvement of student learning. Provisions in subsections (1) through (5) of this section are subject to the availability of amounts appropriated for these specific purposes.

(1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction shall establish the center for the improvement of student learning. The center shall work in conjunc-

tion with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Periodically review the efficacy of programs and practices designed to meet the needs of students who are not meeting academic standards as defined in RCW 28A.165.015, starting with the best practices and strategies included on the state menus developed under RCW 28A.165.035, as repealed by chapter 111, Laws of 2021, and RCW 28A.655.235, and the services and activities listed in RCW 28A.165.035, as repealed by chapter 111, Laws of 2021;

(d) Develop and maintain an internet website to increase the availability of information, research, and other materials;

(e) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

(f) Provide training and consultation services, including conducting regional summer institutes;

(g) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(h) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, email, phone, and postal mail;

(i) By December 1, 2026, and by December 1st annually thereafter: (i) Review the learning assistance program information submitted as required by RCW 28A.165.100; and (ii) report to the appropriate committees of the legislature with a summary of the innovations made by school districts to

reduce barriers to the academic achievement of students participating in the learning assistance program; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for the improvement of student learning, how the services provided by the center for the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system. [2021 c 111 § 9; 2016 c 72 § 804; 2009 c 578 § 6; 2008 c 165 § 1; 2006 c 116 § 2; 1999 c 388 § 401; 1996 c 273 § 5; 1993 c 336 § 501; 1986 c 180 § 1. Formerly RCW 28A.03.510.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Findings—Intent—2006 c 116: "The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community involvement in education and increased knowledge of and input regarding the delivery of public education. The legislature further finds that increased community involvement with, knowledge of, and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman [ombuds] to increase parent, guardian, and community involvement in public education and to serve as a resource for parents and students and as an advocate for students in the public education system." [2006 c 116 § 1.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Definitions: RCW 28A.655.010.

Additional notes found at www.leg.wa.gov

28A.300.131 Parental involvement—Measures to evaluate level—Models and practices—Recognition. There is a sizeable body of research positively supporting the involvement of parents taking an engaged and active role in their child's education. Therefore, the legislature intends to

provide state recognition by the center for the improvement of student learning within the office of the superintendent of public instruction for schools that increase the level of direct parental involvement with their child's education. By September 1, 2010, the center for the improvement of student learning shall determine measures that can be used to evaluate the level of parental involvement in a school. The center for the improvement of student learning shall collaborate with school district family and community outreach programs and educational service districts to identify and highlight successful models and practices of parent involvement. [2010 c 235 § 704.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.300.135 Center for the improvement of student learning account. (1) The center for the improvement of student learning account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from gifts, grants, or endowments for the center for the improvement of student learning. Moneys in the account may be spent only for activities of the center. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the center for the improvement of student learning and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments. [1993 c 336 § 502.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.300.136 Educational opportunity gap oversight and accountability committee—Policy and strategy recommendations. (1) An educational opportunity gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The educational opportunity gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombuds;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction;

(e) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and

(f) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

(5) The governor and the tribes are encouraged to designate members who have experience working in and with schools.

(6) The committee may convene ad hoc working groups to obtain additional input and participation from community members. Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(7) The chair or cochairs of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) The superintendent of public instruction, the state board of education, and the professional educator standards board shall work collaboratively with the educational opportunity gap oversight and accountability committee to close the achievement gap. [2016 c 162 § 3; 2013 c 23 § 49; 2011 1st sp.s. c 21 § 33; 2010 c 235 § 901; 2009 c 468 § 2.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Intent—2009 c 468: "(1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary

(2021 Ed.)

sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap and to affirm the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) The legislature further finds that access to comprehensive and consistent data that is disaggregated in the smallest units allowable by law is important in closing the achievement gap. Policymakers and educators need as much information as possible not only about students' academic progress, but also about other factors across multiple disciplines that affect student performance.

(3) A consistent and powerful theme throughout the achievement gap studies was the need for cultural competency in instruction, curriculum, assessment, and professional development. Cultural competency forms a foundation for efforts to address the achievement gap, and more work is needed to embed it into the public school system.

(4) Therefore, following the priority recommendations from the achievement gap studies, the legislature intends to:

(a) Provide resources to support parent and community involvement and outreach efforts by public schools, including such items as additional notices and communication to parents, translations, translators, parent and community meetings, and school events within the community. The legislature encourages school districts to consult with the office of the education ombudsman [ombuds] in developing plans for parent and community involvement and outreach;

(b) Require that teachers demonstrate cultural competency in the classroom and with students at each level of state teacher certification, and provide additional opportunities for professional development in cultural competency for current teachers;

(c) Create local alternative routes to teacher certification for paraeducators and individuals in the communities surrounding schools and school districts that are struggling to address the achievement gap;

(d) Reexamine the study recommendations regarding data and accountability and identify ways for the education data system to address these needs; and

(e) Sustain efforts to close the achievement gap over the long term by creating a high profile achievement gap oversight and accountability committee that will provide ongoing advice to education agencies and report annually to the legislature and the governor." [2009 c 468 § 1.]

28A.300.1361 Closing the achievement gap—Enhancing data collection and data system capacity—Securing federal funds. The superintendent of public instruction shall take all actions necessary to secure federal funds to support enhancing data collection and data system capacity in order to monitor progress in closing the achievement gap and to support other innovations and model programs that align education reform and address disproportionality in the public school system. [2009 c 468 § 7.]

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.300.137 Strategies to address the achievement gap—Improvement of education performance measures—Annual report. Beginning in January 2010, the *achievement gap oversight and accountability committee shall report annually to the superintendent of public instruction, the state board of education, the professional educator standards board, the governor, and the education committees of the legislature on the strategies to address the achievement gap and on the progress in improvement of education performance measures for African American, Hispanic, American Indian/Alaskan Native, Asian, and Pacific Islander/Hawaiian Native students. [2009 c 468 § 3; 2008 c 298 § 3.]

***Reviser's note:** The "achievement gap oversight and accountability committee" was renamed the "educational opportunity gap oversight and accountability committee" by 2011 1st sp.s. c 21 § 33.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

Findings—Intent—2008 c 298: "(1) The legislature finds that of all the challenges confronting the African American community, perhaps none is more critical to the future than the education of African American children. The data regarding inequities, disproportionality, and gaps in achievement is alarming no matter which indicators are used:

(a) The gap in reading test scores between African American and white students on the tenth grade Washington assessment of student learning is twenty percentage points, with only two-thirds of African American students able to meet the upcoming graduation standard in reading on the first attempt compared to eighty-five percent of white students. African American students are lagging behind other student groups in reading improvement.

(b) African American students continue to score lowest among student groups in high school mathematics, with only twenty-three percent able to meet state standard on the first attempt, a thirty-three percentage point lag behind white students who have a fifty-six percent met-standard rate.

(c) One-fourth of African American students who enter ninth grade will have dropped out of school by the time their peers graduate in twelfth grade. This measure does not account for the children who, facing significant educational challenges and barriers, have already grown disparaged before the end of middle or junior high school.

(2) The legislature further finds that although there are multiple initiatives broadly intended to improve student achievement, including a small number of initiatives to address the achievement gap for disadvantaged students generally, there are only a select few efforts targeted to the challenges of African American students or designed specifically to engage parents and leaders in the African American community. The efficacy of general supplemental programs in helping African American students is unknown. A thoughtful, comprehensive, and inclusive strategy for African American students has not been created.

(3) Therefore, the legislature intends to commission and then implement a clear, concise, and intentional plan of action, with specific strategies and performance benchmarks, to ensure that African American students meet or exceed all academic standards and are prepared for a quality life and responsible citizenship in the twenty-first century." [2008 c 298 § 1.]

28A.300.139 Washington integrated student supports protocol. (1) The Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A system-level needs assessment with resource mapping must be conducted in order to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community. A student-level needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must establish clear, cooperative policies and procedures with community-based and other out-of-school providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide academic, nonacademic, and social-emotional supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists. [2021 c 111 § 4; 2016 c 72 § 801.]

Finding—Intent—2021 c 111: "(1) The legislature acknowledges that the learning assistance program was developed to provide supplemental instruction and services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support students participating in the program. Over time, the legislature restricted, and established priorities for, the use of learning assistance program funds. The legislature finds that it is time to restore flexibility to the use of learning assistance program funds; however, local control must be balanced with accountability for improvement in the academic achievement of students participating in the program.

(2)(a) The legislature expects that the learning assistance program will continue to be used to fund supplemental instruction and service to eligible students who are not meeting academic standards.

(b) However, the legislature intends to immediately remove restrictions on the use of learning assistance program funds so that school districts can flexibly use these funds to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic. Removal of the restrictions does not mean that learning assistance programs cannot continue to use the best practices and strategies included on the state menus or the services and activities listed in RCW 28A.165.035, as repealed by this act.

(3)(a) Beginning September 1, 2025, or following the end of the state of emergency declared by the governor due to COVID-19, whichever is later, the legislature intends to continue the flexible use of learning assistance program funds but require that budgeting and expenditure of these funds occur through the framework of the Washington integrated student supports protocol, established by the legislature in 2016.

(b) To ease the transition, the legislature recommends that school district boards of directors begin budgeting and expending learning assistance program funds using the Washington integrated student supports protocol as soon as possible.

(c) Under the protocol, before engaging in the process of budgeting and expanding learning assistance program funds, the legislature expects school district boards of directors to perform needs assessments and use data to map the resources of the school district, each school, and the community. School boards are expected to identify gaps in the coordination and integration of academic and nonacademic supports and to engage community partners in strategic planning that prioritizes the needs of students. Each school in the district is also expected to use needs assessments and data to determine how to best engage community partners to address the academic and nonacademic needs of its students in an integrated and coordinated manner. Finally, the legislature expects that schools and school districts will use data in an iterative process to drive decisions about how learning assistance program funds continue to be used, and to determine whether decisions about the use of program funds resulted in improvement in students' academic achievement." [2021 c 111 § 1.]

Effective date—2021 c 111: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 21, 2021]." [2021 c 111 § 17.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.300.145 Educational materials regarding sex offenses, sex offenders, and victims of sexual assault (as amended by 2013 c 10). The Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, the Washington state school directors' association, the association of Washington school principals, the center for children and youth justice, youthcare, the committee for children, the *department of early learning, the department of social and health services, the office of crime victims advocacy, other relevant organizations, and the office of the superintendent of public instruction, shall ~~((develop))~~ by June 1, 2014, update existing educational materials ((to be)) made available throughout the state to inform parents and other interested community members about:

(1) The laws related to sex offenses, including registration, community notification~~((+))~~, and the classification of sex offenders based on an assessment of the risk of reoffending;

(2) How to recognize behaviors characteristic of sex offenses and sex offenders;

(3) How to prevent victimization, particularly that of young children;

(4) How to take advantage of community resources for victims of sexual assault; ~~((and))~~

(5) How to prevent children from being recruited into sex trafficking; and

(6) Other information as deemed appropriate. [2013 c 10 § 3; 2006 c 135 § 2.]

***Reviser's note:** The department of early learning was abolished and its powers, duties, and functions were transferred to the department of children, youth, and families by 2017 3rd sp.s. c 6 § 802, effective July 1, 2018.

Finding—2013 c 10: See note following RCW 28A.410.035.

28A.300.145 Educational materials regarding sex offenses, sex offenders, and victims of sexual assault (as amended by 2013 c 85). (1) The Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the office of the superintendent of public instruction, shall develop educational materials to be made available throughout the state to inform parents, students, school districts, and other interested community members about:

~~((+))~~ (a) The laws related to sex offenses, including the legal elements of sexual [sex] offenses under chapter 9A.44 RCW where a minor is a victim, the consequences upon conviction, and sex offender registration, community notification((+)), and the classification of sex offenders based on an assessment of the risk of reoffending;

~~((2))~~ (b) How to recognize behaviors characteristic of sex offenses and sex offenders;

~~((3))~~ (c) How to prevent victimization, particularly that of young children;

~~((4))~~ (d) How to take advantage of community resources for victims of sexual assault; and

~~((5))~~ (e) Other information as deemed appropriate.

(2) By September 1, 2014, and biennially thereafter, the Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the office of the superintendent of public instruction,

(2021 Ed.)

shall review and update the educational materials developed under subsection (1) of this section to assure that they remain current and accurate, and are age-appropriate for a variety of ages.

(3) Every public school that offers sexual health education must assure that sexual health education complies with existing requirements in the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the superintendent of public instruction. Specifically, sexual health education must attempt to achieve the objective "take responsibility for and understand the consequences of their own behavior" and the objective "avoid exploitive or manipulative relationships." To do this, sexual health education programs should include age-appropriate information about the legal elements of sexual [sex] offenses under chapter 9A.44 RCW where a minor is a victim and the consequences upon conviction, as well as the other information required to be included in informational materials prepared pursuant to subsection (1) of this section. Public schools that offer sexual health education are encouraged to incorporate the materials developed under subsection (1) of this section into the curriculum. [2013 c 85 § 1; 2006 c 135 § 2.]

Reviser's note: RCW 28A.300.145 was amended twice during the 2013 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

28A.300.147 Students required to register as sex or kidnapping offenders—Sample policy—Educational materials. The superintendent of public instruction shall publish on its web site, with a link to the safety center web page:

(1) A revised and updated sample policy for schools to follow regarding students required to register as sex or kidnapping offenders; and

(2) Educational materials developed pursuant to RCW 28A.300.145. [2015 c 261 § 13; 2011 c 338 § 6.]

28A.300.150 Information on and curricula for the prevention of sexual abuse of students, child abuse, and neglect—Rules. (1) The superintendent of public instruction shall collect and disseminate to school districts information on and curricula for the coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect established in RCW 28A.300.160. The superintendent shall also adopt rules addressing the prevention of sexual abuse of students in kindergarten through twelfth grade and child abuse for purposes of curricula used in public schools.

(2) Effective July 1, 2018, the superintendent of public instruction and the department of children, youth, and families shall share relevant information in furtherance of this section.

(3) Subject to the availability of amounts appropriated for this specific purpose, on or before June 30, 2019, the superintendent of public instruction must review any existing curricula related to the prevention of sexual abuse of students in kindergarten through twelfth grade. The review required by this subsection must evaluate the curricula for alignment with the provisions of RCW 28A.300.160(2). [2018 c 64 § 2; 2006 c 263 § 705; 1994 c 245 § 8; 1987 c 489 § 2. Formerly RCW 28A.03.512.]

Findings—Intent—2018 c 64: See note following RCW 28A.300.160.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1987 c 489: "It is the intent of the legislature to make child abuse and neglect primary prevention education and training available to children, including preschool age children, parents, school employees, and licensed day care providers." [1987 c 489 § 1.]

28A.300.160 Coordinated program for the prevention of sexual abuse of students, child abuse, and neglect.

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall be the lead agency and shall assist the department of children, youth, and families and school districts in establishing a coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect.

(b) The office of the superintendent of public instruction must, for any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade, seek advice and comments regarding the curriculum from:

- (i) The Washington association of sheriffs and police chiefs;
- (ii) The Washington association of prosecuting attorneys;
- (iii) The Washington state school directors' association;
- (iv) The association of Washington school principals;
- (v) The center for children and youth justice;
- (vi) Youthcare;
- (vii) The committee for children;
- (viii) The office of crime victim advocacy in the department of commerce; and
- (ix) Other relevant organizations.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

- (i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;
- (ii) Culturally and linguistically appropriate to the population served;
- (iii) Appropriate to the geographic area served; and
- (iv) Designed to help counteract common stereotypes about the sexual abuse of students in kindergarten through twelfth grade, child abuse victims, and offenders;

(b) Training for school-age children's parents and school staff, which includes:

- (i) Physical and behavioral indicators of abuse;
 - (ii) Crisis counseling techniques;
 - (iii) Community resources;
 - (iv) Rights and responsibilities regarding reporting;
 - (v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and
 - (vi) Caring for a child's needs after a report is made;
- (c) Training for licensed day care providers and parents that includes:

- (i) Positive child guidance techniques;
 - (ii) Physical and behavioral indicators of abuse;
 - (iii) Recognizing and providing safe, quality day care;
 - (iv) Community resources;
 - (v) Rights and responsibilities regarding reporting; and
 - (vi) Caring for the abused or neglected child;
- (d) Training for children that includes:
- (i) The right of every child to live free of abuse;
 - (ii) How to disclose incidents of abuse and neglect;
 - (iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The coordinated prevention program established under this section is a voluntary program and is not part of the state's program of basic education.

(4) Parents shall be given notice of the coordinated prevention program and may refuse to have their children participate in the program. [2018 c 64 § 3; 1995 c 399 § 21; 1987 c 489 § 3. Formerly RCW 28A.03.514.]

Findings—Intent—2018 c 64: "(1) The legislature recognizes that every child should experience emotional and physical development that is free from abuse and neglect. In 2015, Washington child protective services received reports screened in for investigation that alleged the sexual abuse or sexual exploitation, or both, of two thousand six hundred three children. Further, the legislature finds that most sexual assaults are unreported. The legislature also finds that a clear relationship exists between youth victimization and mental health problems and delinquent behavior.

(2) The legislature finds that thirty-one states have enacted Erin's laws. Erin's laws, named in honor of a childhood sexual assault survivor, are intended to help children, teachers, and parents identify sexual abuse, and to provide assistance, referral, or resource information for children and families who are victims of child sexual abuse. The legislation adopted in these states requires the study or development of age-appropriate child sexual abuse identification and prevention.

(3) The legislature finds that the federal every student succeeds act, P.L. 114-95, as signed into law by President Barack Obama on December 10, 2015, provides federal funding that can be used for the implementation of programs established in accordance with Erin's laws.

(4) The legislature, therefore, intends to incorporate curriculum for the prevention of sexual abuse of students in kindergarten through twelfth grade, such as Erin's law, into an existing statewide coordinated program for the prevention of child abuse and neglect." [2018 c 64 § 1.]

Intent—1987 c 489: See note following RCW 28A.300.150.

28A.300.164 Energy information program. The office of the superintendent of public instruction shall develop an energy information program for use in local school districts. The program shall utilize existing curriculum which may include curriculum as developed by districts or the state relating to the requirement under RCW 28A.230.020 that schools provide instruction in science with special reference to the environment, and shall include but not be limited to the following elements:

- (1) The fundamental role energy plays in the national and regional economy;
- (2) Descriptions and explanations of the various sources of energy which are used both regionally and nationally;
- (3) Descriptions and explanations of the ways to use various energy sources more efficiently; and
- (4) Advantages and disadvantages to the various sources of present and future supplies of energy.

Under this section the office of superintendent of public instruction shall emphasize providing teacher training, promoting the use of local energy experts in the classroom, and dissemination of energy education curriculum. [1990 c 301 § 2.]

Findings—1990 c 301: "The legislature finds that the state is facing an impending energy supply crisis. The legislature further finds that keeping the importance of energy in the minds of state residents is essential as a means to help avert a future energy supply crisis and that citizens need to be aware of the importance and trade-offs associated with energy efficiency, the implications of wasteful uses of energy, and the need for long-term stable supplies

of energy. One efficient and effective method of informing the state's citizens on energy issues is to begin in the school system, where information may guide energy use decisions for decades into the future." [1990 c 301 § 1.]

28A.300.165 National guard high school career training and national guard youth challenge program—

Rules. (1) In addition to any other powers and duties as provided by law, the superintendent of public instruction, in consultation with the military department, shall adopt rules governing and authorizing the acceptance of national guard high school career training and the national guard youth challenge program in lieu of either required high school credits or elective high school credits.

(2) With the exception of students enrolled in the national guard youth challenge program, students enrolled in such national guard programs shall be considered enrolled in the common school last attended preceding enrollment in such national guard program.

(3) The superintendent shall adopt rules to ensure that students who successfully complete the national guard youth challenge program are granted an appropriate number of high school credits, based on the students' levels of academic proficiency as measured by the program. [2006 c 263 § 406; 2002 c 291 § 3; 1975 1st ex.s. c 262 § 1. Formerly RCW 28A.305.170, 28A.04.133.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.300.170 State general fund—Estimates for state support to public schools, from. At such time as the governor shall determine under the provisions of chapter 43.88 RCW, the superintendent of public instruction shall submit such detailed estimates and other information to the governor and in such form as the governor shall determine of the total estimated amount required for appropriation from the state general fund for state support to public schools during the ensuing biennium. [1980 c 6 § 2; 1969 ex.s. c 223 § 28A.41.040. Prior: 1945 c 141 § 11; Rem. Supp. 1945 § 4940-9. Formerly RCW 28A.41.040, 28.41.040.]

Additional notes found at www.leg.wa.gov

28A.300.172 Prototypical funding allocation model—Determination of educational system's capacity to accommodate increased resources—Identification of limitations—Reports. (1) As part of the estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170, the superintendent of public instruction shall biennially make determinations on the educational system's capacity to accommodate increased resources in relation to the elements in the prototypical funding allocation model. In areas where there are specific and significant capacity limitations to providing enhancements to a recommended element, the superintendent of public instruction shall identify those limitations and make recommendations on how to address the issue.

(2) The legislature shall:

(a) Review the recommendations of the superintendent of public instruction submitted under subsection (1) of this section; and

(b) Use the information as it continues to review, evaluate, and revise the definition and funding of basic education

(2021 Ed.)

in a manner that serves the educational needs of the citizens of Washington; continues to fulfill the state's obligation under Article IX of the state Constitution and ensures that no enhancements are imposed on the educational system that cannot be accommodated by the existing system capacity.

(3) "System capacity" for purposes of this section includes, but is not limited to, the ability of schools and districts to provide the capital facilities necessary to support a particular instructional program, the staffing levels necessary to support an instructional program both in terms of actual numbers of staff as well as the experience level and types of staff available to fill positions, the higher education systems capacity to prepare the next generation of educators, and the availability of data and a data system capable of helping the state allocate its resources in a manner consistent with evidence-based practices that are shown to improve student learning.

(4) The office of the superintendent of public instruction shall report to the legislature on a biennial basis beginning December 1, 2010. [2009 c 548 § 113.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.300.173 Prototypical funding model—District allocation of state resources—Public access on internet-based portal. The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building. [2010 c 236 § 12.]

28A.300.175 Recovery of payments to recipients of state money—Basis—Resolution of audit findings—Rules. The superintendent of public instruction shall withhold or recover state payments to school districts, educational service districts, and other recipients of state money based on findings of the Washington state auditor. When an audit questions enrollment, staffing, or other data reported to the state and used in state apportionment calculations, the superintendent of public instruction may require submission of revised data, or as an alternative may adjust data based on estimates, and shall revise apportionment calculations and payments accordingly. The superintendent of public instruction shall adopt rules setting forth policies and procedures for the resolution of monetary and nonmonetary audit findings involving state money. [1997 c 167 § 1.]

28A.300.185 Family preservation education program. The office of the superintendent of public instruction shall develop a family preservation education program model curriculum that is available to each of the school district

boards of directors. The model curriculum shall be posted on the superintendent of public instruction's web site. The model curriculum shall include, but is not limited to, instruction on developing conflict management skills, communication skills, domestic violence and dating violence, financial responsibility, and parenting responsibility. [2005 c 491 § 3.]

Finding—2005 c 491: "The legislature finds that effective relationship skills are used in parenting, the workplace, schools, neighborhoods, and other relationships. The state has a compelling interest in encouraging its citizens in developing the parenting and communication skills vital for successful and fulfilling family relationships." [2005 c 491 § 1.]

28A.300.190 Coordination of video telecommunications programming in schools. The office of the superintendent of public instruction shall provide statewide coordination of video telecommunications programming for the common schools. [1990 c 208 § 8.]

28A.300.195 Work-integrated learning matching grant program. (1)(a) The office of the superintendent of public instruction may contract with a statewide nonprofit organization with expertise in promoting and supporting work-integrated learning from early learning through post-secondary education to establish a matching grant program to fund projects implemented by local applicant schools identified in RCW 28A.630.135.

(b) The matching grant program shall include the following minimum requirements for local applicant schools:

(i) Measurable and accountable focus on low-income youth, homeless youth, and youth of color;

(ii) Accountability for increasing registered youth apprenticeships, internships, mentors, career planning, and other work-integrated learning experiences;

(iii) Regional coordinators or liaisons to facilitate links between schools, higher education institutions, business, labor, and the community in developing internships and other work-integrated learning experiences; and

(iv) Systemwide support for work-integrated learning experiences, including but not limited to career awareness, career explorations, career counseling, and career preparation and training.

(2)(a) Grant funds awarded in accordance with this section may be expended only to the extent that they are equally matched by private sector cash contributions for the program. Grantees must provide reports to the work-integrated learning advisory committee in accordance with RCW 28A.300.196.

(b) By November 15, 2020, and yearly thereafter, the office of the superintendent of public instruction must provide an evaluation to the governor and the education and economic development committees of the house of representatives and the senate. [2018 c 206 § 2.]

28A.300.196 Work-integrated learning advisory committee. (Expires September 1, 2022.) (1) The superintendent of public instruction, in consultation with the employment security department and the workforce training and education coordinating board, shall convene a work-integrated learning advisory committee to provide advice to the legislature and the education and workforce sectors on creating opportunities for students to: Explore and understand a wide range of career-related opportunities through applied

learning; engage with industry mentors; and plan for career and college success.

(2) The committee shall:

(a) Assist the office of the superintendent of public instruction in the development of an application process and the selection of local applicant schools to participate in the initiative established in RCW 28A.630.135;

(b) Advise the superintendent of public instruction on the development and implementation of work-integrated learning instructional programs;

(c) Review the instructional programs of projects funded through the career connect Washington program with grant moneys from the federal workforce innovation and opportunity act, P.L. 113-128, related to work-integrated learning, a type of learning that is also referred to as "career connected learning," and of local applicant schools selected to develop and implement work-integrated learning project programs under RCW 28A.630.135. The purpose of the review required by this subsection (2)(c) is to determine:

(i) The impact on in-school progress, high school graduation rates, state test scores, indicators of career and college readiness, employment outcomes, and community partnerships. In accordance with this subsection (2)(c), and to the maximum extent practicable, the review must consider both overall impacts and reductions or other changes in opportunity gaps;

(ii) Best practices for partnering with industry and the local community to create opportunities for applied learning through internships, externships, registered youth apprenticeships, and mentorships; and

(iii) Best practices for linking high school and beyond plans with work-integrated and career-related learning opportunities and increasing college readiness;

(d) Analyze barriers to statewide adoption of work-integrated and career-related learning opportunities and instructional programs;

(e) Recommend policies to implement work-integrated and career-related strategies that increase college and career readiness of students statewide. Policies recommended under this subsection (2)(e) may include, but are not limited to: (i) Policies related to aligning career and technical education programs with statewide and local industry projections and career cluster needs evidenced through economic development data and appropriate longitudinal data; and (ii) the completion of remedial courses required by colleges and universities;

(f) Consult with individuals from the public and private sectors with expertise in career and technical education and work-integrated training, including representatives of labor unions, professional technical organizations, and business and industry; and

(g) Work collaboratively, as appropriate, with the expanded learning opportunities advisory council as provided in *chapter . . ., Laws of 2018 (Engrossed Substitute House Bill No. 2802).

(3) The committee must, at a minimum, be composed of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The superintendent of public instruction or the superintendent's designee;

(d) One educator representing the K-12 career and technical education sector, appointed by the superintendent of public instruction, as determined from recommendations of the association for career and technical education;

(e) One school counselor appointed by the superintendent of public instruction, as determined from recommendations of the school counselor association;

(f) One educator representing the community and technical colleges, appointed by the state board for community and technical colleges;

(g) One member of the governor's office specializing in career and technical education and workforce needs, appointed by the governor; and

(h) One member of the workforce training and education coordinating board, designated by the workforce training and education coordinating board.

(4) The committee shall convene a subcommittee that includes members representing manufacturing, industry, labor, apprenticeships, and other members with specialized expertise.

(5) The chair or cochair of the committee and subcommittee must be selected by the members of the committee.

(6) Staff support for the committee and the subcommittee must be provided by the office of the superintendent of public instruction.

(7) The committee shall report its findings and recommendations to the state board for community and technical colleges, the state board of education, the student achievement council, and, in accordance with RCW 43.01.036, the education committees and economic development committees of the house of representatives and the senate by July 1, 2022.

(8) This section expires September 1, 2022. [2018 c 206 § 3.]

***Reviser's note:** Engrossed Substitute House Bill No. 2802 was not enacted during the 2018 legislative session.

28A.300.220 Cooperation with workforce training and education coordinating board. The superintendent shall cooperate with the workforce training and education coordinating board in the conduct of the board's responsibilities under RCW 28C.18.060 and shall provide information and data in a format that is accessible to the board. [1991 c 238 § 78.]

28A.300.230 Findings—Integration of vocational and academic education. The legislature finds that the needs of the workforce and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's workforce to be competitive in the world market, employees need competencies in both vocational/technical skills and in core essential competencies such as English, math, science/technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that

(2021 Ed.)

many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education. [1991 c 238 § 140.]

28A.300.235 Development of model curriculum integrating vocational and academic education. The superintendent of public instruction shall with the advice of the workforce training and education coordinating board develop model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science/technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts. [1991 c 238 § 141.]

28A.300.236 Career and technical education courses—Methodologies for implementing equivalency crediting—Report to the office of the superintendent of public instruction, the governor, the state board of education, and the legislature. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create methodologies for implementing equivalency crediting on a broader scale across the state and facilitate its implementation including, but not limited to, the following:

(a) Implementing statewide career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for high schools and skill centers in science, technology, engineering, and mathematics. This may include development of additional equivalency course frameworks in core subject areas, course performance assessments, and development and delivery of professional development for districts and skill centers implementing the career and technical education frameworks; and

(b) Providing competitive grant funds to school districts to increase the integration and rigor of academic instruction in career and technical education equivalency courses. The grant funds must be used to support teams of general education and career and technical education teachers to convene and design course performance assessments, deepen the understanding of integrating academic and career and technical education in student instruction, and develop professional learning modules for school districts to plan implementation of equivalency crediting.

(2) Beginning in the 2017-18 school year, school districts shall annually report to the office of the superintendent of public instruction the following information:

(a) The annual number of students participating in state-approved equivalency courses; and

(b) The annual number of state approved equivalency credit courses offered in school districts and skill centers.

(3) Beginning December 1, 2018, and every December 1st thereafter, the office of the superintendent of public instruction shall annually submit the following information to the office of the governor, the state board of education, and the appropriate committees of the legislature:

(a) The selected list of equivalent career and technical education courses and their curriculum frameworks that the

superintendent of public instruction has approved under RCW 28A.700.070; and

(b) A summary of the school district information reported under subsection (2) of this section. [2018 c 177 § 303; 2017 3rd sp.s. c 13 § 410.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.300.238 Career and technical education equipment—Competitive grant process—Rules. (1) The office of the superintendent of public instruction shall establish a competitive grant process for school districts to apply for grants for the purpose of purchasing career and technical education equipment.

(2) The office of the superintendent of public instruction may adopt rules for the grant program established under this section.

(3) Competitive grants awarded under this section are subject to the availability of amounts appropriated by the state for this specific purpose. [2017 3rd sp.s. c 13 § 411.]

Effective date—2017 3rd sp.s. c 13 §§ 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.300.240 International student exchange. (1) The superintendent of public instruction shall annually make available to school districts and approved private schools, from data supplied by the secretary of state, the names of international student exchange visitor placement organizations registered under chapter 19.166 RCW to place students in public schools in the state and a summary of the information the organizations have filed with the secretary of state under chapter 19.166 RCW.

(2) The superintendent shall provide general information and assistance to school districts regarding international student exchange visitors, including, to the extent feasible with available resources, information on the type of visa required for enrollment, how to promote positive educational experiences for visiting exchange students, and how to integrate exchange students into the school environment to benefit the education of both the exchange students and students in the state. [1991 c 128 § 11.]

Additional notes found at www.leg.wa.gov

28A.300.250 Participation in federal nutrition programs—Superintendent's duties. The superintendent of public instruction shall aggressively solicit eligible schools, child and adult day care centers, and other organizations to participate in the nutrition programs authorized by the United States department of agriculture. [1991 c 366 § 402.]

Finding—1991 c 366: "Hunger and malnutrition threaten the future of a whole generation of children in Washington. Children who are hungry or malnourished are unable to function optimally in the classroom and are thus at risk of lower achievement in school. The resultant diminished future capacity of and opportunities for these children will affect this state's economic and social future. Thus, the legislature finds that the state has an interest in helping families provide nutritious meals to children.

The legislature also finds that the state has an interest in helping hungry and malnourished adults obtain necessary nourishment. Adequate nourishment is necessary for physical health, and physical health is the foundation of self-sufficiency. Adequate nourishment is especially critical in the case of

pregnant and lactating women, both to ensure that all mothers and babies are as healthy as possible and to minimize the costs associated with the care of low-birthweight babies." [1991 c 366 § 1.]

Finding—1991 c 366: "The legislature finds that the school breakfast and lunch programs, the summer feeding program, and the child and adult day care feeding programs authorized by the United States department of agriculture are effective in addressing unmet nutritional needs. However, some communities in the state do not participate in these programs. The result is hunger, malnutrition, and inadequate nutrition education for otherwise eligible persons living in nonparticipating communities." [1991 c 366 § 401.]

Additional notes found at www.leg.wa.gov

28A.300.255 Meal charge policies. The office of the superintendent of public instruction shall collect, analyze, and promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by the United States department of agriculture in memorandum SP 46-2016. [2018 c 271 § 5.]

Short title—2018 c 271: See note following RCW 28A.235.250.

28A.300.270 Violence prevention training. The superintendent of public instruction shall, to the extent funding is available, contract with school districts, educational service districts, and approved in-service providers to conduct training sessions for school certificated and classified employees in conflict resolution and other violence prevention topics. The training shall be developmentally and culturally appropriate for the school populations being served and be research based. The training shall not be based solely on providing materials, but also shall include techniques on imparting these skills to students. The training sessions shall be developed in coordination with school districts, the superintendent of public instruction, parents, law enforcement agencies, human services providers, and other interested parties. The training shall be offered to school districts and school staff requesting the training, and shall be made available at locations throughout the state. [1994 sp.s. c 7 § 602.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.300.273 Annual school safety summits. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety and student well-being advisory committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

(2) Summit participants must be appointed no later than August 1, 2016.

(a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(c) The governor shall appoint one representative.

(3) Other summit participants may include representatives from the office of the superintendent of public instruction, the department of health, educational service districts,

educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations.

(4) Staff support for the annual summit shall be provided by the office of the superintendent of public instruction.

(5) Legislative members of the summit are reimbursed for travel expenses in accordance with RCW 44.04.120. Non-legislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. [2019 c 333 § 14; 2016 c 240 § 3.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

Intent—2016 c 240: "The legislature recognizes that public schools are required to have safe school plans and procedures in place. The legislature acknowledges that there are costs associated with these plans and procedures. The legislature intends to review the funding of school safety and security programs and work toward a statewide plan for funding cost-effective methods for school safety that meet the needs of local school districts." [2016 c 240 § 1.]

Findings—2016 c 240: "The legislature finds that school personnel are often the first responders when there is a violent threat or natural or man-made disaster at a school. The legislature further finds there is a need to develop training for school personnel to intervene and provide assistance during these emergency incidents. The legislature recognizes an educational service district has developed a model for a regional school safety and security center, which can provide this type of training." [2016 c 240 § 5.]

28A.300.275 Alternative school start-up grants—School safety grants—Report to legislative committees. The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(1) Alternative school start-up grants which are in addition to the grants funded in the two million dollars alternative school start-up appropriation contained in section 501(2)(l), chapter 309, Laws of 1999, and these grants shall be awarded in the same manner and for the same purposes;

(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

(3) The superintendent of public instruction shall report to the education committees of the house of representatives and senate on the number and types of programs administered through these grants by February 15, 2001, and February 15th of every two years thereafter. [1999 sp.s. c 12 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.280 Conflict resolution program. The superintendent of public instruction and the office of the attorney

(2021 Ed.)

general, in cooperation with the Washington state bar association and statewide dispute resolution organizations, shall develop a volunteer-based conflict resolution and mediation program for use in community groups such as neighborhood organizations and the public schools. The program shall use lawyers or certified mediators to train students who in turn become trainers and mediators for their peers in conflict resolution. [2015 c 126 § 1; 1994 sp.s. c 7 § 611.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.300.2851 School bullying and harassment—Work group. (1) The office of the superintendent of public instruction and the office of the education ombuds shall convene a work group on school bullying and harassment prevention to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington. The superintendent of public instruction or a designee shall serve as the chair of the work group.

(2) The work group shall:

(a) Consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data;

(b) Examine possible procedures for anonymous reporting of incidents of bullying and harassment;

(c) Identify curriculum and best practices for school districts to improve school climate, create respectful learning environments, and train staff and students in de-escalation and intervention techniques;

(d) Identify curriculum and best practices for incorporating instruction about mental health, youth suicide prevention, and prevention of bullying and harassment;

(e) Recommend best practices for informing parents about the harassment, intimidation, and bullying prevention policy and procedure under *RCW 28A.300.285 and involving parents in improving school climate;

(f) Recommend training for district personnel who are designated as the primary contact regarding the policy and procedure and for school resource officers and other school security personnel;

(g) Recommend educator preparation and certification requirements in harassment, intimidation, and bullying prevention and de-escalation and intervention techniques for teachers, educational staff associates, and school administrators;

(h) Examine and recommend policies for discipline of students and staff who harass, intimidate, or bully; and

(i) In collaboration with the state board for community and technical colleges, examine and recommend policies to protect K-12 students attending community and technical colleges from harassment, intimidation, and bullying.

(3) The work group must include representatives from the state board of education, the Washington state parent teacher association, the Washington state association of school psychologists, school directors, school administrators, principals, teachers, school counselors, classified school staff, youth, community organizations, and parents.

(4) The work group shall submit a biennial progress and status report to the governor and the education committees of the legislature, beginning December 1, 2011, with additional reports by December 1, 2013, and December 1, 2015.

(5) The work group is terminated effective January 1, 2016. [2013 c 23 § 51; 2011 c 185 § 2.]

***Reviser's note:** RCW 28A.300.285 was repealed by 2019 c 194 § 5.

Finding—2011 c 185: "The legislature finds that having updated school district policies and procedures is a step in the right direction for preventing bullying, intimidation, and harassment, but more steps are needed. A work group could help to maintain focus and attention on antibullying and anti-harassment, as well as monitor progress. In addition, students' knowledge and understanding of two key correlates of bullying and harassment, depression and youth suicide, could be enhanced through instruction and assessments that address mental health and suicide prevention." [2011 c 185 § 1.]

28A.300.288 Youth suicide prevention activities. (1) The office of the superintendent of public instruction shall work with state agency and community partners to assist schools in implementing youth suicide prevention activities, which may include the following:

(a) Training for school employees, parents, community members, and students in recognizing and responding to the signs of suicide;

(b) Partnering with local coalitions of community members interested in preventing youth suicide; and

(c) Responding to communities determined to be in crisis after a suicide or attempted suicide to prevent further instances of suicide.

(2) The office of the superintendent of public instruction, working with state and community partners, shall prioritize funding appropriated for subsection (1) of this section to communities identified as the highest risk. [2014 c 103 § 2; 2011 c 185 § 3.]

Finding—2014 c 103: "The legislature finds that according to the department of health, suicide is the second leading cause of death for Washington youth between the ages of ten and twenty-four. Suicide rates among Washington's youth remain higher than the national average. An increasing body of research shows an association between adverse childhood experiences such as trauma, violence, or abuse, and decreased student learning and achievement. Underserved youth populations in Washington who are not receiving access to state services continue to remain at risk for suicide." [2014 c 103 § 1.]

Finding—2011 c 185: See note following RCW 28A.300.2851.

28A.300.290 Effective reading programs—Identification. (1) The center for the improvement of student learning, or its designee, shall develop and implement a process for identifying programs that have been proven to be effective based upon valid research in teaching elementary students to read. Additional programs shall be reviewed after the initial identification of effective programs.

(2) In identifying effective reading programs, the center for the improvement of student learning, or its designee, shall consult primary education teachers, statewide reading organizations, institutions of higher education, the *commission on student learning, parents, legislators, and other appropriate individuals and organizations.

(3) In identifying effective reading programs, the following criteria shall be used:

(a) Whether the program will help the student meet the state-level and classroom-based assessments for reading;

(b) Whether the program has achieved documented results for students on valid and reliable assessments;

(c) Whether the results of the program have been replicated at different locations over a period of time;

(d) Whether the requirements and specifications for implementing the program are clear so that potential users can clearly determine the requirements of the program and how to implement it;

(e) Whether, when considering the cost of implementing the program, the program is cost-effective relative to other similar types of programs;

(f) Whether the program addresses differing student populations; and

(g) Other appropriate criteria and considerations.

(4) The initial identification of effective reading programs shall be completed and a list of the identified programs prepared by December 31, 1996. [1996 c 273 § 1.]

***Reviser's note:** The commission on student learning expired June 30, 1999, and its powers, duties, and functions were transferred to the academic achievement and accountability commission effective July 1, 1999, pursuant to 1999 c 388 § 502. The enabling statute, RCW 28A.630.885, was recodified as RCW 28A.655.060 pursuant to 1999 c 388 § 607 and subsequently repealed by 2004 c 19 § 206.

Additional notes found at www.leg.wa.gov

28A.300.295 Identified programs—Grants for in-service training and instructional materials. The superintendent of public instruction shall establish a grant program to provide incentives for teachers, schools, and school districts to use the identified programs on the approved list in grades kindergarten through four. Schools, school districts, and educational service districts may apply for grants. Funds for the grants shall be used for in-service training and instructional materials. Grants shall be awarded and funds distributed not later than June 30, 1997, for programs in the 1996-97 and 1997-98 school years. Priority shall be given to grant applications involving schools and school districts with the lowest mean percentile scores on the statewide third grade test required under *RCW 28A.230.190 among grant applicants. [1999 c 78 § 2; 1996 c 273 § 2.]

***Reviser's note:** RCW 28A.230.190 was repealed by 2005 c 217 § 3.

Additional notes found at www.leg.wa.gov

28A.300.300 Effective reading programs—Information—Development and implementation of strategies. (1) After effective programs have been identified in accordance with RCW 28A.300.290, the center for the improvement of student learning, or its designee, shall provide information and take other appropriate steps to inform elementary school teachers, principals, curriculum directors, superintendents, school board members, college and university reading instruction faculty, and others of its findings.

(2) The center, in cooperation with statewide organizations interested in improving literacy, also shall develop and implement strategies to improve reading instruction in the state, with a special emphasis on the instruction of reading in the primary grades using the effective reading programs that have been identified in accordance with RCW 28A.300.290. The strategies may include, but should not be limited to, expanding and improving reading instruction of elementary school teachers in teacher preparation programs, expanded in-service training in reading instruction, the training of paraprofessionals and volunteers in reading instruction, improving classroom-based assessment of reading, and increasing

statewide and regional technical assistance in reading instruction. [1998 c 245 § 11; 1996 c 273 § 4.]

Additional notes found at www.leg.wa.gov

28A.300.310 Second grade reading assessment—

Selection of reading passages—Costs. (1) The superintendent of public instruction shall identify a collection of reading passages and assessment procedures that can be used to measure second grade oral reading accuracy and fluency skills. The purpose of the second grade reading assessment is to provide information to parents, teachers, and school administrators on the level of acquisition of oral reading accuracy and fluency skills of each student at the beginning of second grade. The assessment procedures and each of the reading passages in the collection must:

- (a) Provide a reliable and valid measure of a student's oral reading accuracy and fluency skills;
- (b) Be able to be individually administered;
- (c) Have been approved by a panel of nationally recognized professionals in the area of beginning reading, whose work has been published in peer-reviewed education research journals, and professionals in the area of measurement and assessment; and
- (d) Assess student skills in recognition of letter sounds, phonemic awareness, word recognition, and reading connected text. Text used for the test of fluency must be ordered in relation to difficulty.

(2) The superintendent of public instruction shall select reading passages for use by schools and school districts participating in pilot projects under RCW 28A.300.320 during the 1997-98 school year. The final collection must be selected by June 30, 1998. The superintendent of public instruction may add reading passages to the initial list if the passages are comparable in format to the initial passages approved by the expert panel in subsection (1) of this section.

(3) The superintendent of public instruction shall develop a per-pupil cost for the assessments in the collection that details the costs for administering the assessments, booklets, scoring, and training required to reliably administer the test. To the extent funds are appropriated, the superintendent of public instruction shall pay for the cost of administering and scoring the assessments, booklets or other assessment material, and training required to administer the test. [1999 c 373 § 101; 1997 c 262 § 2.]

Findings—1997 c 262: "The legislature acknowledges the definition of reading as "Reading is the process of constructing meaning from written text. It is the complex skill requiring the coordination of a number of interrelated sources of information." Marilyn Adams, *Becoming a Nation of Readers* 7. The legislature also acknowledges the role that reading accuracy and fluency plays in the comprehension of text. The legislature finds that one way to determine if a child's inability to read is problematic is to compare the child's reading fluency and accuracy skills with that of other children. To accomplish this objective, the legislature finds that assessments that test students' reading fluency and accuracy skills must be scientifically valid and reliable. The legislature further finds that early identification of students with potential reading difficulties can provide valuable information to parents, teachers, and school administrators. The legislature finds that assessment of second grade students' reading fluency and accuracy skills can assist teachers in planning and implementing a reading curriculum that addresses students' deficiencies in reading." [1997 c 262 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.320 Second grade reading assessment—Pilot projects—Assessment selection—Assessment

(2021 Ed.)

results. (1) The superintendent of public instruction shall create a pilot project to identify which second grade reading assessments selected under RCW 28A.300.310 will be included in the final collection of assessments that must be available by June 30, 1998.

(2) Schools and school districts may voluntarily participate in the second grade reading test pilot projects in the 1997-98 school year. Schools and school districts voluntarily participating in the pilot project test are not required to have the results available by the fall parent-teacher conference.

(3)(a) Starting in the 1998-99 school year, school districts must select an assessment from the collection adopted by the superintendent of public instruction. Selection must be at the entire school district level.

(b) The second grade reading assessment selected by the school district must be administered annually in the fall beginning with the 1998-99 school year. Students who score substantially below grade level when assessed in the fall shall be assessed at least one more time during the second grade. Assessment performance deemed to be "substantially below grade level" is to be determined for each passage in the collection by the superintendent of public instruction.

(c) If a student, while taking the assessment, reaches a point at which the student's performance will be considered "substantially below grade level" regardless of the student's performance on the remainder of the assessment, the assessment may be discontinued.

(d) Each school must have the assessment results available by the fall parent-teacher conference. Schools must notify parents about the second grade reading assessment during the conferences, inform the parents of their students' performance on the assessment, identify actions the school intends to take to improve the child's reading skills, and provide parents with strategies to help the parents improve their child's score. [1999 c 373 § 102; 1998 c 319 § 201; 1997 c 262 § 3.]

Intent—1997 c 262: See note following RCW 28A.300.310.

Additional notes found at www.leg.wa.gov

28A.300.330 Primary grade reading grant program.

(1) The superintendent of public instruction shall establish a primary grade reading grant program. The purpose of the grant program is to enhance teachers' skills in using teaching methods that have proven results gathered through quantitative research and to assist students in beginning reading.

(2) Schools and school districts may apply for primary grade reading grants. To qualify for a grant, the grant proposal shall provide that the grantee must:

(a) Document that the instructional model the grantee intends to implement, including teaching methods and instructional materials, is based on results validated by quantitative methods;

(b) Agree to work with the independent contractor identified under subsection (3) of this section to determine the effectiveness of the instructional model selected and the effectiveness of the staff development provided to implement the selected model; and

(c) Provide evidence of a significant number of students who are not achieving at grade level.

To the extent funds are appropriated, the superintendent of public instruction shall make initial grants available by

September 1, 1997, for schools and school districts voluntarily participating in pilot projects under RCW 28A.300.320. Subject to available funding, additional applications may be submitted to the superintendent of public instruction by September 1, 1998, and by September 1st in subsequent years. Grants will be awarded for two years.

(3) The superintendent of public instruction shall contract with an independent contractor who has experience in program evaluation and quantitative methods to evaluate the impact of the grant activities on students' reading skills and the effectiveness of the staff development provided to teachers to implement the instructional model selected by the grantee. Five percent of the funds awarded for grants shall be set aside for the purpose of the grant evaluation conducted by the independent contractor.

(4) The superintendent of public instruction shall submit biennially to the legislature and the governor a report on the primary grade reading grant program. The first report must be submitted not later than December 1, 1999, and each succeeding report must be submitted not later than December 1st of each odd-numbered year. Reports must include information on how the schools and school districts used the grant money, the instructional models used, how they were implemented, and the findings of the independent contractor.

(5) The superintendent of public instruction shall disseminate information to the school districts five years after the beginning of the grant program regarding the results of the effectiveness of the instructional models and implementation strategies.

(6) Funding under this section shall not become part of the state's basic program of education obligation as set forth under Article IX of the state Constitution. [1997 c 262 § 4.]

Intent—1997 c 262: See note following RCW 28A.300.310.

28A.300.340 Primary grade reading grant program—Timelines—Rules. (1) The superintendent of public instruction may use up to one percent of the appropriated funds for administration of the primary grade reading grant program established in chapter 262, Laws of 1997.

(2) The superintendent of public instruction shall adopt timelines and rules as necessary under chapter 34.05 RCW to administer the primary reading grant program in RCW 28A.300.310.

(3) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution. [1997 c 262 § 7.]

Intent—1997 c 262: See note following RCW 28A.300.310.

28A.300.360 Grants for programs and services—Truant, at-risk, and expelled students. The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period. [1999 c 319 § 7.]

[Title 28A RCW—page 160]

28A.300.370 World War II oral history project. (1)

The World War II oral history project is established for the purpose of providing oral history presentations, documentation, and other materials to assist the office of the superintendent of public instruction and educators in the development of a curriculum for use in kindergarten through twelfth grade.

(2) To the extent funds are appropriated or donated, the project shall be administered by the office of the superintendent of public instruction. The office shall convene an advisory committee to assist in the design and implementation of the project. The committee shall be composed of members of the World War II memorial educational foundation, the department of veterans affairs, the secretary of state's office, and legislators involved with and interested in the development of the oral history project. The committee may select its own chair and may expand its membership to include the services of other individuals, agencies, or organizations on the basis of need. The office shall provide staffing and administrative support to the advisory committee.

(3) The project will preserve for the education of Washington's school children the memories and history of our state's citizens who served their state and country as members of the armed forces or through national or community contributions during World War II. The project is intended to preserve these memories and history through audiotapes, videotapes, films, stories, printed transcripts, digitally, and through other appropriate methods.

(4) Any funding provided to the program through the omnibus appropriations act for the 2005-2007 biennium shall be used to record the memories of women who meet the requirements of subsection (3) of this section.

(5) As part of the project, the office of the superintendent of public instruction shall identify the requirements regarding instructional guides to help educators use the preserved material in age and grade appropriate ways.

(6) In its administration of the project, the office may carry out its responsibilities through contracts with filming and taping specialists, mini-grants to schools, contracts with the World War II memorial educational foundation, and through other means recommended by the foundation.

(7) By December 1, 2000, and every second year thereafter in which the project has received funding, the office shall report on the results of the project to the governor and the house of representatives and senate committees on education. The December 2000 report shall include, but need not be limited to, identification of the project's implementation strategies and resource requirements, and any curriculum standards developed through the project. [2005 c 75 § 2; 2000 c 112 § 2.]

Findings—2005 c 75: "The legislature finds that the women of the greatest generation made essential contributions, in many different ways, to our nation's success in World War II. During the war, more than four hundred fifty thousand women served their country in the armed forces of the United States. Another group of women provided nursing and support services to the troops. These women were joined by more than two million women back home who, like Rosie the Riveter, worked in industries that supported service men and women abroad. Other women held the nation together by raising families, educating children, and taking care of the ill and elderly. These women held our families, businesses, and communities together, living with rationed goods and services so that the service men and women fighting in the war would have the materials they needed to be successful. The legislature finds that women in all these roles made sacrifices necessary for the success of our nation's defense and contributions essential to the well-being of the people back home. The legislature further finds that

(2021 Ed.)

to have a clearer reflection of women's sacrifices on behalf of freedom and democracy, it is necessary to include in the World War II oral history project the memories of women who contributed to the war effort through either military service or other important contributions to our nation, state, or communities." [2005 c 75 § 1.]

Findings—Intent—2000 c 112: "The legislature finds that more than two hundred fifty thousand of Washington's citizens served their country in the armed forces of the United States during World War II. The legislature also finds that almost six thousand of those citizens sacrificed their lives to secure our nation's and the world's peace and freedom. The legislature finds that the hardships and sacrifices endured by the families and communities of these service men and women were critical to the eventual success of our nation's defense. The legislature also finds the memories of these stalwart patriots must be preserved to remind future generations of the price the members of the greatest generation paid to preserve our democratic way of life. The legislature further finds that to have a clearer reflection of these sacrifices on behalf of freedom and democracy, it is necessary to include the memories of all women and men of our armed forces, their family members, and others involved in the war effort so that these memories mirror our nation's rich ethnic diversity. In addition, the legislature recognizes the existence and contributions of the World War II memorial educational foundation. Members of the foundation include World War II veterans, and advisors from the office of veterans affairs, the superintendent of public instruction, and the secretary of state. The legislature intends to honor the veterans who served in World War II and their supportive families by preserving their memories so Washington's school children will never forget the significant human costs of war and the efforts of their ancestors to preserve and protect our country and the world from tyranny. The legislature further intends that members of the World War II memorial educational foundation have a strong advisory role in the preservation of those memories and the creation of instructional materials on the war." [2000 c 112 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.375 Washington history day program.

(1)(a) Effective July 1, 2018, responsibility for administering the Washington history day program is transferred from the Washington state historical society to the office of the superintendent of public instruction. In accordance with this subsection (1)(a), and subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction is responsible for the administration and coordination of the Washington history day program, a program affiliated with the national history day organization, including providing necessary staff support.

(b) Subject to the requirements and limits of (a) of this subsection, the Washington history day program must be operated as a partnership between the office of the superintendent of public instruction, the Washington state historical society, and private parties interested in providing funding and in-kind support for the program. The Washington state historical society must, in coordination with the office of the superintendent of public instruction, promote the program and provide access and support for students who are conducting primary and secondary research of historical Washington state documents and commentary.

(2) The Washington history day account is created in the custody of the state treasurer. In collaboration with private and philanthropic partners, private matching funds will be procured to support Washington history day. All receipts from gifts, grants, or endowments from public or private sources must be deposited into the account. Expenditures from the account may be used only for the Washington history day program. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2018 c 127 § 5.]

(2021 Ed.)

Finding—Intent—2018 c 127: See note following RCW 28A.230.094.

28A.300.380 Career and technical student organizations—Support services. (1) To the extent funds are available, the superintendent of public instruction shall maintain support for statewide coordination for career and technical student organizations by providing program staff support that is available to assist in meeting the needs of career and technical student organizations and their members and students. The superintendent may provide additional support to the organizations through contracting with independent coordinators.

(2) Career and technical student organizations eligible for technical assistance and other support services under this section are organizations recognized as career and technical student organizations by:

(a) The United States department of education; or
(b) The superintendent of public instruction, if such recognition is recommended by the Washington association for career and technical education.

(3) Career and technical student organizations eligible for technical assistance and other support services under this section include, but are not limited to: The national FFA organization; family, career, and community leaders of America; skillsUSA; distributive education clubs of America; future business leaders of America; and the technology student association. [2011 1st sp.s. c 27 § 4; 2010 1st sp.s. c 37 § 913; 2000 c 84 § 2.]

Effective date—2011 1st sp.s. c 27 §§ 4 and 5: "Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [June 7, 2011]." [2011 1st sp.s. c 27 § 9.]

Findings—2000 c 84: "(1) The legislature finds that career and technical student organizations:

(a) Prepare students for career experiences beyond high school;
(b) Help students develop personal, leadership, technical, and occupational skills;
(c) Are an integral component of vocational technical instruction programs; and
(d) Directly help students achieve state learning goals, especially goals three and four with respect to critical thinking, problem solving, and decision-making skills.

(2) The legislature finds that career and technical student organizations are best situated to fulfill their important purpose if they are in existence pursuant to statute and receive ongoing assistance and support from the office of superintendent of public instruction." [2000 c 84 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.390 Kip Tokuda memorial Washington civil liberties public education program—Findings. The legislature finds that:

(1) In order to adequately prepare our youth for their meaningful participation in our democratic institutions and processes, there must be strong educational resources aimed at teaching students and the public about the fragile nature of our constitutional rights.

(2) The federal commission on wartime relocation and internment of civilians was established by congress in 1980 to review the facts and circumstances surrounding executive order 9066, issued on February 19, 1942, and the impact of the executive order on American citizens and permanent residents, and to recommend appropriate remedies.

The commission of [on] wartime relocation and internment of civilians issued a report of its findings in 1983 with

the reports "Personal Justice Denied" and "Personal Justice Denied-Part II, Recommendations." The reports were based on information gathered through twenty days of hearings in cities across the country, particularly the west coast. Testimony was heard from more than seven hundred fifty witnesses, including evacuees, former government officials, public figures, interested citizens, historians, and other professionals who have studied the internment of Japanese-Americans during World War II.

(3) The lessons to be learned from the internment of Japanese-Americans during World War II are embodied in "Personal Justice Denied-Part II, Recommendations" which found that executive order 9066 was not justified by military necessity, and the decisions that followed from it were not founded upon military considerations. These decisions included the exclusion and detention of American citizens and resident aliens of Japanese descent. The broad historical causes that shaped these decisions were race prejudice, war hysteria, and a failure of political leadership. Widespread ignorance about Americans of Japanese descent contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed, and detained by the United States during World War II.

(4) A grave injustice was done to both citizens and permanent residents of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. These actions were carried out without adequate security reasons and without any documented acts of espionage or sabotage, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the United States congress apologized on behalf of the nation in the federal civil liberties act of 1988. [2000 c 210 § 1.]

28A.300.395 Kip Tokuda memorial Washington civil liberties public education program—Intent. The legislature intends to develop a grant program to fund public educational activities and development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood. [2000 c 210 § 2.]

28A.300.400 Kip Tokuda memorial Washington civil liberties public education program—Definition. As used in RCW 28A.300.390 through 28A.300.415, "program" means the *Washington civil liberties public education program, unless the context clearly requires otherwise. [2000 c 210 § 3.]

*Reviser's note: The "Washington civil liberties public education program" was renamed the "Kip Tokuda memorial Washington civil liberties public education program" pursuant to 2014 c 46 § 1.

28A.300.405 Kip Tokuda memorial Washington civil liberties public education program—Created—Purpose. Consistent with the legislative findings in RCW 28A.300.390, the legislature shall establish the Kip Tokuda memorial Washington civil liberties public education program. The program provides grants for the purpose of establishing a legacy of remembrance as part of a continuing process of recovery from the World War II exclusion and detention of individuals of Japanese ancestry. The program is created to do one or both of the following:

(1) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter; and

(2) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary schools, secondary schools, community colleges, and to other interested parties. [2014 c 46 § 1; 2000 c 210 § 4.]

28A.300.410 Kip Tokuda memorial Washington civil liberties public education program—Grants—Acceptance of gifts, grants, or endowments. (1) The superintendent of public instruction shall allocate grants under the program established in RCW 28A.300.390 through 28A.300.415 from private donations or within amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(2) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(3) The superintendent of public instruction shall select grant recipients from applicants who meet all of the following criteria:

(a) The capability to administer and complete the proposed project within specified deadlines and within the specified budget;

(b) The experience, knowledge, and qualifications necessary to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II;

(c) Projects that relate the Japanese-American exclusion and detention experience with civil rights included in the Declaration of Independence and the Constitution so that this event may be illuminated and understood in order to prevent similar violations of civil rights in the future;

(d) Projects that are designed to maximize the long-term educational impact of this chapter;

(e) Projects that build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II; and

(f) Projects that include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after World War II including those Japanese-Americans who served in the military and those who were interned in department of justice camps.

(4) Applicants for grants under the program are encouraged to do each of the following:

(a) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects;

(b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood;

(c) Develop a strategy and plan for reaching the broad, multicultural population through project activities;

(d) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts;

(e) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants;

(f) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects;

(g) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal;

(h) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad audience while enhancing and enriching community-based educational efforts;

(i) Include in the grant application, scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II; and

(j) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(5) The superintendent of public instruction may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials including narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

(6)(a) In the review process, the superintendent of public instruction shall assign the following order of priority to the criteria set forth in subsection (3) of this section:

(i) Subsection (3)(a) through (d) of this section, inclusive, shall be given highest priority; and

(ii) Subsection (3)(e) through [and] (f) of this section, inclusive, shall be given second priority.

(b) The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(2021 Ed.)

(7) The superintendent of public instruction shall determine the types of applicants eligible to apply for grants under this program.

(8) The office may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms. [2000 c 210 § 5.]

28A.300.415 Kip Tokuda memorial Washington civil liberties public education program—Short title. RCW 28A.300.390 through 28A.300.415 shall be known as the Washington civil liberties public education act. [2000 c 210 § 7.]

28A.300.420 Student court programs. The office of the superintendent of public instruction shall encourage school districts to implement, expand, or use student court programs for students who commit violations of school rules and policies. Program operations of student courts may be funded by government and private grants. Student court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating student court programs developed by nationally recognized student court projects;

(2) Target violations of school rules by students enrolled in public or private school; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including the school, school personnel, their classmates, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills. [2002 c 237 § 17.]

28A.300.430 Collaboration with children's system of care demonstration sites. It is the expectation of the legislature that local school districts shall collaborate with each children's system of care demonstration site established under RCW 74.55.010. [2002 c 309 § 6.]

28A.300.440 Natural science, wildlife, and environmental education grant program. (1) The natural science, wildlife, and environmental education grant program is hereby created, subject to the availability of funds. The program is created to promote proven and innovative natural science, wildlife, and environmental education programs that are fully aligned with the state's essential academic learning requirements, and includes but is not limited to instruction about renewable resources, responsible use of resources, and conservation.

(2) The superintendent of public instruction shall establish and publish funding criteria for environmental, natural science, wildlife, forestry, and agricultural education grants. The office of the superintendent of public instruction shall involve a cross section of stakeholder groups to develop socially, economically, and environmentally balanced fund-

ing criteria. These criteria shall be based on compliance with the essential academic learning requirements and use methods that encourage critical thinking. The criteria must also include environmental, natural science, wildlife, forestry, and agricultural education programs with one or more of the following features:

(a) Interdisciplinary approaches to environmental, natural science, wildlife, forestry, and agricultural issues;

(b) Programs that target underserved, disadvantaged, and multicultural populations;

(c) Programs that reach out to schools across the state that would otherwise not have access to specialized environmental, natural science, wildlife, forestry, and agricultural education programs;

(d) Proven programs offered by innovative community partnerships designed to improve student learning and strengthen local communities.

(3) Eligible uses of grants include, but are not limited to:

(a) Continuing in-service and preservice training for educators with materials specifically developed to enable educators to teach essential academic learning requirements in a compelling and effective manner;

(b) Proven, innovative programs that align the basic subject areas of the common school curriculum in chapter 28A.230 RCW with the essential academic learning requirements; the basic subject areas should be integrated by using environmental education, natural science, wildlife, forestry, agricultural, and natural environment curricula to meet the needs of various learning styles; and

(c) Support and equipment needed for the implementation of the programs in this section.

(4) Grants may only be disbursed to nonprofit organizations exempt from income tax under section 501(c) of the federal internal revenue code that can provide matching funds or in-kind services.

(5) Grants may not be used for any partisan or political activities. [2012 c 198 § 5; 2003 c 22 § 3.]

Effective date—2012 c 198: See note following RCW 70A.15.5110.

Intent—2003 c 22: "(1) Effective, natural science, wildlife, and environmental education programs provide the foundation for the development of literate children and adults, setting the stage for lifelong learning. Furthermore, integrating the basic subject areas of the common school curriculum in chapter 28A.230 RCW through natural science, wildlife, and environmental education offers many opportunities for achieving excellence in our schools. Well-designed programs, aligned with the state's essential academic learning requirements, contribute to the state's educational reform goals.

(2) Washington is fortunate to have institutions and programs that currently provide quality natural science, wildlife, and environmental education and teacher training that is already aligned with the state's essential academic learning requirements.

(3) The legislature intends to further the development of natural science, wildlife, and environmental education by establishing a competitive grant program, funded through state moneys to the extent those moneys are appropriated, or made available through other sources, for proven natural science, wildlife, and environmental education programs that are fully aligned with the state's essential academic learning requirements." [2003 c 22 § 1.]

28A.300.444 Integration of environmental and sustainability content. (1) The office of the superintendent of public instruction shall provide state leadership for the integration of environmental and sustainability content with curriculum, instruction, and assessment.

(2)(a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction

shall contract on a competitive basis with a Washington state-based qualified 501(c)(3) nonprofit community-based organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resources, and agricultural sectors.

(b) The selected Washington state nonprofit organization must work collaboratively with the office of the superintendent of public instruction and educational service districts to:

(i) Build systemic programming that connects administrators, school boards, and communities to support teacher practice and student opportunities for the strengthened delivery of environmental and sustainability education;

(ii) Support K-12 educators to teach students integrated, equitable, locally relevant, real-world environmental science and engineering outdoors, aligned to Washington science and environmental and sustainability education standards, and provide opportunities to engage students in renewable natural resource career awareness; and

(iii) Deliver learning materials, opportunities, and resources including, but not limited to:

(A) Providing opportunities outside the classroom to connect transdisciplinary content, concepts, and skills in the context of the local community;

(B) Encouraging application of critical and creative thinking skills to identify and analyze issues, seek answers, and engineer solutions;

(C) Creating community-connected, local opportunities to engage students in stewardship projects that enhance their interest in sustaining the ecosystem and respecting natural resources;

(D) Providing work-based learning opportunities for careers in the environmental science and engineering, natural resources, sustainability, renewable energy, agriculture, and outdoor recreation sectors and build skills for completion of industry recognized certifications; and

(E) Providing models for integrating since time immemorial in teaching materials so that students learn the unique heritage, history, culture, and government of the nearest federally recognized Indian tribe or tribes.

(c) Priority focus must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, tribal nations including tribal compact schools, migrant students, schools with high free and reduced-price lunch populations, rural and remote schools, students in alternative learning environments, students of color, English language learner students, and students receiving special education services.

(3) For the purposes of this section, a "qualified 501(c)(3) nonprofit community-based organization" means a nonprofit organization physically located in Washington state that:

(a) Has multiple years of experience collaborating with school districts across the state to provide high quality professional development to kindergarten through twelfth grade educators to teach students real-world environmental science and engineering outside the classroom;

(b) Whose materials and instructional practices align with Washington's environmental and sustainability learning standards and the Washington state learning standards, including the common core standards for mathematics and English language arts;

(c) Whose materials and instructional practices emphasize the next generation science standards to support local, relevant, and field-based learning experiences; and

(d) Delivers project-based learning materials and resources that incorporate career connections to local businesses and community-based organizations, contain professional development support for classroom teachers, have measurable assessment objectives, and have demonstrated community support. [2020 c 292 § 2.]

Findings—2020 c 292: "The legislature finds that environmental and sustainability education offers a rich and meaningful context for integrated learning and teaching. The legislature also finds that nonprofit community-based organizations are uniquely positioned to strengthen classroom learning by partnering and collaborating with schools and local employers to offer K-12 educators work-integrated learning experiences that address the Washington state science learning standards including next generation science standards. Close collaboration with educational service district's regional science coordinators can optimize learning by helping align next generation science standards implementation with community-based organization initiatives to ensure all students have access to engaging field experiences allowing them to understand the scientific, social, and economic impacts of healthy community resources such as gardens, watersheds and water systems, energy systems, or forests so they can participate in solutions to problems such as ocean acidification, rural economic development, or ecosystems impacted by megafires." [2020 c 292 § 1.]

28A.300.450 Financial education public-private partnership—Established. (1) A financial education public-private partnership is established, composed of the following members:

(a) Four members of the legislature, with one member from each caucus of the house of representatives appointed for a two-year term of service by the speaker of the house of representatives, and one member from each caucus of the senate appointed for a two-year term of service by the president of the senate;

(b) Four representatives from the private for-profit and nonprofit financial services sector, including at least one representative from the jumpstart coalition, to be appointed for a staggered two-year term of service by the governor;

(c) Four teachers to be appointed for a staggered two-year term of service by the superintendent of public instruction, with one each representing the elementary, middle, secondary, and postsecondary education sectors;

(d) A representative from the department of financial institutions to be appointed for a two-year term of service by the director;

(e) Two representatives from the office of the superintendent of public instruction, with one involved in curriculum development and one involved in teacher professional development, to be appointed for a staggered two-year term of service by the superintendent; and

(f) The state treasurer or the state treasurer's designee.

(2) The chair of the partnership shall be selected by the members of the partnership from among the legislative members.

(3) One-half of the members appointed under subsection (1)(b), (c), and (e) of this section shall be appointed for a one-

(2021 Ed.)

year term beginning August 1, 2011, and a two-year term thereafter.

(4) To the extent funds are appropriated or are available for this purpose, the partnership may hire a staff person who shall reside in the office of the superintendent of public instruction for administrative purposes. Additional technical and logistical support may be provided by the office of the superintendent of public instruction, the department of financial institutions, the organizations composing the partnership, and other participants in the financial education public-private partnership.

(5) The initial members of the partnership shall be appointed by August 1, 2011.

(6) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

(7) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents. Teachers appointed as members by the superintendent of public instruction may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 from funds available in the Washington financial education public-private partnership account. If the attendance of a teacher member at an official meeting of the partnership results in a need for a school district to employ a substitute, payment for the substitute may be made by the superintendent of public instruction from funds available in the Washington financial education public-private partnership account. A school district must release a teacher member to attend an official meeting of the partnership if the partnership pays the district for a substitute or pays the travel expenses of the teacher member.

(8) This section shall be implemented to the extent funds are available. [2015 c 211 § 1; 2011 c 262 § 1; 2009 c 443 § 1; 2004 c 247 § 2.]

Findings—Intent—2004 c 247: "The legislature recognizes that the average high school student lacks a basic knowledge of personal finance. In addition, the legislature recognizes the damaging effects of not properly preparing youth for the financial challenges of modern life, including bankruptcy, poor retirement planning, unmanageable debt, and a lower standard of living for Washington families.

The legislature finds that the purpose of the state's system of public education is to help students acquire the skills and knowledge they will need to be productive and responsible 21st century citizens. The legislature further finds that responsible citizenship includes an ability to make wise financial decisions. The legislature further finds that financial literacy could easily be included in lessons, courses, and projects that demonstrate each student's understanding of the state's four learning goals, including goal four: Understanding the importance of work and how performance, effort, and decisions directly affect future opportunities.

The legislature intends to assist school districts in their efforts to ensure that students are financially literate through identifying critical financial literacy skills and knowledge, providing information on instructional materials, and creating a public-private partnership to help provide instructional tools and professional development to school districts that wish to increase the financial literacy of their students." [2004 c 247 § 1.]

28A.300.460 Financial education public-private partnership responsibilities—Annual report. (1) The task of the financial education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial education shall include the achievement of skills and knowledge necessary to make informed judg-

ments and effective decisions regarding earning, spending, and the management of money and credit.

(2) In carrying out its task, and to the extent funds are available, the partnership shall:

(a) Communicate to school districts the financial education standards adopted under RCW 28A.300.462, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;

(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs, online instructional materials and resources, and school-wide programs that include the important financial skills and content knowledge;

(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;

(d) Work with the office of the superintendent of public instruction to integrate financial education skills and content knowledge into the state learning standards;

(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;

(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development in financial education;

(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; and

(h) Provide an annual report beginning December 1, 2009, as provided in RCW 28A.300.464, to the governor, the superintendent of public instruction, and the committees of the legislature with oversight over K-12 education and higher education.

(3) The partnership may seek federal and private funds to support the school districts in providing access to the materials listed pursuant to RCW 28A.300.468(1), as well as related professional development opportunities for certificated staff. [2015 c 211 § 2; 2009 c 443 § 2; 2007 c 459 § 2; 2004 c 247 § 5.]

Findings—Intent—2004 c 247: See note following RCW 28A.300.450.

Additional notes found at www.leg.wa.gov

28A.300.462 Financial education public-private partnership—Jumpstart coalition national standards—Financial education learning standards—Technical assistance and grants for demonstration projects—Report.

(1) School districts are encouraged to voluntarily adopt the jumpstart coalition national standards in K-12 personal finance education and provide students with an opportunity to master the standards.

(2) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction and the financial education public-private partnership shall provide technical assistance and grants to support demonstration projects for district-wide adoption and implementation

of the financial education learning standards under this section.

(3) School districts may apply on a competitive basis to participate as a demonstration project. The office and the partnership shall select up to four school districts as demonstration projects, with two districts located in eastern Washington and two districts located in western Washington, if possible.

(4) Selected districts must:

(a) Adopt the jumpstart coalition national standards in K-12 personal finance education as the essential academic learning requirements for financial education and provide students with an opportunity to master the standards;

(b) Make a commitment to integrate financial education into instruction at all grade levels and in all schools in the district;

(c) Establish local partnerships within the community to promote financial education in the schools; and

(d) Conduct pre and posttesting of students' financial literacy.

(5) The office of the superintendent of public instruction, with the advice of the financial education public-private partnership, shall provide assistance to the demonstration projects regarding curriculum, professional development, and innovative instructional programs to implement the financial education standards.

(6) The selected districts must report findings and results of the demonstration project to the office of the superintendent of public instruction and appropriate committees of the legislature annually. [2011 c 262 § 2; 2009 c 443 § 3.]

28A.300.464 Financial education public-private partnership—Contents of report. The annual report from the financial education public-private partnership, provided funds are available, shall include:

(1) Results from the jumpstart survey of personal financial literacy;

(2) Progress toward statewide adoption of financial education standards by school districts;

(3) Professional development activities related to equipping teachers with the knowledge and skills to teach financial education;

(4) Activities related to financial education curriculum development; and

(5) Any recommendations for policies or other activities to support financial education instruction in public schools. [2009 c 443 § 4.]

28A.300.465 Financial education public-private partnership account. The Washington financial education public-private partnership account is hereby created in the custody of the state treasurer. The purpose of the account is to support the financial education public-private partnership, and to provide financial education opportunities for students and financial education professional development opportunities for the teachers providing those educational opportunities. Revenues to the account may include gifts from the private sector, federal funds, and any appropriations made by the legislature or other sources. Grants and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may

authorize expenditures from the account, and only at the direction of the partnership. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2009 c 443 § 5; 2004 c 247 § 6.]

Findings—Intent—2004 c 247: See note following RCW 28A.300.450.

28A.300.468 Financial education standards—Availability of materials. (1) After consulting with the financial education public-private partnership, the office of the superintendent of public instruction shall make available to all school districts a list of materials that align with the financial education standards integrated into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(2) School districts shall provide all students in grades nine through twelve the opportunity to access the financial education standards, whether through a regularly scheduled class period; before or after school; during lunch periods; at library and study time; at home; via online learning opportunities; through career and technical education course equivalencies; or other opportunities. School districts shall publicize the availability of financial education opportunities to students and their families. School districts are encouraged to grant credit toward high school graduation to students who successfully complete financial education courses. [2015 c 211 § 4.]

28A.300.469 State financial education learning standards. Standards in K-12 personal finance education developed by a national coalition for personal financial literacy that includes partners from business, finance, government, academia, education, and state affiliates are adopted as the state financial education learning standards. [2015 c 211 § 5.]

28A.300.471 Medical emergency response and automated external defibrillator program. (1) An automated external defibrillator is often a critical component in the chain of survival for a cardiac arrest victim.

(2) The office of the superintendent of public instruction, in consultation with school districts and stakeholder groups, shall develop guidance for a medical emergency response and automated external defibrillator program for high schools.

(3) The medical emergency response and automated external defibrillator program must comply with current evidence-based guidance from the American heart association or other national science organization.

(4) The office of the superintendent of public instruction, in consultation with the department of health, shall assist districts in carrying out a program under this section, including providing guidelines and advice for seeking grants for the purchase of automated external defibrillators or seeking donations of automated external defibrillators. The superintendent may coordinate with local health districts or other organizations in seeking grants and donations for this purpose. [2013 c 181 § 2.]

Findings—Intent—2013 c 181: See note following RCW 28A.230.179.

(2021 Ed.)

28A.300.473 Medical use of marijuana-infused products—Suspension of policies that authorize student use on school grounds. (1) The superintendent of public instruction and school districts must suspend implementation of RCW 28A.210.325 and 69.51A.225 if:

(a) The federal government issues a communication after July 28, 2019, that suggests that federal education funding will be withheld if the state continues to implement RCW 28A.210.325 and 69.51A.225;

(b) The superintendent of public instruction requests a formal opinion by the state attorney general on the federal communication; and

(c) The state attorney general provides a formal opinion that the federal communication has reasonably demonstrated that continued implementation of RCW 28A.210.325 and 69.51A.225 reasonably jeopardizes future federal funding.

(2) The office of the superintendent of public instruction must provide the state attorney general opinion to the education and fiscal committees of the legislature within thirty days of the issuance of the opinion. [2019 c 204 § 4.]

28A.300.475 Comprehensive sexual health education. (1)(a)(i) In accordance with the requirements of this section, every public school shall provide comprehensive sexual health education to each student by the 2022-23 school year. The curriculum, instruction, and materials used to provide the comprehensive sexual health education must be medically and scientifically accurate, age-appropriate, and inclusive of all students, regardless of their protected class status under chapter 49.60 RCW, and must include information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention.

(ii)(A) Beginning in the 2020-21 school year, any public school that provides comprehensive sexual health education must ensure that the curriculum, instruction, and materials include information about affirmative consent and bystander training.

(B) The school district boards of directors of one or more public schools that are not providing comprehensive sexual health education in either the 2019-20 school year, the 2020-21 school year, or both, must prepare for incorporating information about affirmative consent and bystander training into the comprehensive sexual health education curriculum, instruction, and materials required by this section. In satisfying the requirements of this subsection (1)(a)(ii)(B), school district boards of directors must also, no later than the 2020-21 school year, consult with parents and guardians of students, local communities, and the Washington state school directors' association.

(b) A public school may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within its comprehensive sexual health education program if all speakers, curriculum, and materials used are in compliance with this section.

(c) Comprehensive sexual health education must be consistent with the Washington state health and physical education K-12 learning standards and the January 2005 guidelines for sexual health information and disease prevention devel-

oped by the department of health and the office of the superintendent of public instruction.

(2)(a) Beginning in the 2021-22 school year, comprehensive sexual health education must be provided to all public school students in grades six through twelve.

(b) Beginning in the 2022-23 school year, comprehensive sexual health education must be provided to all public school students.

(c) The provision of comprehensive sexual health education to public school students as required by (a) and (b) of this subsection (2) must be provided no less than:

- (i) Once to students in kindergarten through grade three;
- (ii) Once to students in grades four through five;
- (iii) Twice to students in grades six through eight; and
- (iv) Twice to students in grades nine through twelve.

(3) The office of the superintendent of public instruction and the department of health shall make the Washington state health and physical education K-12 learning standards and the January 2005 guidelines for sexual health information and disease prevention available to public schools, teachers, and guest speakers on their web sites. Within available resources, the office of the superintendent of public instruction and the department of health shall also, and to the extent permitted by applicable federal law, make any related information, model policies, curricula, or other resources available on their web sites.

(4) The office of the superintendent of public instruction, in consultation with the department of health, shall develop a list of comprehensive sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention, the Washington state health and physical education K-12 learning standards, and this section. This list, which may serve as a resource for schools, teachers, or any other organization or community group, must be updated at least annually, and must be made available on the web sites of the office of the superintendent of public instruction and the department of health.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall periodically review and revise, as necessary, training materials, which may be in an electronic format, for classroom teachers and principals to implement the applicable requirements of this section. The initial review required by this subsection (5) must be completed by March 1, 2021.

(6)(a) Public schools are encouraged to review their comprehensive sexual health education curricula and choose a curriculum from the list developed under subsection (4) of this section. Any public school may identify, choose, or develop any other curriculum if it complies with the requirements of this section.

(b) If a public school chooses a curriculum that is not from the list developed under subsection (4) of this section, the public school or applicable school district, in consultation with the office of the superintendent of public instruction, must conduct a review of the selected or developed curriculum to ensure compliance with the requirements of this section using a comprehensive sexual health education curriculum analysis tool of the office of the superintendent of public instruction.

(c) The office of the superintendent of public instruction shall provide technical assistance to public schools and school districts that is consistent with the curricula review, selection, and development provisions in (a) and (b) of this subsection (6).

(7)(a) Any parent or legal guardian who wishes to have his or her child excused from any planned instruction in comprehensive sexual health education may do so upon filing a written request with the school district board of directors or its designee, or the principal of the school his or her child attends, or the principal's designee. The person or entity to whom the request is directed must grant the written request to have the student excused from this instruction in accordance with this subsection. In addition, any parent or legal guardian may review the comprehensive sexual health education curriculum provided in his or her child's school by filing a written request with the school district board of directors, the principal of the school his or her child attends, or the principal's designee.

(b) At the beginning of the 2021-22 school year, each school providing comprehensive sexual health education must notify parents and guardians, in writing or in accordance with the methods the school finds most effective in communicating with parents, that the school will be providing comprehensive sexual health education during the school year. The notice must include, or provide a means for electronic access to, all course materials, by grade, that will be used at the school during the instruction.

(8)(a) Public schools shall annually, by September 1st, identify to the office of the superintendent of public instruction any curricula used by the school to provide comprehensive sexual health education as required by this section. Materials provided by schools under this subsection (8)(a) must also describe how the provided classroom instruction aligns with the requirements of this section.

(b) The office of the superintendent of public instruction shall summarize and, in accordance with RCW 43.01.036, report the results provided under (a) of this subsection (8) to the education committees of the house of representatives and the senate biennially, beginning after the 2022-23 school year.

(9) RCW 28A.600.480(2), which encourages school employees, students, and volunteers to report harassment, intimidation, or bullying, applies to this section.

(10) Nothing in this section expresses legislative intent to require that comprehensive sexual health education, or components of comprehensive sexual health education, be integrated into curriculum, materials, or instruction in unrelated subject matters or courses.

(11) For the purposes of this section:

(a) "Affirmative consent" means a conscious and voluntary agreement to engage in sexual activity as a requirement before sexual activity;

(b) "Comprehensive sexual health education" means recurring instruction in human development and reproduction that is age-appropriate and inclusive of all students, regardless of their protected class status under chapter 49.60 RCW. All curriculum, instruction, and materials used in providing comprehensive sexual health education must be medically and scientifically accurate and must use language and strategies that recognize all members of protected classes

under chapter 49.60 RCW. Comprehensive sexual health education for students in kindergarten through grade three must be instruction in social-emotional learning that is consistent with learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478. Comprehensive sexual health education for students in grades four through twelve must include information about:

- (i) The physiological, psychological, and sociological developmental processes experienced by an individual;
- (ii) The development of intrapersonal and interpersonal skills to communicate, respectfully and effectively, to reduce health risks, and choose healthy behaviors and relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation;
- (iii) Health care and prevention resources;
- (iv) The development of meaningful relationships and avoidance of exploitative relationships;
- (v) Understanding the influences of family, peers, community, and the media throughout life on healthy sexual relationships; and
- (vi) Affirmative consent and recognizing and responding safely and effectively when violence, or a risk of violence, is or may be present with strategies that include bystander training;

(c) "Medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer-reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the Washington state department of health, and the federal centers for disease control and prevention; and

(d) "Public schools" has the same meaning as in RCW 28A.150.010. [2020 c 188 § 1 (Referendum Measure No. 90, approved November 3, 2020); 2007 c 265 § 2.]

Finding—Intent—2007 c 265: "(1) The legislature finds that young people should have the knowledge and skills necessary to build healthy relationships, and to protect themselves from unintended pregnancy and sexually transmitted diseases, including HIV infection. The primary responsibility for sexual health education is with parents and guardians. However, this responsibility also extends to schools and other community groups. It is in the public's best interest to ensure that young people are equipped with medically and scientifically accurate, age-appropriate information that will help them avoid unintended pregnancies, remain free of sexually transmitted diseases, and make informed, responsible decisions throughout their lives.

(2) The legislature intends to support and advance the standards established in the January 2005 guidelines for sexual health information and disease prevention developed by the office of the superintendent of public instruction and the department of health. These guidelines are a fundamental tool to help school districts, teachers, guest speakers, health and counseling providers, community groups, parents, and guardians choose, develop, and evaluate sexual health curricula to better meet the health and safety needs of adolescents and young adults in their communities." [2007 c 265 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.477 Social-emotional learning committee.

(1) Subject to the availability of amounts appropriated for this specific purpose, the social-emotional learning committee is created to promote and expand social-emotional learning. Social-emotional learning will help students build awareness and skills in managing emotions, setting goals,

(2021 Ed.)

establishing relationships, and making responsible decisions that support success in school and life.

(2) At a minimum, the committee shall:

(a) Develop and implement a statewide framework for social-emotional learning that is trauma-informed, culturally sustaining, and developmentally appropriate;

(b) Review and update as needed the standards and benchmarks for social-emotional learning and the developmental indicators for grades kindergarten through twelve and confirm they are evidence-based;

(c) Align the standards and benchmarks for social-emotional learning with other relevant standards and guidelines including the health and physical education K-12 learning standards and the early learning and development guidelines;

(d) Advise the office of the superintendent of public instruction's duty under RCW 28A.300.478;

(e) Identify best practices or guidance for schools implementing the standards, benchmarks, and developmental indicators for social-emotional learning;

(f) Identify professional development opportunities for teachers and educational staff and review, update, and align as needed the social-emotional learning online education module;

(g) Consider systems for collecting data about social-emotional learning and monitoring implementation efforts;

(h) Identify strategies to improve coordination between early learning, K-12 education, youth-serving community partners and culturally-based providers, and higher education regarding social-emotional learning; and

(i) Engage with stakeholders and seek feedback.

(3) The committee must consist of the following members:

(a) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans; and

(b) One representative from the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.

(4) The governor and the tribes are encouraged to jointly designate a total of two members to serve on the committee who have experience working in and with schools: One member from east of the crest of the Cascade mountains; and one member from west of the crest of the Cascade mountains.

(5) Additional members of the committee must be appointed by the office of the superintendent of public instruction to serve on the committee. Additional members must include:

(a) One representative from the department of children, youth, and families;

(b) Two representatives from the office of the superintendent of public instruction: One with expertise in student support services; and one with expertise in curriculum and instruction;

(c) One representative from the office of the education ombuds;

(d) One representative from the state board of education;

(e) One representative from the health care authority's division of behavioral health and recovery;

(f) One higher educational faculty member with expertise in social-emotional learning;

- (g) One currently employed K-12 educator;
 - (h) One currently employed K-12 administrator;
 - (i) One school psychologist;
 - (j) One school social worker;
 - (k) One school counselor;
 - (l) One school nurse;
 - (m) One mental health counselor;
 - (n) One representative from a school parent organization;
 - (o) One member from a rural school district;
 - (p) One representative from the educational service districts;
 - (q) One representative from a coalition of members who educate about and advocate for access to social-emotional learning and skill development;
 - (r) One representative from a statewide expanded learning opportunities intermediary;
 - (s) One representative from a nonprofit organization with expertise in developing social-emotional curricula;
 - (t) One representative from a foundation that supports social-emotional learning; and
 - (u) One representative from a coalition of youth-serving organizations working together to improve outcomes for young people.
- (6) The members of the committee shall select the chairs or cochairs of the committee.
- (7) In addition to other meetings, the committee shall have a joint meeting once a year with the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.
- (8) The office of the superintendent of public instruction shall provide staff support for the committee.
- (9) Members of the committee shall serve without compensation but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.
- (10) Beginning June 1, 2021, and annually thereafter, the committee shall provide a progress report, in compliance with RCW 43.01.036, to the governor and appropriate committees of the legislature. The report must include accomplishments, state-level data regarding implementation of social-emotional learning, identification of systemic barriers or policy changes necessary to promote and expand social-emotional learning, and recommendations. [2019 c 386 § 1.]

28A.300.478 Social-emotional learning standards and benchmarks. (1) The office of the superintendent of public instruction shall review the recommendations of the social-emotional learning work group convened as directed in the 2017 omnibus appropriations act and the recommendations of the social-emotional learning committee created in RCW 28A.300.477. The office of the superintendent of public instruction shall adopt social-emotional learning standards and benchmarks by January 1, 2020, and revise the social-emotional learning standards and benchmarks as appropriate.

(2) The office of the superintendent of public instruction shall align the programs it oversees with the standards for social-emotional learning and integrate the standards where appropriate. [2019 c 386 § 2.]

28A.300.479 Social-emotional learning resources. Subject to the availability of amounts appropriated for this

specific purpose, the office of the superintendent of public instruction must create and publish on its web site a list of resources available for professional development of school district staff on the following topics: Social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. The office of the superintendent of public instruction must include in the list the professional development opportunities and resources identified by the social-emotional learning committee created under RCW 28A.300.477. [2019 c 386 § 6.]

28A.300.480 Civic education travel grant program.

- (1) The civic education travel grant program is created to provide travel grants to students participating in statewide, regional, national, or international civic education competitions or events.
- (2) The superintendent of public instruction shall allocate grants under the program established in this section from private donations or with amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.
- (3) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.
- (4) The superintendent of public instruction shall select grant recipients from student applicants that meet all of the following criteria:
- (a) Students must be residents of the state of Washington;
 - (b) Students must use the grants to fund travel to civic education-based competitions or events;
 - (c) Students must be participants in the civic education competition or event; and
 - (d) Students must be under the age of twenty-one and not yet have received their high school diploma.
- (5) Students are encouraged to seek matching funds, in-kind contributions, or other sources of support to supplement their travel expenses.
- (6) Applicants must include in the grant application the following:
- (a) A brief description of the civic education competition or event;
 - (b) A brief description of what the applicant expects to learn from the competition or event;
 - (c) The total travel costs and how much the applicant is requesting from the program; and
 - (d) The total amount of matching funds the applicant has already secured or expects to secure.
- (7) The superintendent of public instruction may adopt other criteria as appropriate for the review of grant proposals. In reviewing student applications for funding, scoring shall be based on an evaluation of all application materials that may be requested of applicants. The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill the program's goal. Final grant awards may be for

the full amount of the grant request or for a portion of the grant request.

(8) The office of the superintendent of public instruction may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms. [2007 c 291 § 3.]

Finding—Effective date—2007 c 291: See notes following RCW 43.15.095.

28A.300.485 Enhanced civics education demonstration sites. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select two school districts that are diverse in size and in geographic and demographic makeup to serve as demonstration sites for enhanced civics education. These demonstration sites will:

(1) Implement and assess an in-depth civics education program that includes the six proven instructional practices for enhancing civic education in kindergarten through twelfth grade classrooms;

(2) Collaborate with programs and agencies in the local community in order to expand after-school and summer civics education opportunities;

(3) Monitor and report the level of penetration of civics education in school and out-of-school programs;

(4) Ensure that underserved students including rural, low-income, immigrant, and refugee students are prioritized in the implementation of programs;

(5) Develop evaluation standards and a procedure for endorsing civics education curriculum that can be recommended for use in other school districts and out-of-school programs; and

(6) Provide an annual report on the demonstration sites by December 1st each year to the governor and the committees of the legislature with oversight over K-12 education. [2018 c 127 § 4.]

Finding—Intent—2018 c 127: See note following RCW 28A.230.094.

28A.300.490 Task force on gangs in schools—Reports. (1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the office of the superintendent of public instruction's school safety center, the school safety and student well-being advisory committee established in RCW 28A.300.635, and the Washington association of sheriffs and police chiefs.

(2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gang activities.

(3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature. [2019 c 333 § 15; 2007 c 406 § 2.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

(2021 Ed.)

28A.300.500 Longitudinal student data system. (1)

The office of the superintendent of public instruction is authorized to establish a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement.

(2) The confidentiality of personally identifiable student data shall be safeguarded consistent with the requirements of the federal family educational rights privacy act and applicable state laws. Consistent with the provisions of these federal and state laws, data may be disclosed for educational purposes and studies, including but not limited to:

(a) Educational studies authorized or mandated by the state legislature;

(b) Studies initiated by other state educational authorities and authorized by the office of the superintendent of public instruction, including analysis conducted by the education data center established under RCW 43.41.400; and

(c) Studies initiated by other public or private agencies and organizations and authorized by the office of the superintendent of public instruction.

(3) Any agency or organization that is authorized by the office of the superintendent of public instruction to access student-level data shall adhere to all federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records.

(4) Nothing in this section precludes the office of the superintendent of public instruction from collecting and distributing aggregate data about students or student-level data without personally identifiable information. [2007 c 401 § 2.]

Findings—2007 c 401: "The legislature finds that:

(1) Reliable data on student progress, characteristics of students and schools, and teacher qualifications and mobility is critical for accountability to the state and to the public;

(2) Educational data should be made available as widely as possible while appropriately protecting the privacy of individuals as provided by law;

(3) Having a single, comprehensive, and technically compatible student and school-level data system will streamline data collection for school districts, reduce inefficiencies caused by the lack of connectivity, and minimize or eliminate multiple data entry; and

(4) Schools and districts should be supported in their management of educational data and should have access to user-friendly programs and reports that can be readily used by classroom teachers and building principals to improve instruction." [2007 c 401 § 1.]

28A.300.505 School data systems—Standards—Reporting format. (1) The office of the superintendent of public instruction shall develop standards for school data systems that focus on validation and verification of data entered into the systems to ensure accuracy and compatibility of data. The standards shall address but are not limited to the following topics:

(a) Date validation;

(b) Code validation, which includes gender, race or ethnicity, and other code elements;

(c) Decimal and integer validation; and

(d) Required field validation as defined by state and federal requirements.

(2) The superintendent of public instruction shall develop a reporting format and instructions for school districts to collect and submit data that must include:

(a) Data on student demographics that is disaggregated as required by RCW 28A.300.042; and

(b) Starting no later than the 2016-17 school year, data on students from military families. The K-12 data governance group established in RCW 28A.300.507 must develop best practice guidelines for the collection and regular updating of this data on students from military families. Collection and updating of this data must use the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(i) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(ii) Further disaggregation of countries of origin for Asian students;

(iii) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(iv) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(3) For the purposes of this section, "students from military families" means the following categories of students, with data to be collected and submitted separately for each category:

(a) Students with a parent or guardian who is a member of the active duty United States armed forces; and

(b) Students with a parent or guardian who is a member of the reserves of the United States armed forces or a member of the Washington national guard. [2016 c 72 § 503; 2015 c 210 § 2; 2007 c 401 § 5.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Findings—2015 c 210: "(1) The legislature finds that, nationally, nearly two million students are from military families, where one or more parent or guardian serves in the United States armed forces, reserves, or national guard. There are approximately one hundred thirty-six thousand military families in Washington state.

(2) The legislature further finds that a United States government accountability office study in 2011 identified that it is not possible to monitor educational outcomes for students from military families due to the lack of a student identifier in state educational data systems. Such an identifier is needed to allow educators and policymakers to monitor critical elements of education success, including academic progress and proficiency, special and advanced program participation, mobility and dropout rates, and patterns over time across states and school districts. Reliable information about student performance will assist educators in more effectively transitioning students to a new school and enable school districts to discover and implement best practices." [2015 c 210 § 1.]

Findings—2007 c 401: See note following RCW 28A.300.500.

28A.300.507 K-12 data governance group—Duties—Reports. (1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the

superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under RCW 28A.655.210;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The per-pupil expenditures of federal, state, and local funds including actual personnel expenditures and actual nonpersonnel expenditures of federal, state, and local funds disaggregated by source of funds, for each local educational agency and each school in the state for the preceding fiscal year;

(b) Number of K-12 students per classroom teacher on a per teacher basis;

(c) Percentage of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data;

(d) Average length of service of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data;

(e) The cost of K-12 education per student by school district sorted by federal, state, and local dollars; and

(f) Data on student growth to align with the every student succeeds act (129 Stat. 1802; 20 U.S.C. Sec. 6301 et seq.).

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section and RCW 43.41.400 and 28A.655.210 shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated. [2020 c 61 § 3; 2016 c 72 § 601; 2009 c 548 § 203.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.300.510 After-school mathematics support program—Reports. (1) The after-school mathematics support program is created to study the effects of intentional, skilled mathematics support included as part of an existing after-school activity program.

(2) The office of the superintendent of public instruction shall provide grants to selected community-based, nonprofit organizations that provide after-school programs and include support for students to learn mathematics.

(3) Grant applicants must demonstrate the capacity to provide assistance in mathematics learning in the following ways:

(a) Identifying the mathematics content and instructional skill of the staff or volunteers assisting students;

(b) Identifying proposed learning strategies to be used, which could include computer-based instructional and skill practice programs and tutoring by adults or other students;

(c) Articulating the plan for connection with school mathematics teachers to coordinate student assistance; and

(d) Articulating the plan for assessing student and program success.

(4) Priority will be given to applicants that propose programs to serve middle school and junior high school students.

(5) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program continuation, program modification, and issues related to program sustainability and possible program expansion. An interim report is due November 1, 2008. The final report is due December 1, 2009. [2007 c 396 § 3.]

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

Additional notes found at www.leg.wa.gov

28A.300.520 Policies to support children of incarcerated parents. (1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) To the extent funds are available, the superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee. [2009 c 578 § 9; 2007 c 384 § 5.]

Intent—Finding—2007 c 384: See note following RCW 72.09.495.

28A.300.525 Students in department of children, youth, and families out-of-home care—Report on educational experiences. The education data center shall include in its reporting as part of the P-20 education data project the educational experiences and progress of students in out-of-

home care with the department of children, youth, and families. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in out-of-home care with the department of children, youth, and families. [2018 c 58 § 50; 2012 c 163 § 11; 2008 c 297 § 2; (2009 c 556 § 11 expired July 1, 2011).]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Findings—Effective date—2012 c 163: See notes following RCW 28B.117.010.

Additional notes found at www.leg.wa.gov

28A.300.530 Individuals with dyslexia—Identification and instruction—Handbook—Reports. (1) Within available resources, the office of the superintendent of public instruction, in consultation with the school districts that participated in the Lorraine Wojahn dyslexia pilot program, and with an international nonprofit organization dedicated to supporting efforts to provide appropriate identification of and instruction for individuals with dyslexia, shall:

(a) Develop an educator training program to enhance the reading, writing, and spelling skills of students with dyslexia. The training program must provide research-based, multisensory literacy intervention professional development in the areas of dyslexia and intervention implementation. The program shall be posted on the web site of the office of the superintendent of public instruction. The training program may be regionally delivered through the educational service districts. The educational service districts may seek assistance from the international nonprofit organization to deliver the training; and

(b) Develop a dyslexia handbook to be used as a reference for teachers and parents of students with dyslexia. The handbook shall be modeled after other state dyslexia handbooks, and shall include guidelines for school districts to follow as they identify and provide services for students with dyslexia. Additionally, the handbook shall provide school districts, and parents and guardians with information regarding the state's relevant statutes and their relation to federal special education laws. The handbook shall be posted on the web site of the office of the superintendent of public instruction.

(2) Beginning September 1, 2009, and annually thereafter, each educational service district shall report to the office of the superintendent of public instruction the number of individuals who participate in the training developed and offered by the educational service district. The office of the superintendent of public instruction shall report that information to the legislative education committees. [2009 c 546 § 2.]

Finding—Intent—2009 c 546: "Dyslexia is a language-based learning disability that affects individuals throughout their lives. Washington state has a long-standing tradition of working to serve its students with dyslexia. Since 2005, the legislature has provided funding for five pilot projects to implement research-based, multisensory literacy intervention for students with dyslexia. Participating schools were required to have a three-tiered reading structure in place, provide professional development training to teachers, assess students, and collect and maintain data on student progress.

The legislature finds that the students receiving intervention support through the dyslexia pilot projects have made substantial and steady academic gains. The legislature intends to sustain this work and expand the

implementation to a level of statewide support for students with dyslexia by developing and providing information and training, including a handbook to continue to improve the skills of our students with dyslexia." [2009 c 546 § 1.]

28A.300.535 Transgender student policy and procedure—Healthy youth survey. The office of the superintendent of public instruction, in collaboration with the health care authority, the department of health, and the liquor and cannabis board, must review and align the healthy youth survey with the model transgender student policy and procedure developed under RCW 28A.642.080. [2019 c 194 § 3.]

28A.300.537 Adverse childhood experiences—Healthy youth survey. (1)(a) The health care authority, in collaboration with the office of the superintendent of public instruction, the department of health, and the liquor and cannabis board, must incorporate questions related to adverse childhood experiences into the healthy youth survey that are validated for children and would allow reporting of adverse childhood experiences during childhood to be included in frequency reports. The questions must be administered for two cycles of the healthy youth survey and then evaluated by the agencies for any needed changes.

(b) Student responses to the healthy youth survey are voluntary and must remain anonymous.

(c) The aggregated student responses to the adverse childhood experiences questions must be made publicly available and disaggregated by state, educational service district, and county.

(d) School districts and school buildings must be provided the aggregated student responses of their students.

(e) The student response data specified in (c) and (d) of this subsection must comply with state and federal privacy laws.

(2) School districts are encouraged to use the information about adverse childhood experiences in their decision making and to help improve services for students. [2020 c 251 § 2.]

Intent—2020 c 251: "(1) The legislature stated in RCW 70.305.005 that "adverse childhood experiences are a powerful common determinant of a child's ability to be successful at school and, as an adult, to be successful at work, to avoid behavioral and chronic physical health conditions, and to build healthy relationships."

(2) The legislature recognizes that the healthy youth survey is a voluntary and anonymous survey administered every two years to students in sixth, eighth, tenth, and twelfth grades.

(3) The legislature intends to include questions related to adverse childhood experiences in the healthy youth survey to help assess the prevalence of adverse childhood experiences throughout the state. The legislature further intends for these data to help inform school district and community decision making and improve services for students." [2020 c 251 § 1.]

28A.300.540 Homeless students—Uniform process to track expenditures for transporting—Rules—Information to be posted on web site—Reports—Video on identifying homeless students—Best practices. (1) For the purposes of this section, "unaccompanied homeless student" means a student who is not in the physical custody of a parent or guardian and is homeless as defined in RCW 43.330.702(2).

(2) By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting

homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall post on the superintendent's web site total expenditures related to the transportation of homeless students.

(3)(a) By January 10, 2015, and every year thereafter, the office of the superintendent of public instruction shall post to the office's web site the following data for homeless students:

(i) The number of identified homeless students enrolled in public schools;

(ii) The number of identified unaccompanied homeless students enrolled in public schools, which number shall be included for each district and the state under "student demographics" on the Washington state report card web site;

(iii) The number of identified homeless students of color;

(iv) The number of students participating in the learning assistance program under chapter 28A.165 RCW, the highly capable program under chapter 28A.185 RCW, and the running start program under chapter 28A.600 RCW; and

(v) The academic performance and educational outcomes of homeless students and unaccompanied homeless students, including but not limited to the following performance and educational outcomes:

(A) Student scores on the statewide administered academic assessments;

(B) English language proficiency;

(C) Dropout rates;

(D) Four-year adjusted cohort graduation rate;

(E) Five-year adjusted cohort graduation rate;

(F) Absenteeism rates;

(G) Truancy rates, if available; and

(H) Suspension and expulsion data.

(b) The data reported under this subsection (3) must include state and district-level information and must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and gender.

(4) By July 1, 2014, the office of the superintendent of public instruction in collaboration with experts from community organizations on homelessness and homeless education policy, shall develop or acquire a short video that provides information on how to identify signs that indicate a student may be homeless, how to provide services and support to homeless students, and why this identification and support is critical to student success. The video must be posted on the superintendent of public instruction's web site.

(5) By July 1, 2014, the office of the superintendent of public instruction shall adopt and distribute to each school district, best practices for choosing and training school district-designated homeless student liaisons. [2020 c 61 § 2; 2016 c 157 § 4; 2015 c 69 § 28; 2014 c 212 § 2; 2009 c 515 § 12.]

Finding—Intent—2016 c 157: "(1) The legislature finds that schools are places of academic as well as personal enrichment and that schools provide safety, stability, support, and relationships necessary to help students succeed. These resources are vitally necessary for tens of thousands of stu-

(2021 Ed.)

dents in Washington with no permanent home who often struggle in school because they are worried about where their families are staying night after night.

(2) The legislature also recognizes the population of homeless students disproportionately includes students of color.

(3) The intent of the legislature is to start a competitive grant system for high-need school districts and to supplement federal McKinney-Vento Act dollars to ensure homeless students continue attending the same schools, maintain housing stability, and improve academic achievement." [2016 c 157 § 1.]

Short title—2016 c 157: "This act may be known and cited as the homeless student stability and opportunity gap act." [2016 c 157 § 8.]

Short title—2015 c 69: See RCW 43.330.911.

Findings—Intent—2014 c 212: "The legislature finds that since the 2005-06 school year, the number of homeless students identified in the K-12 public school system has been increasing. The legislature further finds that there are additional homeless students who are not identified by schools. The legislature intends to improve educational outcomes for homeless children by strengthening the ability of school districts to identify homeless students, establishing data reporting requirements, and distributing best practices and information regarding services and support for homeless students." [2014 c 212 § 1.]

28A.300.542 Students experiencing homelessness—Grant process to identify students and district capacity for support—Award criteria—Districts' responsibilities.

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall create a competitive grant process to evaluate and award state-funded grants to school districts to increase identification of students experiencing homelessness and the capacity of the districts to provide support for students experiencing homelessness. Funds may be used in a manner that is complementary to federal McKinney-Vento funds and consistent with allowable uses as determined by the office of the superintendent of public instruction. The process must complement any similar federal grant program or programs in order to minimize agency overhead and administrative costs for the superintendent of public instruction and school districts. School districts may access both federal and state funding to identify and support students experiencing homelessness.

(2) Award criteria for the state grants must be based on the demonstrated need of the school district and may consider the number or overall percentage, or both, of homeless children and youths enrolled in preschool, elementary, and secondary schools in the school district, and the ability of the local school district to meet these needs. Award criteria for these must also be based on the quality of the applications submitted. Selected grantees must reflect geographic diversity across the state. Greater weight must be given to districts that demonstrate a commitment to:

(a) Partnering with local housing and community-based organizations with experience in serving the needs of students experiencing homelessness or students of color;

(b) Serving the needs of unaccompanied youth; and

(c) Implementing evidence-informed strategies to address the opportunity gap and other systemic inequities that negatively impact students experiencing homelessness and students of color. Specific strategies may include, but are not limited to:

(i) Enhancing the cultural responsiveness of current and future staff;

(ii) Ensuring all staff, faculty, and school employees are actively trained in trauma-informed care;

(iii) Providing inclusive programming by intentionally seeking and utilizing input from the population being served;

(iv) Using a multidisciplinary approach when serving students experiencing homelessness and their families;

(v) Intentionally seeking and utilizing input from the families and students experiencing homelessness about how district policies, services, and practices can be improved; and

(vi) Identifying data elements and systems needed to monitor progress in eliminating disparities in academic outcomes for students experiencing homelessness with their housed peers.

(3) At the end of each academic year, districts receiving grants shall monitor and report on the academic outcomes for students served by the grants. The academic outcomes are those recommended by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall review the reports submitted by the districts and assist school districts in using these data to identify gaps and needs, and develop sustainable strategies to improve academic outcomes for students experiencing homelessness.

(4) Students experiencing homelessness are defined as students without a fixed, regular, and adequate nighttime residence in accordance with the definition of homeless children and youths in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11431 through 11435.

(5) School districts may not use funds allocated under this section to supplant existing federal, state, or local resources for supports for students experiencing homelessness, which may include education liaisons.

(6) Grants awarded to districts under this section may be for two years. [2019 c 412 § 1; 2016 c 157 § 2.]

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

28A.300.544 Students in foster care, experiencing homelessness, or both—Work group—Report. (Expires December 31, 2024.) (1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention and protection programs of the department of commerce, and the student achievement council, shall convene a work group to address the needs of students in foster care, experiencing homelessness, or both. Nothing in this section prevents the office of the superintendent of public instruction from using an existing work group created under the authority of section 223(1)(bb), chapter 299, Laws of 2018, with modifications to the membership and duties, to meet the requirements of this section. The work group, which shall seek to promote continuity with efforts resulting from section 223(1)(bb), chapter 299, Laws of 2018, must include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members who possess experience in issues of education, the foster care system, and homeless youth, appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group shall develop recommendations to promote the following for students who are in foster care, experiencing homelessness, or both:

(a) The achievement of parity in education outcomes with the general student population; and

(b) The elimination of racial and ethnic disparities for education outcomes in comparison to the general student population.

(3) In developing the recommendations required by subsection (2) of this section, the work group shall:

(a) Review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline;

(b) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and students with special education needs;

(c) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(d)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31, 2021, 2022, and 2023 that identify:

(A) Progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both; and

(B) Recommendations that can be implemented using existing resources, rules, and regulations, and those that would require policy, administrative, and resource allocation changes prior to implementation.

(ii) Reports required by (d) of this subsection may include findings and recommendations regarding the feasibility of developing a case study to examine or implement recommendations of the work group.

(4) The work group, in accordance with RCW 43.01.036, must submit a final report to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by July 1, 2024. The final report must include the recommendations required by subsection (2) of this section and may include a plan for achieving the recommendations specified in subsection (2) of this section.

(5) To assist the work group in the completion of its duties, the following apply:

(a) The office of the superintendent of public instruction, department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of com-

merce shall provide updated education data and other necessary data to the education data center established under RCW 43.41.400; and

(b) The education data center shall provide annual reports to the work group regarding education outcomes specified in subsection (3)(a)(i) and (ii) of this section by March 31, 2021, 2022, and 2023. If state funds are not available to produce the reports, the work group may pursue supplemental private funds to fulfill the requirements of this subsection (5)(b).

(6) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(7) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both.

(8) This section expires December 31, 2024. [2020 c 233 § 2.]

Findings—Intent—2020 c 233: See note following RCW 74.13.1051.

28A.300.545 Condensed compliance report form—Audit of districts submitting condensed compliance report forms. (1) The superintendent of public instruction shall develop a condensed compliance report form for second-class districts by August 1, 2011. The report form shall allow districts the option of indicating one of the following for each funded program:

(a) The district has complied or received a waiver approved by the state board of education or superintendent of public instruction;

(b) The district has not complied, accompanied by an explanation or the steps taken to comply; or

(c) The district has received a grant for less than half of a full-time equivalent instructional staff.

(2) The office of the superintendent of public instruction may conduct random audits of second-class districts that submit a condensed compliance report under RCW 28A.330.250. The purpose of the audit is to determine whether documentation exists to support a school district superintendent's condensed compliance report. [2018 c 177 § 505; 2011 c 45 § 2.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.300.550 Innovation schools—Identification—Web site—Publicity. (1) The legislature finds that innovation schools accomplish the following objectives:

(a) Provide students and parents with a diverse array of educational options;

(b) Promote active and meaningful parent and community involvement and partnership with local schools;

(c) Serve as laboratories for educational experimentation and innovation;

(d) Respond and adapt to different styles, approaches, and objectives of learning;

(2021 Ed.)

(e) Hold students and educators to high expectations and standards; and

(f) Encourage and facilitate bold, creative, and innovative educational ideas.

(2) The office of the superintendent of public instruction shall develop basic criteria and a streamlined review process for identifying Washington innovation schools. Any public school, including those with institution of higher education partners, may be nominated by a community, organization, school district, institution of higher education, or through self-nomination to be designated as a Washington innovation school. If the office of the superintendent of public instruction finds that the school meets the criteria, the school shall receive a designation as a Washington innovation school. Within available funds, the office shall develop a logo, certificate, and other recognition strategies to encourage and highlight the accomplishments of innovation schools.

(3) The office of the superintendent of public instruction shall:

(a) Create a page on the office web site to highlight examples of Washington innovation schools, including those with institution of higher education partners, that includes links to research literature and national best practices, as well as summary information and links to the web sites of Washington innovation schools. The office is encouraged to offer an educational administrator intern the opportunity to create the web page as a project toward completion of his or her administrator certificate; and

(b) Publicize the Washington innovation school designation and encourage schools, communities, institutions of higher education, and school districts to access the web site and create additional models of innovation. [2011 c 202 § 2.]

Finding—Intent—2011 c 202: "(1) The legislature finds that Washington has a long history of providing legal, financial, and political support for a wide range of innovative programs and initiatives and that these can and do operate successfully in public schools through the currently authorized governance structure of locally elected boards of directors of school districts.

(2) Examples of innovation schools can be found all across the state including, but not limited to:

(a) The Vancouver school of arts and academics that offers students beginning in sixth grade the opportunity to immerse themselves in the full range of the arts, including dance, music, theater, literary arts, visual arts, and moving image arts, as well as all levels of core academic courses;

(b) Thornton Creek elementary school in Seattle, an award-winning parent-initiated learning option based on the expeditionary learning outward bound model;

(c) The technology access foundation academy, a unique public-private partnership with the Federal Way school district that offers a rigorous and relevant curriculum through project-based learning, full integration of technology, and a small learning community intended to provide middle and high school students the opportunity for success in school and college;

(d) Talbot Hill elementary school in Renton, where students participate in a microsociety program that includes selecting a government, conducting business and encouraging entrepreneurialism, and providing community services such as banking, newspaper, post office, and courts;

(e) The Tacoma school of the arts, where sophomores through seniors form a cohesive, full-time learning community to study the full range of humanities, mathematics, science, and language as well as build a broad foundation in all forms of the arts, culminating with an in-depth senior arts project that showcases each student's talent and interest;

(f) The SPRINT program at Shaw middle school in Spokane, an alternative learning community for students in seventh and eighth grade proposed and created by a group of parents who wish to be very actively involved in their students' education;

(g) Puesta del sol elementary school in Bellevue, offering a diverse multicultural program and Spanish language immersion beginning in kindergarten;

(h) The Washington national guard youth challenge program operated in collaboration with the Bremerton school district that offers high-risk youth a rigorous and structured residential program that builds students' academic, social, and emotional skills, and physical fitness while providing up to one year of high school credits toward graduation;

(i) The Lincoln center program at Lincoln high school in Tacoma, an extended day program that has virtually eliminated the academic achievement gap and significantly boosted attendance and test scores for racially diverse, low-income, and highly mobile students;

(j) Delta high school, a science, technology, engineering, and math-focused school option for students in the Tri-Cities operating in cooperation with three school districts, the regional skill center, local colleges and universities, and the business community; and

(k) Aviation high school in the Highline school district, offering a project-based curriculum and learning environment centered on an aviation and aeronautics theme with strong business and community support.

(3) Therefore, the legislature intends to encourage additional innovation schools by disseminating information about current models and recognizing the effort and commitment that goes into their creation and operation." [2011 c 202 § 1.]

28A.300.555 Finding—Grants to improve readiness to learn. (1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the superintendent of public instruction shall award grants to community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn. [2011 1st sp.s. c 32 § 11; 1993 c 336 § 901. Formerly RCW 70.190.040.]

Transition plan—Report to the legislature—2011 1st sp.s. c 32: See note following RCW 70.305.005.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.300.560 Data on college credit through dual credit courses—Posting on website. In addition to data on student enrollment in dual credit courses, the office of the superintendent of public instruction shall collect and post on the Washington state report card website the rates at which students earn college credit through a dual credit course, using the following criteria:

(1) Students who achieve a score of three or higher on an AP examination;

(2) Students who achieve a score of four or higher on an examination of the international baccalaureate diploma programme;

(3) Students who successfully complete a Cambridge advanced international certificate of education examination;

(4) Students who successfully complete a course through the college in the high school program under RCW 28A.600.287 and are awarded credit by the partnering institution of higher education;

(5) Students who satisfy the dual enrollment and class performance requirements to earn college credit through a tech prep course; and

(6) Students who successfully complete a course through the running start program under RCW 28A.600.300 and are awarded credit by the institution of higher education. [2021 c 71 § 3; 2013 c 184 § 4.]

Findings—2013 c 184: See note following RCW 28A.320.195.

[Title 28A RCW—page 178]

28A.300.565 Grants to implement emergency response systems. Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction shall allocate grants to school districts on a competitive basis for the purpose of implementing emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. [2013 c 233 § 4.]

28A.300.570 Support of reading and early literacy. In support of reading and early literacy, the office of the superintendent of public instruction is responsible for:

(1) Continuing to work collaboratively with state and regional partners such as the department of children, youth, and families and the educational service districts to establish early literacy benchmarks and standards and to implement the Washington state comprehensive literacy plan;

(2) Disseminating research and information to school districts about evidence-based programs and practices in reading readiness skills, early literacy, and reading instruction;

(3) Providing statewide models to support school districts that are implementing response to intervention initiatives, positive behavior intervention support systems, or other similar comprehensive models of data-based identification and early intervention; and

(4) Within available funds and in partnership with the educational service districts, providing technical assistance and professional development opportunities for school districts. [2018 c 58 § 29; 2013 2nd sp.s. c 18 § 101.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.300.574 Dual language learning cohorts—Rules. (1) Within existing resources, the office of the superintendent of public instruction shall facilitate dual language learning cohorts for school districts and state-tribal compact schools establishing or expanding dual language programs. The office must provide technical assistance and support to school districts and state-tribal compact schools implementing dual language programs, including those establishing or expanding dual language programs under *section 1 of this act.

(2) The superintendent of public instruction may adopt rules to implement this section. [2017 c 236 § 3.]

***Reviser's note:** A translation of "section 1 of this act" is to the uncodified intent section noted after this section. Reference to RCW 28A.630.095 was apparently intended. RCW 28A.630.095 expired July 1, 2020.

Findings—Intent—2017 c 236: "(1) The legislature finds that it should review and revise the K-12 educational program taking into consideration the needs of students as they evolve. In Washington state, immigrant students whose first language is not English represent a significant part of evolving and more diverse school demographics. The legislature finds that Washington's educator workforce in school districts has not evolved in a manner consistent with changing student demographics. Thus, more and more schools are without the capacity to meet the needs of English learners and without the capacity to communicate effectively with parents whose first language is not English.

(2) The legislature finds that:

(a) Between 1986 and 2016, the number of students served in the state's transitional bilingual instruction program increased from fifteen thousand twenty-four to one hundred eighteen thousand five hundred twenty-six, an increase of six hundred eighty-nine percent, and that two-thirds of the stu-

(2021 Ed.)

dents were native Spanish speakers; the next ten most common languages were Russian, Vietnamese, Somali, Chinese, Arabic, Ukrainian, Tagalog, Korean, Marshallese, and Punjabi;

(b) In the 2015-16 school year, forty-six percent of instructors in the state's transitional bilingual instruction program were instructional aides, or paraeducators, not certificated teachers; and

(c) Eleven percent of students in the transitional bilingual instruction program received instruction in their native language in the 2015-16 school year, and research shows that non-English-speaking students develop academic proficiency in English more quickly when they are provided instruction in their native language initially.

(3) The legislature showed its commitment to equity in education by passing legislation creating a seal of biliteracy, requiring world language for high school graduation, easing the transitions of English learners, encouraging training for staff in cultural competence, monitoring the racial and ethnic data of teachers, and funding the creation of K-12 dual language programs.

(4) However, the legislature finds it is necessary to better serve non-English-speaking students by addressing and closing the significant language and instructional gaps that hinder English learners from meeting the state's rigorous educational standards.

(5) Thus, the legislature intends to establish a comprehensive approach to support English learners by creating grant programs to: (a) Expand dual language programs for elementary and secondary students; and (b) recruit bilingual individuals to become educators who are able to provide instruction in, and support for, dual language programs." [2017 c 236 § 1.]

28A.300.575 Washington state seal of biliteracy. (1) The Washington state seal of biliteracy is established to recognize public high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more world languages in addition to English. School districts are encouraged to award the seal of biliteracy to graduating high school students who meet the criteria established by the office of the superintendent of public instruction under this section. Participating school districts shall place a notation on a student's high school diploma and high school transcript indicating that the student has earned the seal.

(2) The office of the superintendent of public instruction shall adopt rules establishing criteria for award of the Washington state seal of biliteracy. The criteria must require a student to demonstrate proficiency in English by meeting state high school graduation requirements in English, including through state assessments and credits, and proficiency in one or more world languages other than English. The criteria must permit a student to demonstrate proficiency in another world language through multiple methods including nationally or internationally recognized language proficiency tests and competency-based world language credits awarded under the model policy adopted by the Washington state school directors' association.

(3) For the purposes of this section, a world language other than English must include American sign language and Native American languages. [2014 c 102 § 2.]

Findings—Intent—2014 c 102: "(1) The legislature finds that:

(a) The study of world languages in elementary and secondary schools should be encouraged because it contributes to students' cognitive development and to the national economy and security;

(b) Proficiency in multiple languages enables Washington to participate more effectively in the current global political, social, and economic context;

(c) The benefits to employers of having employees who are fluent in more than one language are clear: Increased access to expanding markets, better service of customers' needs, and expanded trading opportunities with other countries; and

(d) Protecting the state's rich heritage of multiple cultures and languages, as well as building trust and understanding across the multiple cultures and languages of diverse communities, requires multilingual communication skills.

(2) Therefore, the legislature's intent is to promote and recognize linguistic proficiency and cultural literacy in one or more world languages in

(2021 Ed.)

addition to English through the establishment of a Washington state seal of biliteracy." [2014 c 102 § 1.]

28A.300.580 Phone interpretation services—Posting vendor information on web site. (1) The office of the superintendent of public instruction and the office of the education ombuds shall post information on the agency's web site regarding the phone interpretation vendors on contract with the state of Washington, including contact information.

(2) School districts are encouraged to use the phone interpretation services addressed in subsection (1) of this section to communicate with student's parents, legal guardians, and family members who have limited English proficiency. [2014 c 150 § 4.]

28A.300.585 Computer science learning standards. Beginning in the 2015-16 school year, the office of the superintendent of public instruction shall adopt computer science learning standards developed by a nationally recognized computer science education organization. [2015 1st sp.s. c 3 § 1.]

28A.300.587 Computer science report. Beginning June 30, 2020, and by each June 30th thereafter, each school district shall submit to the office of the superintendent of public instruction, and the office of the superintendent of public instruction shall post conspicuously on its web site, a report for the preceding academic year that must include, but is not limited to, the following:

(1) The total number of computer science courses offered in each school and whether these courses are advanced placement classes;

(2) The number and percentage of students who enrolled in a computer science program, disaggregated by:

(a) Gender;

(b) Race and ethnicity;

(c) Special education status;

(d) English language learner status;

(e) Eligibility for the free and reduced-price lunch program; and

(f) Grade level; and

(3) The number of computer science instructors at each school, disaggregated by:

(a) Certification, if applicable;

(b) Gender; and

(c) Highest academic degree. [2019 c 27 § 2.]

Findings—2019 c 27: "The legislature finds that to close the gender gap in computer science fields, it is important that computer science student participation rates are incorporated into the existing reporting infrastructure at the office of the superintendent of public instruction. The legislature finds that it is critical to track the gender and demographic composition of computer science course takers as well as the specific courses that they are taking. Grade level, socioeconomic, and distinctive factors should be included to establish a clear baseline of current student participation and identify areas for student participation improvement." [2019 c 27 § 1.]

28A.300.590 Educational outcomes—Program of education for dependent youth—Responsibilities of department of social and health services, superintendent of public instruction, and nongovernmental entity—Reports. (1) As used in this section, "outcome" or "outcomes" means measuring the differences in high school graduation rates and postsecondary enrollment between youth

served by the education coordination program described in this section and those who would have otherwise been eligible for the program, but were not served by the program.

(2) To the extent funds are appropriated for this purpose, the department of social and health services must contract with the office of the superintendent of public instruction, which in turn must contract with at least one nongovernmental entity to administer a program of education coordination for youth, kindergarten through twelfth grade, who are dependent pursuant to chapter 13.34 RCW. The office of the superintendent of public instruction shall, in consultation with the department of social and health services, comply with all requirements necessary to maximize federal reimbursement for the program of education coordination for youth. The contract between the office of the superintendent of public instruction and the nongovernmental entity must be outcome driven with a stated goal of reducing educational barriers to youth success. The selected nongovernmental entity or entities must engage in a public-private partnership with the office of the superintendent of public instruction and are responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(3) The nongovernmental entity or entities selected by the office of the superintendent of public instruction must have demonstrated success in working with foster care youth and assisting foster care youth in receiving appropriate educational services, including enrollment, accessing school-based services, reducing out-of-school discipline interventions, and attaining high school graduation.

(4) The selected nongovernmental entity or entities must provide services to support individual youth upon a referral by a social worker with the department of social and health services, school staff, or a nongovernmental agency. The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation and in-service training. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(5) The selected nongovernmental entity or entities must report outcomes semiannually to the office of the superintendent of public instruction and the department of social and health services beginning December 1, 2016. [2016 c 71 § 3.]

Intent—2016 c 71: "The Washington state legislature has long acknowledged that youth impacted by the foster care system experience among the worst high school graduation and postsecondary completion outcomes compared to any other population of youth. Over the last decade, legislative leadership has sparked innovation and development of an array of services to improve educational outcomes. The legislature intends to powerfully leverage that past experience to establish a set of comprehensive strategies that are evidence-based, more coordinated, intensive, and intentional in order to proactively support youth to complete high school and successfully implement their own plans for their future.

The goals of this effort are threefold:

- (1) To make Washington number one in the nation for foster care graduation rates;
- (2) To make Washington number one in the nation for foster care enrollment in postsecondary education; and
- (3) To make Washington number one in the nation for foster care postsecondary completion." [2016 c 71 § 1.]

28A.300.592 Educational outcomes—On-site individualized education services for dependent students—

[Title 28A RCW—page 180]

Public-private partnership—Reports. (1) As used in this section, "outcome" or "outcomes" means measuring the differences in high school graduation rates and postsecondary enrollment and completion between youth served by the programs described in this section, and those who would have otherwise been eligible for the programs, but were not served by the programs.

(2) To the extent funds are appropriated for this purpose, the office of the superintendent of public instruction must contract with at least one nongovernmental entity to improve the educational outcomes of students at two sites by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs. The selected nongovernmental entity must engage in a public-private partnership with the office of the superintendent of public instruction and is responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(3) One of the sites described in subsection (2) of this section shall be the site previously selected by the department of social and health services pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013 2nd sp. sess. to the extent private funds are available. The previously selected site will expand to include the entire county in which it is currently located, subject to the availability of private funds. The second site established under this section must be implemented after July 1, 2016. The office of the superintendent of public instruction and the nongovernmental entity or entities at the original site shall consult with the department of social and health services and then collaboratively select the second site. This site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(4) The purpose of the programs at both sites is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(5) The entity or entities at these sites must facilitate the educational progress, high school completion, and postsecondary plan initiation of eligible youth. The contract with the entity or entities must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of foster youth by two percent per year over five school year periods. The baseline for measurement for the existing site was established in the 2013-14 school year, and this baseline remains applicable through the 2018-19 school year. Any new site must establish its baseline at the end of the first year of service provision, and this baseline must remain applicable for the next five school year periods.

(6) Services provided by the nongovernmental entity or entities must include:

- (a) Advocacy for foster youth to eliminate barriers to educational access and success;
- (b) Consultation with schools and the department of children, youth, and families case workers to develop educational plans for and with participating youth;

(2021 Ed.)

(c) Monitoring education progress and providing interventions to improve attendance, behavior, and course performance of participating youth;

(d) Facilitating age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(e) Facilitating the participation of youth with school and local resources that may assist in educational access and success; and

(f) Coordinating youth, caregivers, schools, and social workers to advocate to support youth progress in the educational system.

(7) The contracted nongovernmental entity or entities must report site outcomes to the office of the superintendent of public instruction and the department of children, youth, and families semiannually.

(8) The department of children, youth, and families must proactively refer all eligible students thirteen years of age or older, within the site areas, to the contractor for educational services. Youth eligible for referral are dependent pursuant to chapter 13.34 RCW, are age thirteen through twenty-one years of age, are not currently served by services under RCW 28B.77.250, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to college promise program.

(9) The selected nongovernmental entity or entities may be colocated in the offices of the department of children, youth, and families to provide timely consultation. These entities must be provided access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100. [2018 c 58 § 63; 2016 c 71 § 4.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Intent—2016 c 71: See note following RCW 28A.300.590.

28A.300.606 Teacher and administrator professional learning—Working with paraeducators. (1) The superintendent of public instruction, in consultation with the paraeducator board created in RCW 28A.413.020 and the professional educator standards board, shall design a training program for teachers and administrators as it relates to their role working with paraeducators. Teacher training must include how to direct a paraeducator working with students in the paraeducators' classroom. Administrator training must include how to supervise and evaluate paraeducators.

(2) Subject to the availability of amounts appropriated for this specific purpose, the training program designed under subsection (1) of this section must be made available to public schools, school districts, and educational service districts. [2017 c 237 § 13.]

28A.300.615 Substitute teachers—Hiring and compensation reporting. (1) By October 1st of each year, a school district must report to the office of the superintendent of public instruction:

(a) The number of substitute teachers hired per school year;

(b) The number of hours worked by each substitute teacher;

(c) The number of substitute teachers that received benefits under the school employees' benefits board;

(d) The full daily compensation rate per substitute teacher; and

(e) The reason for hiring the substitute teacher.

(2) By January 1st of each year, the office of the superintendent of public instruction must post on its web site the information identified in subsection (1) of this section. [2020 c 8 § 3; 2016 c 233 § 8.]

Effective date—2020 c 8: See note following RCW 41.05.744.

28A.300.620 Mentor training program goals—Professional development curricula. (1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher preparation programs, shall develop mentor training program goals, and shall post the goals on its web site.

(2) The office of the superintendent of public instruction is encouraged to develop professional development curricula aligned with the mentor training program goals required under this section. The purpose of this [these] curricula is to standardize mentorship training statewide in order to develop high quality mentors. [2016 c 233 § 12.]

28A.300.630 School safety center. (1) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall establish a school safety center as provided in this section.

(2) The center, working in conjunction with the regional school safety centers established in RCW 28A.310.510, forms a statewide network for school safety.

(3) The center, in collaboration with staff in the office of the superintendent of public instruction, must:

(a) Serve as a clearinghouse for information regarding comprehensive school safety planning and practice;

(b) Disseminate information regarding school safety incidents in Washington and across the country;

(c) Develop and maintain a public web site to increase the availability of information, research, and other materials related to school safety;

(d) Serve as the lead school safety center, and work in conjunction with the regional school safety centers, to support school districts efforts to meet state requirements regarding school safety including the development and implementation of:

(i) Comprehensive safe school plans as required by RCW 28A.320.125; and

(ii) Plans for recognition, initial screening, and response to emotional or behavioral distress in students as required by RCW 28A.320.127;

(e) Develop model school safety policies and procedures and identify best practices in school safety;

(f) Work in conjunction with the regional school safety centers to plan for the provision of school safety trainings and to provide technical assistance;

(g) Hold an annual school safety summit as required by RCW 28A.300.273;

(h) Support the required activities of the regional school safety centers, established in RCW 28A.310.510; and

(i) Perform other functions consistent with the purpose of the center, as described in this section. [2019 c 333 § 2.]

Findings—Intent—2019 c 333: "(1) The legislature recognizes that school safety supports effective teaching and learning by creating and promoting a physically, emotionally, socially, behaviorally, and academically secure climate for students, staff, and visitors. Keeping a school safe involves planning for the prevention of, intervention in, mitigation of, protection from, response to, and recovery from various natural, physical, social, emotional, biological, and technological threats and trauma to an individual, the school, and the community.

(2) The legislature has taken steps over the years to improve the safety of public school students by, for example: (a) Requiring schools and school districts to have school safety plans in place; (b) requiring school districts to have plans for recognition, initial screening, and response to emotional or behavioral distress in students, including indicators of possible substance abuse, violence, youth suicide, and sexual abuse; (c) requiring the use of a statewide first responder building mapping information system; (d) requiring school districts to adopt policies and procedures to prevent harassment, intimidation, and bullying, including cyberbullying; and (e) prohibiting firearms and other dangerous weapons on school premises.

(3) The legislature finds that many school districts need additional supports to keep their schools safe. The legislature intends to establish a statewide network of the structural components necessary to enhance student safety in schools so that students have a sense of well-being and can focus on learning. This network, or system, of comprehensive school safety supports is based on the work of the state school safety center, which supports the regional school safety centers at each educational service district. The regional school safety centers, in collaboration with community school safety stakeholders, support the efforts of the local school districts and schools to bring best practices in school safety to every school and classroom in the state. The school safety and student well-being advisory committee provides ongoing advice to the state and regional school safety centers, as well as public and private schools. The state and regional school safety centers, together with the school safety and student well-being advisory committee, bring together caring adults, including those who work directly with students every day, to define school safety problems at the state and local levels and identify solutions to those problems, such as creating needed programs and identifying necessary supports. Creating a system of comprehensive school safety supports will maximize the use of state and local resources so that every student can attend a school with a safe, healthy, and supportive learning environment." [2019 c 333 § 1.]

Intent—2019 c 333: See note following RCW 28A.320.124.

28A.300.635 School safety and student well-being advisory committee. (1) The school safety and student well-being advisory committee is established within the office of the superintendent of public instruction. The purpose of the committee is to advise the superintendent, the office of the superintendent of public instruction's school safety center, the regional school safety centers, school districts, and public and private schools on all matters related to comprehensive school safety and student well-being.

(2) The superintendent of public instruction must appoint the members of the committee. The members must represent the following sectors, agencies, and organizations, at a minimum: The various state education associations, including teachers associations, the association of colleges for teacher education, and associations for educational staff associates; the educational service districts; the state ethnic commissions; the governor's office of Indian affairs; parent organizations; student organizations; private schools; emergency management; behavioral health; public health; law enforcement; and emergency first responders.

(3) The committee shall:

(a) Make recommendations to those it advises on policies and strategies to improve school safety and student well-being;

(b) Identify emerging issues and best practices for consideration and implementation, particularly as these relate to the integration of student well-being and school safety;

(c) Establish priorities for training, funding, statewide data collection, and other forms of support for students, schools, and school districts;

(d) Engage the public on school safety and student well-being; and

(e) Perform other duties as required by law.

(4) By November 15, 2020, and by November 15th every even year thereafter, and in compliance with RCW 43.01.036, the committee must coordinate with the office of the superintendent of public instruction's school safety center to submit a report to the appropriate committees of the legislature. The report must summarize the committee's activities during the past biennium, include recommended state policies and strategies for improving school safety and student well-being, provide an estimate of the cost to implement each recommendation, and prioritize the recommendations.

(5) Staff support for the committee must be provided by the office of the superintendent of public instruction.

(6) The committee must meet at least quarterly.

(7) Members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other members is subject to chapter 43.03 RCW. [2019 c 333 § 4.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

28A.300.640 School-based threat assessment program—Model policy and procedure. (1) The Washington state school directors' association, in collaboration with the office of the superintendent of public instruction, shall develop a model policy and procedure to establish a school-based threat assessment program that meets the requirements of RCW 28A.320.123. The model policy and procedure must be posted on the web site of the state school safety center, established in RCW 28A.300.630, by January 1, 2020.

(2) In developing the model policy and procedure, the Washington state school directors' association and the office of the superintendent of public instruction must:

(a) Consult with the school safety and student well-being advisory committee, established under RCW 28A.300.635, and other organizations with expertise in school safety, behavioral health, the rights of students with disabilities, and protecting civil liberties; and

(b) Consider multilevel threat assessment programs implemented in schools in Washington. [2019 c 333 § 6.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

28A.300.645 Monitoring and data collection—Comprehensive safe school plans, student distress, and school-based threat assessment programs. (1) Subject to the availability of amounts appropriated for this specific purpose,

in order to ensure that public schools and school districts are meeting the requirements of RCW 28A.320.125 relating to comprehensive safe school plans, RCW 28A.320.127 related to plans for recognition, initial screening, and response to emotional or behavioral distress in students, and RCW 28A.320.123 relating to school-based threat assessment programs, the superintendent of public instruction shall monitor these programs no less than once every five years.

(2) The superintendent of public instruction must consult with interested stakeholders to develop data collection and submission requirements for school districts as they relate to RCW 28A.320.125 relating to comprehensive safe school plans, RCW 28A.320.127 related to plans for recognition, initial screening, and response to emotional or behavioral distress in students, and RCW 28A.320.123 relating to school-based threat assessment programs.

(3) By December 1, 2020, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature regarding the office's plans for data collection and monitoring under this section and describing any implementation issues that could be fixed through legislation.

(4) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section. [2019 c 333 § 7.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

28A.300.650 School resource officer training—Materials—Grant program—Report. (1) Subject to the availability of amounts appropriated for this specific purpose, by January 1, 2020, the state school safety center, established in RCW 28A.300.630, in collaboration with the school safety and student well-being advisory committee, established in RCW 28A.300.635, and law enforcement entities interested in providing training to school resource officers, shall identify and make publicly available training materials that are consistent with the requirements in RCW 28A.320.124.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must establish and implement a grant program to fund training for school resource officers as described in RCW 28A.320.124. Eligible grantees include school districts, educational service districts, law enforcement agencies, and law enforcement training organizations. Training under this section may be developed by schools in partnership with local law enforcement and organizations that have expertise in topics such as juvenile brain development; restorative practices or restorative justice; social-emotional learning; civil rights; and student rights, including free speech and search and seizure. This training may be provided by the criminal justice training commission.

(b) By December 1st of each year the program is funded, the office of the superintendent of public instruction must submit an annual report to the governor and appropriate committees of the legislature on the program. [2019 c 333 § 13.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

(2021 Ed.)

28A.300.700 Dyslexia screening tools. (1) By September 1, 2019, the superintendent of public instruction, after considering recommendations from the dyslexia advisory council convened under RCW 28A.300.710, must identify screening tools and resources that, at a minimum, meet the following best practices to:

(a) Satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and

(b) Identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

(2) Beginning September 1, 2019, the superintendent of public instruction must maintain on the agency's web site the list of screening tools and resources identified under this section and must include links to the tools and resources, when available.

(3) The superintendent of public instruction must review and update the list of screening tools and resources identified under this section as appropriate. [2018 c 75 § 3.]

28A.300.710 Dyslexia advisory council. (Expires August 1, 2023.) (1) The superintendent of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting. The council must include interested stakeholders including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the council must serve without compensation.

(2) By June 1, 2019, the council must identify and describe screening tools and resources that satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the superintendent of public instruction.

(3) By June 1, 2020, the council must develop recommendations and report to the superintendent of public instruction regarding:

(a) Best practices for school district implementation of screenings as required under RCW 28A.320.260, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under RCW 28A.320.260, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(4) By January 15, 2022, the council must review school district implementation of screenings and their use of multi-

tiered systems of support to provide interventions as required under RCW 28A.320.260, and report to the superintendent of public instruction with updates on its recommendations for the best practices and sample educational information required under subsection (3) of this section.

(5) This section expires August 1, 2023. [2018 c 75 § 4.]

28A.300.720 Dyslexia recommendations. (1) By June 1, 2021, the superintendent of public instruction must review the dyslexia advisory council's recommendations required under RCW 28A.300.710 and make available to school districts:

(a) Best practices for school district implementation of screenings as required under RCW 28A.320.260, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under RCW 28A.320.260, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(2) By February 15, 2022, the superintendent of public instruction must review the dyslexia advisory council's updated report required under RCW 28A.300.710 and revise the best practices and sample educational information made available to school districts required under subsection (1) of this section.

(3) By November 1, 2022, and in compliance with RCW 43.01.036, the superintendent of public instruction must report to the house of representatives and senate education committees with the following information from the 2021-22 school year:

(a) The number of students: (i) Screened pursuant to RCW 28A.320.260; (ii) with indications of, or areas of weakness associated with, dyslexia identified under RCW 28A.300.700; and (iii) provided interventions pursuant to RCW 28A.320.260;

(b) Descriptions from school districts of the types of interventions used in accordance with RCW 28A.320.260 and rates of student progress, when available; and

(c) Descriptions from school districts of the issues districts had related to implementing the provisions of RCW 28A.320.260. [2018 c 75 § 5.]

28A.300.730 Dyslexia rules. (1) The superintendent of public instruction may adopt rules to implement RCW 28A.300.700, 28A.300.710, 28A.300.720, 28A.320.250, 28A.320.260, 28A.320.270, and *28A.165.035.

(2) The rules may include, but are not limited to, the following:

(a) A timeline for school districts and charter schools to implement the screenings required under RCW 28A.320.260;

(b) The frequency of conducting the screenings;

(c) Best practices for identifying screening tools and resources in accordance with RCW 28A.300.700;

(d) Training for school district staff conducting the screenings; and

(e) The members and scope of work for the dyslexia advisory council convened under RCW 28A.300.710. [2018 c 75 § 8.]

*Reviser's note: RCW 28A.165.035 was repealed by 2021 c 111 § 13.

28A.300.750 Basic education waivers for school districts. (1)(a) In accordance with the criteria adopted by the state board of education under subsection (2) of this section, the superintendent of public instruction may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220, except as provided in (b) of this subsection, on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

(b) The state board of education shall have authority to grant waivers from the provisions of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW 28A.230.090(1)(e)(ii) and 28A.655.180.

(2) The state board of education shall adopt rules establishing the criteria to evaluate the need for a waiver or waivers under this section. [2018 c 177 § 502; 2018 c 177 § 501; (2012 c 53 § 8 expired June 30, 2019); (2011 c 260 § 8 expired June 30, 2019); (1992 c 141 § 302 expired September 1, 2000); 1990 c 33 § 267; 1985 c 349 § 6. Formerly RCW 28A.305.140, 28A.04.127.]

Effective dates—2018 c 177 § 201, 202, 501-504, 507, and 701: See note following RCW 28A.150.222.

Finding—Intent—2018 c 177: See note following RCW 28A.305.905. Additional notes found at www.leg.wa.gov

28A.300.760 Waiver applications annual report. Beginning September 1, 2019, the superintendent of public instruction shall annually report to the state board of education and education committees of the house of representatives and the senate summaries of all waiver applications submitted to the superintendent of public instruction for the prior school year under RCW 28A.150.222, 28A.150.290, 28A.230.015, and 28A.300.750, including the following information for each type of waiver:

(1) The annual number of waiver applications the superintendent approved and did not approve;

(2) A brief summary of each waiver request;

(3) The reasons the superintendent approved or did not approve each waiver application; and

(4) Links to the waiver applications posted on the superintendent's web site. [2018 c 177 § 508.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

28A.300.770 Highly capable students—Identification procedures. (1) The superintendent of public instruction must require school districts to have identification procedures for their highly capable programs that are clearly stated and implemented by school districts using the following criteria:

(a) Districts must use multiple objective criteria to identify students who are among the most highly capable. Multi-

ple pathways for qualifications must be available and no single criterion may disqualify a student from identification;

(b) Highly capable selection decisions must be based on consideration of criteria benchmarked on local norms, but local norms may not be used as a more restrictive criteria than national norms at the same percentile;

(c) Subjective measures such as teacher recommendations or report card grades may not be used to screen out a student from assessment. These data points may be used alongside other criteria during selection to support identification, but may not be used to disqualify a student from being identified; and

(d) To the extent practicable, screening and assessments must be given in the native language of the student. If native language screening and assessments are not available, a non-verbal screening and assessment must be used.

(2) The superintendent of public instruction must disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs. The guidance must be regularly updated and aligned with evidence-based practices. [2018 c 266 § 105.]

28A.300.790 Outdoor-based activities—Instructional days. (1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in RCW 28A.320.173 to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section. [2018 c 266 § 410.]

28A.300.802 Advisory groups—Travel—Compensation. In addition to any board, commission, council, committee, or other similar group established by statute or executive order, the superintendent of public instruction may appoint advisory groups on subject matters within the superintendent's responsibilities or as may be required by any federal legislation as a condition to the receipt of federal funds by the federal department. The advisory groups shall be constituted as required by federal law or as the superintendent may determine.

Members of advisory groups under the authority of the superintendent may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Except as provided in this section, members of advisory groups under the authority of the superintendent are volunteering their services and are not eligible for compensation. A person is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group if the person (1) occupies a position, normally regarded as full-time in nature, as a certificated employee of a local school district; (2) is participating as part of their employment with the local school district; and (3) the meeting or duties are performed outside the period in which school days as defined by *RCW 28A.150.030 are conducted. The superintendent may reimburse local school districts for substitute certificated employees to enable members

to meet or perform duties on school days. A person is eligible to receive compensation from federal funds in an amount to be determined by personal service contract for groups required by federal law. [2011 1st sp.s. c 21 § 53.]

*Reviser's note: RCW 28A.150.030 expired September 1, 2011. See RCW 28A.150.203.

28A.300.803 Openly licensed courseware—Identifying and developing library—Reports—Open educational resources account. (1)(a) Subject to availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall take the lead in identifying and developing a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, registered by a nonprofit or for-profit organization with domain expertise in open courseware, that allows others to use, distribute, and create derivative works based upon the digital material, while still allowing the authors or creators to retain the copyright and to receive credit for their efforts.

(b) During the course of identification and development of a library of openly licensed courseware, the superintendent:

(i) May contract with third parties for all or part of the development;

(ii) May adopt or adapt existing high quality openly licensed K-12 courseware aligned with the common core state standards;

(iii) May consider multiple sources of openly licensed courseware;

(iv) Must use best efforts to seek additional outside funding by actively partnering with private organizations;

(v) Must work collaboratively with other states that have adopted the common core state standards and collectively share results; and

(vi) Must include input from classroom practitioners, including teacher-librarians as defined by RCW 28A.320.240, in the results reported under subsection (2)(d) of this section.

(2) The superintendent of public instruction must also:

(a) Advertise to school districts the availability of openly licensed courseware, with an emphasis on the fact that the courseware is available at no cost to the districts;

(b) Identify an open courseware repository to which openly licensed courseware identified and developed under this section may be submitted, in which openly licensed courseware may be housed, and from which openly licensed courseware may be easily accessed, all at no cost to school districts;

(c) Provide professional development programs that offer support, guidance, and instruction regarding the creation, use, and continuous improvement of open courseware; and

(d) Report to the governor and the education committees of the legislature on a biennial basis, beginning December 1, 2013, and ending December 1, 2017, regarding identification and development of a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, use by school districts of openly licensed courseware, and professional development programs provided.

(3) School districts may, but are not required to, use any of the openly licensed courseware.

(4) As used in this section, "courseware" includes the course syllabus, scope and sequence, instructional materials, modules, textbooks, including the teacher's edition, student guides, supplemental materials, formative and summative assessment supports, research articles, research data, laboratory activities, simulations, videos, open-ended inquiry activities, and any other educationally useful materials.

(5) The open educational resources account is created in the custody of the state treasurer. All receipts from funds collected under this section must be deposited into the account. Expenditures from the account may be used only for the development of openly licensed courseware as described in this section. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2018 c 268 § 2; 2012 c 178 § 2.]

Finding—2012 c 178: "The legislature finds the state's recent adoption of common core K-12 standards provides an opportunity to develop a library of high quality, openly licensed K-12 courseware that is aligned with these standards. By developing this library of openly licensed courseware and making it available to school districts free of charge, the state and school districts will be able to provide students with curricula and texts while substantially reducing the expenses that districts would otherwise incur in purchasing these materials. In addition, this library of openly licensed courseware will provide districts and students with a broader selection of materials, and materials that are more up-to-date." [2012 c 178 § 1.]

28A.300.805 K-3 class size reduction construction grant pilot program—Classroom counting method and funding formula—Prioritizing grant applications—Recommendations—Annual reports. (1) The legislature recognizes that the provisions of the K-3 class size reduction construction grant pilot program will need modifications to (a) ensure that the grant program will meet the program's objectives for all school districts needing additional classrooms, and (b) identify changes to the school construction assistance program to improve appropriate coordination between the two grant programs.

(2) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction shall develop (a) an improved method for calculating needed classrooms, and (b) an improved funding formula for calculating grant awards to meet the objectives of this section and *RCW 28A.525.058. The classroom counting method and funding formula must be informed by data collected in state studies and surveys or through inventory and condition assessments conducted by the Washington State University extension energy office. The improved classroom counting method and improved funding formula, and any other requirements of this section, must be reported to the office of financial management and the appropriate committees of the legislature by December 1, 2015.

(3)(a) The improved classroom counting method must:

(i) Demonstrate a lack of sufficient classroom space district-wide to meet K-3 class size ratios as funded pursuant to average class size objectives for the 2017-18 school year enumerated in RCW 28A.150.260 in effect as of October 31, 2014, and to provide all-day kindergarten as funded pursuant

to RCW 28A.150.315. The determination that there is a lack of sufficient space must be based on data collected in a state study and survey conducted within the preceding six years from the date of grant application or data collected through an inventory and condition assessment validated by the Washington State University extension energy office within the preceding six years from the date of grant application;

(ii) For school districts with student headcount enrollments more than forty-eight thousand, the improved classroom counting method must demonstrate a lack of sufficient classroom space within subdistrict areas in order to account for rapid growth in certain areas of a district that should be met with classroom capacity in those certain areas to avoid prolonged bussing of elementary students.

(b) The improved classroom counting method must be designed to ensure that additional classrooms will achieve average class size objectives for the 2017-18 school year enumerated in RCW 28A.150.260 in effect as of October 31, 2014, and all-day kindergarten as funded pursuant to RCW 28A.150.315.

(4)(a) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction must also recommend a process for prioritizing grant applications. The prioritization process must produce one prioritized list of grant recipients that includes all of the projects requested by school districts, and report the list, including preliminary estimates of necessary added classrooms, to the office of financial management and the appropriate committees of the legislature.

(b) The prioritized list must consider the following priorities:

(i) Applicants with high student to teacher ratios in kindergarten through third grades;

(ii) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program;

(iii) Applicants that have not raised capital funds through levies or bonds in the prior ten-year period;

(iv) Other criteria that relate to the objectives of the grant program.

(5) The improved funding formula must consider options for enhanced state funding for school districts that have not raised capital funds through levies or bonds in the prior ten-year period.

(6) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the office of the superintendent of public instruction must recommend statutory and rule changes to ensure appropriate coordination between the K-3 class size reduction construction grant program and the school construction assistance program. The recommendation must include ways to ensure that new square footage funded through this grant program does not impair a school district's eligibility for modernization or replacement grants through the school construction assistance program eligibility under RCW 28A.525.166.

(7) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction must recommend the content and method for reporting annually on the grants awarded during each fiscal year. The report must

include, at least, the grant amounts and the status of all awarded grants by school district. The annual report must also include data documenting actual class size reductions and all-day kindergarten achieved in school districts that have received grants provided under this section. Beginning in 2016, the report must be submitted to the office of financial management and the appropriate committees of the legislature by October 1st for the preceding fiscal year and made available to the public on a web site maintained by the superintendent of public instruction.

(8) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction must recommend statutory and rule changes for awarding grants for construction, modernization, or replacement of school facilities with an expected useful life of less than thirty years. [2015 3rd sp.s. c 41 § 301.]

*Reviser's note: RCW 28A.525.058 expired July 1, 2017.

Findings—Intent—2015 3rd sp.s. c 41: "(1) The legislature finds that local school districts design, build, own, and manage public school facilities. The Washington state Constitution provides two ways to fund construction of public school facilities. First, the state Constitution provides the means for school districts to finance school construction. Article VII, section 2 of the state Constitution authorizes school districts to collect capital levies to support the construction, remodeling, or modernization of school facilities. In addition, Article VIII, section 6 of the state Constitution authorizes school districts to incur debt up to eleven and one-half percent of the total assessed value of taxable property for school construction and Article VII, section 2 of the state Constitution authorizes school districts to pay for this debt by issuing general obligation bonds for these capital purposes. Second, Article IX, section 3 of the state Constitution establishes the common school construction fund and dedicates revenues derived from school and state trust lands and earnings of the permanent common school fund to funding common school construction. Beyond these constitutional means, the legislature provides further state assistance to school districts through the issuance of general obligation bonds, the proceeds of which the state appropriates to support the state school construction assistance grant program established in chapter 28A.525 RCW. This state grant program is not intended to replace the financing provisions established in the state Constitution, but rather to provide state assistance that supplements the constitutional financing provisions. The state grant program helps finance new school capacity to accommodate enrollment growth and to modernize and replace existing schools while respecting local decisions and control by locally elected school boards.

(2) The legislature also finds that some school districts may benefit from additional financial assistance to provide school facilities—beyond that which is provided through the school construction assistance grant program—for the purpose of constructing or acquiring additional classrooms to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade.

(3) For the 2015-2017 biennium, the legislature intends to provide additional state financial assistance to help school districts in funding public school facilities necessary to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade." [2015 3rd sp.s. c 41 § 101.]

Effective date—2015 3rd sp.s. c 41: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 14, 2015]." [2015 3rd sp.s. c 41 § 403.]

28A.300.807 Task force—Review of federal 2007 race and ethnicity reporting guidelines—Development of state guidelines. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene a task force to review the United States department of education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state. The task force must include representatives from the educational opportunity gap oversight

(2021 Ed.)

and accountability committee, the ethnic commissions, the governor's office of Indian affairs, and a diverse group of parents. The guidance must clarify for students and families why information about race and ethnicity is collected and how students and families can help school administrators properly identify them. The guidance must also describe the best practices for school administrators to use when identifying the race and ethnicity of students and families. The task force must use the United States census and the American community survey in the development of the guidance. [2016 c 72 § 502.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.300.810 Innovative learning pilot program. (1) By July 1, 2020, the office of the superintendent of public instruction shall create and administer an innovative learning pilot program to authorize full-time enrollment funding for students participating in mastery-based learning programs.

(2) To participate in the innovative learning pilot program, school districts must have a waiver from the credit unit graduation requirements, granted by the state board of education, for the 2019-20 school year. Districts wishing to participate must submit to the office of the superintendent of public instruction, in a manner determined by the office, the following information:

(a) Affirmation that the district wishes to participate in the pilot program and the specific schools with a waiver within the district that would participate in the pilot program;

(b) A description of the mastery-based learning program that the school district intends to implement and the number of students that are expected to participate; and

(c) An explanation of the goals of the mastery-based learning program and how the school district intends to measure and assess attainment of the goals.

(3) The pilot program must be in effect through the 2022-23 school year.

(4) The office of the superintendent of public instruction may adopt rules necessary for the effective and efficient implementation of this section, including rules that define full-time enrollment standards for students based on regular participation in an approved mastery-based learning program rather than hours of seat time. Rules adopted pursuant to this section must permit participating school districts to report full-time equivalent students in an approved mastery-based learning program for general apportionment funding.

(5) By December 1, 2022, the office of the superintendent of public instruction, in collaboration with the state board of education, must report to the legislature regarding the efficiency, cost, and impacts of the funding model or models used under the pilot program.

(6) For purposes of this section, "mastery-based learning program" means an educational program where:

(a) Students advance upon demonstrated mastery of content;

(b) Competencies include explicit, measurable, transferable learning objectives that empower students;

(c) Assessments are meaningful and a positive learning experience for students;

(d) Students receive rapid, differentiated support based on their individual learning needs; and

(e) Learning outcomes emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions. [2020 c 353 § 2.]

Intent—2020 c 353: "The legislature intends to explore new school funding models that would permit and promote equitable access to innovative modes of instruction which allow students to earn credit through demonstration of mastery learning standards instead of completion of hours of classroom instruction. Therefore, the legislature intends to create a pilot program which authorizes full-time enrollment funding for students participating in established mastery-based learning programs and to examine the efficiency, cost, and impacts of these funding models." [2020 c 353 § 1.]

Effective date—2020 c 353: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 3, 2020]." [2020 c 353 § 3.]

28A.300.815 Financial aid advising day. (1)(a) Beginning with the 2020-21 school year, within existing resources, and in collaboration with the Washington student achievement council, the office of the superintendent of public instruction shall coordinate a financial aid advising day with all school districts with a high school.

(b) For the purposes of this section and RCW 28A.230.310, a "financial aid advising day" means a day or series of days between September 1st and December 1st of each year that includes, but is not limited to, dedicated time during regular school hours for staff to:

(i) Provide information to twelfth grade students on the free application for federal student aid, the Washington application for state financial aid, and the college board's CSS profile;

(ii) As appropriate and whenever possible, assist twelfth grade students in completing the free application for federal student aid and the Washington application for state financial aid; and

(iii) In conjunction with the Washington student achievement council, distribute information on the Washington college grant and demonstrate the use of the college financial aid calculator created in RCW 28B.77.280.

(c) Each school district may choose the date or series of dates on which to hold a financial aid advising day.

(2) The office of the superintendent of public instruction shall coordinate with the Washington student achievement council whenever possible to assist districts in facilitating opportunities outside of regular school hours for parents to take part in seminars on completing the free application for federal student aid and the Washington application for state financial aid. Whenever possible, districts shall provide spoken language interpreter services for limited English-speaking families.

(3) Schools must allow students over the age of eighteen to opt out and parents or guardians of students under the age of eighteen to opt their student out of scheduled financial aid advising day activities.

(4) A student may not be penalized for failing to complete financial aid applications or for opting out of activities under subsection (3) of this section.

(5) Educational staff, including instructional, administrative, and counseling staff, may not be assessed or penalized on the basis of students' completion of financial aid forms or students' decisions to opt out under subsection (3) of this section.

(6) In the administration of the financial aid advising day, personally identifiable student or family information must be protected in accordance with state and federal privacy laws. [2020 c 307 § 5.]

Intent—Conflict with federal requirements—2020 c 307: See notes following RCW 28B.77.290.

28A.300.820 Elementary and secondary school emergency relief III account. The elementary and secondary school emergency relief III account is created in the state treasury. Revenues attributable to section 2001, the American rescue plan act of 2021, P.L. 117-2 must be deposited into the account. Moneys in the account may be spent only after appropriation. [2021 c 334 § 1901.]

Conflict with federal requirements—Effective date—2021 c 334: See notes following RCW 43.79.555.

28A.300.825 Secondary traumatic stress—Resources. The office of the superintendent of public instruction must publish on its website links to resources, self-assessments, and best practices for educators and local policymakers to prevent and address secondary traumatic stress in the workforce. The office of the superintendent of public instruction must collaborate with the Washington state school directors' association, the educational service districts, and the school employees' benefits board created in RCW 41.05.740 and provide links to any resources on secondary traumatic stress available through these organizations. [2021 c 129 § 2.]

Finding—Intent—2021 c 129: "(1)(a) The legislature acknowledges that secondary traumatic stress, also called compassion fatigue, is a natural but disruptive set of symptoms that may result when one person learns firsthand of the traumatic experiences of another. Symptoms of secondary traumatic stress may include feelings of isolation, anxiety, dissociation, physical ailments, and sleep disturbances. In addition, those affected by secondary traumatic stress may experience: Changes in memory and perception; alterations in their sense of self-efficacy; a depletion of personal resources; and disruption in their perceptions of safety, trust, and independence.

(b) Secondary traumatic stress may be experienced by teachers, school counselors, administrators, or other school staff. Everyday these school staff work with students experiencing trauma and loss. In addition, many students have experienced additional trauma due to the effects of the COVID-19 pandemic on themselves and their families.

(2) The legislature finds that secondary traumatic stress is preventable and treatable. Therefore, the legislature intends to require school districts to adopt a policy and procedure to prevent and address secondary traumatic stress in the workforce and to make resources on secondary traumatic stress publicly available." [2021 c 129 § 1.]

28A.300.830 Funding, services, and outcomes for children and youth who are neglected, delinquent, or at risk—Report. (1)(a) Beginning July 1, 2022, and every three years thereafter, the office of the superintendent of public instruction shall report on the funding and services provided in support of youth pursuant to Washington's every student succeeds act consolidated plan, Title I, part D: Prevention and intervention programs for children and youth who are neglected, delinquent, or at risk, and the education outcomes resulting from the funding and provided services.

(b) The purpose of the report is to inform the legislature of progress toward the goals established in the consolidated plan and provide the legislature with the opportunity to determine whether subsequent legislation should be enacted to ensure the education needs of youth and postpresident youth.

(2) Reports required by this section, which must delineate the recipients of the federal funds and how they are being used to support the education needs of youth and postresident youth, must be submitted to the appropriate committees of the house of representatives and the senate in accordance with RCW 43.01.036.

(3) For purposes of this section, "postresident youth" and "youth" have the same meanings as in RCW 28A.190.005. [2021 c 164 § 10.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

28A.300.840 Media literacy and digital citizenship—Grant program. (Expires July 31, 2031.) (1)(a) The office of the superintendent of public instruction shall establish a grant program for the purposes of supporting media literacy and digital citizenship through school district leadership teams. The office of the superintendent of public instruction shall establish and publish criteria for the grant program, and may accept gifts, grants, or endowments from public or private sources for the grant program.

(b) A school district that receives a grant under this section is not prohibited from receiving a grant in subsequent grant cycles.

(2)(a) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee create a district leadership team that develops a curriculum unit on media literacy or digital citizenship, or both, that may be integrated into one of the following areas:

- (i) Social studies;
- (ii) English language arts; or
- (iii) Health.

(b) School districts selected under the grant program are expected to evaluate the curriculum unit they develop under this subsection (2).

(c) In developing their curriculum unit, school districts selected under the grant program are encouraged to work with school district teacher-librarians or a school district library information technology program, if applicable.

(3) The establishment of the grant program under this section is subject to the availability of amounts appropriated for this specific purpose.

(4) The curriculum unit developed under this section must be made available as an open educational resource.

(5)(a) Up to 10 grants a year awarded under this section must be for establishing media literacy professional learning communities with the purpose of sharing best practices in the subject of media literacy.

(b)(i) Grant recipients under this subsection (5) are required to develop an online presence for their community to model new strategies and to share ideas, challenges, and successful practices.

(ii) Grant recipients shall attend the group meetings created by the office of the superintendent of public instruction under (c) of this subsection (5).

(c) The office of the superintendent of public instruction shall convene group meetings for the purpose of sharing best practices and strategies in media literacy education.

(d) Additional activities permitted for the use of these grants include, but are not limited to:

(i) Organizing teachers from across a school district to develop new instructional strategies and to share successful strategies;

(ii) Sharing successful practices across a group of school districts; and

(iii) Facilitating coordination between educational service districts and school districts to provide training.

(6)(a) At least one grant awarded in each award cycle must be for developing and using a curriculum that contains a focus on synthetic media as a major component.

(b) For the purposes of this section, "synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of digital technology in a manner to create a realistic but false image, audio, or video.

(7) This section expires July 31, 2031. [2021 c 301 § 6.]

Finding—Purpose—2021 c 301: See note following RCW 28A.650.060.

28A.300.845 Media literacy and digital citizenship—Regional conferences. (Expires July 31, 2031.) (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene two regional conferences on the subject of media literacy and digital citizenship.

(2) The conferences in this section should highlight the work performed by the recipients of the grant program established under RCW 28A.300.840, as well as best practices in media literacy and digital citizenship.

(3) The locations for conferences convened under this section must include one site in western Washington and one site in eastern Washington.

(4) This section expires July 31, 2031. [2021 c 301 § 7.]

Finding—Purpose—2021 c 301: See note following RCW 28A.650.060.

28A.300.900 Registered preapprenticeship and youth apprenticeship recommendations. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges and the Washington state apprenticeship and training council, shall examine opportunities for promoting recognized preapprenticeship and registered youth apprenticeship opportunities for high school students.

(2) In accordance with this section, by November 1, 2018, the office of the superintendent of public instruction shall solicit input from persons and organizations with an interest or relevant expertise in registered preapprenticeship programs, registered youth apprenticeship programs, or both, and employer-based preapprenticeship and youth apprenticeship programs, and provide a report to the governor and the education committees of the house of representatives and the senate that includes recommendations for:

(a) Improving alignment between college-level vocational courses at institutions of higher education and high school curriculum and graduation requirements, including high school and beyond plans required by RCW 28A.230.090. Recommendations provided under this subsection may include recommendations for the development or

revision of career and technical education course equivalencies established in accordance with RCW 28A.700.080(1)(b) for college-level vocational courses successfully completed by a student while in high school and taken for dual credit;

(b) Identifying and removing barriers that prevent the wider exploration and use of registered preapprenticeship and registered youth apprenticeship opportunities by high school students and opportunities for registered apprenticeships by graduating secondary students; and

(c) Increasing awareness among teachers, counselors, students, parents, principals, school administrators, and the public about the opportunities offered by registered preapprenticeship and registered youth apprenticeship programs.

(3) As used in this section, "institution of higher education" has the same meaning as defined in RCW 28A.600.300. [2018 c 228 § 1.]

Chapter 28A.305 RCW STATE BOARD OF EDUCATION

Sections

28A.305.011	Board membership—Terms—Compensation.
28A.305.021	Election of board members—Restrictions.
28A.305.035	Joint report to the legislature.
28A.305.045	Condensed compliance reports—Second-class districts.
28A.305.130	Powers and duties—Purpose.
28A.305.135	Rule making—School district fiscal impact statement required—Exceptions.
28A.305.190	Eligibility to take test to earn a high school equivalency certificate.
28A.305.215	Essential academic learning requirements and grade level expectations—Revised standards and curricula for mathematics and science—Duties of the state board of education and the superintendent of public instruction—Revised graduation requirements.
28A.305.902	Transfer of duties—Review and recommendation—2006 c 263.
28A.305.905	Transfer of duties between the state board of education and superintendent of public instruction—Validity of actions, funds apportionment, and collective bargaining.
<i>Assistance of certificated or classified employee—Reimbursement for substitute: RCW 28A.300.035.</i>	
<i>Corporal punishment prohibited—Adoption of policy: RCW 28A.150.300.</i>	
<i>Reimbursement for substitute if employee serves state board or superintendent: RCW 28A.300.035.</i>	
<i>Statewide student assessment system—Redesign—Reports to the legislature: RCW 28A.300.041.</i>	

28A.305.011 Board membership—Terms—Compensation. (1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. [2006 c 263 § 105; 2005 c 497 § 101.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—2005 c 497: "The legislature intends to reconstitute the state board of education and to refocus its purpose; to abolish the academic achievement and accountability commission; to assign policy and rule-making authority for educator preparation and certification to the professional educator standards board and to clearly define its purpose; and to align the missions of the state board of education and the professional educator standards board to create a collaborative and effective governance system that can accelerate progress towards achieving the goals in RCW 28A.150.210." [2005 c 497 § 1.]

Additional notes found at www.leg.wa.gov

28A.305.021 Election of board members—Restrictions. The election of state board of education members by school directors and private school board members shall be conducted by the office of the superintendent of public instruction for the members of the state board who begin serving on January 1, 2006, and thereafter.

(1) The superintendent shall adopt rules for the conduct of elections, which shall include, but need not be limited to: The definition of the eastern Washington and western Washington geographic regions of the state for the purpose of determining board member positions; the weighting of votes cast by the number of students in the school director's school district or board member's private school; election and dispute resolution procedures; the process for filling vacancies; and election timelines. The election timeline shall include calling for elections no later than the twenty-fifth of August, and notification of the election results no later than the fifteenth of December.

(2) State board member positions one and two shall be filled by residents of the eastern Washington region and positions three, four, and five shall be filled by residents of the western Washington region.

(3) A school director shall be eligible to vote only for a candidate for each position in the geographic region within which the school director resides.

(4) Initial terms of the individuals elected by the school directors shall be for terms of two to four years in length as follows: Two members, one from eastern Washington and one from western Washington, shall be elected to two-year terms; two members, one from eastern Washington and one from western Washington, shall be elected to four-year terms; and one member from western Washington shall be elected to a three-year term. The term of the private school member shall be two years. All terms shall expire on the second Monday of January of the applicable year.

(5) No person employed in any public or private school, college, university, or other educational institution or any educational service district superintendent's office or in the office of the superintendent of public instruction is eligible for membership on the state board of education. No member of a board of directors of a local school district or private school may continue to serve in that capacity after having been elected to the state board. [2005 c 497 § 102.]

Intent—Part headings not law—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.305.035 Joint report to the legislature. (1) By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

(2) The state board of education shall include the chairs and ranking minority members of the legislative education committees in board communications so that the legislature can be kept apprised of the discussions and proposed actions of the board. [2006 c 263 § 103; 2005 c 497 § 103.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

(2021 Ed.)

28A.305.045 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 20.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.305.130 Powers and duties—Purpose. The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students who are not meeting academic standards as defined in RCW 28A.165.015, disaggregated as described in RCW 28A.300.042(1) for student-level data. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b)(i)(A) Identify the scores students must achieve in order to meet the standard on the statewide student assessment, and the SAT or the ACT if used to demonstrate career and college readiness under RCW 28A.655.250. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall set such performance standards and levels in consulta-

tion with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(B) To permit the legislature to take any statutory action it deems warranted before modified or newly established scores are implemented, the board shall notify the education committees of the house of representatives and the senate of any scores that are modified or established under (b)(i)(A) of this subsection on or after July 28, 2019. The notifications required by this subsection (4)(b)(i)(B) must be provided by November 30th of the year proceeding the beginning of the school year in which the modified or established scores will take effect;

(ii) The legislature intends to continue the implementation of chapter 22, Laws of 2013 2nd sp. sess. when the legislature expressed the intent for the state board of education to identify the student performance standard that demonstrates a student's career and college readiness for the eleventh grade consortium-developed assessments. Therefore, by December 1, 2018, the state board of education, in consultation with the superintendent of public instruction, must identify and report to the governor and the education policy and fiscal committees of the legislature on the equivalent student performance standard that a tenth grade student would need to achieve on the state assessments to be on track to be career and college ready at the end of the student's high school experience;

(iii) The legislature shall be advised of the initial performance standards and any changes made to the elementary, middle, and high school level performance standards. The board must provide an explanation of and rationale for all initial performance standards and any changes, for all grade levels of the statewide student assessment. If the board changes the performance standards for any grade level or subject, the superintendent of public instruction must recalculate the results from the previous ten years of administering that assessment regarding students below, meeting, and beyond the state standard, to the extent that this data is available, and post a comparison of the original and recalculated results on the superintendent's website;

(c) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(d) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredited, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve. However, no private school may be approved that operates a kindergarten program only and no private school shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction. [2021 c 111 § 10; 2019 c 252 § 112; 2017 3rd sp.s. c 31 § 3; 2013 2nd sp.s. c 22 § 7; 2011 1st sp.s. c 6 § 1; 2009 c 548 § 502; 2008 c 27 § 1; 2006 c 263 § 102; 2005 c 497 § 104; 2002 c 205 § 3; 1997 c 13 § 5; 1996 c 83 § 1; 1995 c 369 § 9; 1991 c 116 § 11; 1990 c 33 § 266. Prior: 1987 c 464 § 1; 1987 c 39 § 1; prior: 1986 c 266 § 86; 1986 c 149 § 3; 1984 c 40 § 2; 1979 ex.s. c 173 § 1; 1975-'76 2nd ex.s. c 92 § 1; 1975 1st ex.s. c 275 § 50; 1974 ex.s. c 92 § 1; 1971 ex.s. c 215 § 1; 1971 c 48 § 2; 1969 ex.s. c 223 § 28A.04.120; prior: 1963 c 32 § 1; 1961 c 47 § 1; prior: (i) 1933 c 80 § 1; 1915 c 161 § 1; 1909 c 97 p 236 § 5; 1907 c 240 § 3; 1903 c 104 § 12; 1897 c 118 § 27; 1895 c 150 § 1; 1890 p 352 § 8; Code 1881 § 3165; RRS § 4529. (ii) 1919 c 89 § 3; RRS § 4684. (iii) 1909 c 97 p 238 § 6; 1897 c 118 § 29; RRS § 4530. Formerly RCW 28A.04.120, 28.04.120, 28.58.280, 28.58.281, 28.58.282, 43.63.140.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Intent—2019 c 252: See note following RCW 28A.655.250.

Effective date—2017 3rd sp.s. c 31: See note following RCW 28A.655.061.

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

Effective date—2011 1st sp.s. c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 31, 2011]." [2011 1st sp.s. c 6 § 2.]

Intent—Finding—2009 c 548: "(1)(a) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on a school improvement system that engages and serves the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous improvement in student achievement and alignment with the federal system of accountability.

(b) The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools and resources necessary to improve student achievement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achieve-

ment, and a system of general support, targeted assistance, recognition, and, if necessary, state intervention.

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress." [2009 c 548 § 501.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—2005 c 497: See notes following RCW 28A.305.011.

Findings—Severability—Effective dates—2002 c 205 §§ 2, 3, and 4: See notes following RCW 28A.320.125.

Districts to develop programs and establish programs regarding child abuse and neglect prevention: RCW 28A.225.200.

Professional certification not required of superintendents or deputy or assistant superintendents: RCW 28A.410.120.

Sexual abuse of students, child abuse, and neglect—Coordinated prevention program: RCW 28A.300.160.

Use of force on children—Policy—Actions presumed unreasonable: RCW 9A.16.100.

Additional notes found at www.leg.wa.gov

28A.305.135 Rule making—School district fiscal impact statement required—Exceptions. (1) The state board of education must provide a school district fiscal impact statement prepared by the office of the superintendent of public instruction with the published notice of a rule-making hearing required under RCW 34.05.320 on rules proposed by the board. At the rule-making hearing, the board must also hear a presentation from the office of the superintendent of public instruction and take public testimony on the fiscal impact statement. A copy of the fiscal impact statement must be forwarded to the education committees of the legislature.

(2) The office of the superintendent of public instruction must solicit fiscal impact estimates from a representative sample of school districts across the state when preparing a fiscal impact statement.

(3) This section does not apply to the following rules:

(a) Emergency rules adopted under RCW 34.05.350;

(b) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, or rules of other Washington state agencies;

(c) Rules that adopt, amend, or repeal a procedure or practice related only to the operation of the state board of education and not to any external parties;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; or

(e) Rules the content of which is explicitly and specifically dictated by statute. [2012 c 210 § 1.]

28A.305.190 Eligibility to take test to earn a high school equivalency certificate. The state board of education shall adopt rules governing the eligibility of a child sixteen years of age and under nineteen years of age to take a test to earn a high school equivalency certificate as provided in

(2021 Ed.)

RCW 28B.50.536 if the child provides a substantial and warranted reason for leaving the regular high school education program, if the child was home-schooled, or if the child is an eligible student enrolled in a dropout reengagement program under RCW 28A.175.100 through 28A.175.110. [2013 c 39 § 8; 2010 c 20 § 6; 1993 c 218 § 1; 1991 c 116 § 5; 1973 c 51 § 2. Formerly RCW 28A.04.135.]

Intent—2010 c 20: See note following RCW 28A.175.100.

Waiver of fees or residency requirements at community or technical colleges for students completing a high school education: RCW 28B.15.520.

Additional notes found at www.leg.wa.gov

28A.305.215 Essential academic learning requirements and grade level expectations—Revised standards and curricula for mathematics and science—Duties of the state board of education and the superintendent of public instruction—Revised graduation requirements. (1) The activities in this section revise and strengthen the state learning standards that implement the *goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under **RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4)(a) By February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4).

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under (c) of this subsection and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under (c) of this subsection are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) Within two months after the presentation of the recommended curricula, the state board of education shall pro-

vide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By June 30, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary and middle school grade spans and not more than three recommendations for each of the major high school courses within the following science domains: Earth and space science, physical science, and life science.

(d) Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under **RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by ***RCW 28A.305.130(4)(e) before implementation.

(10) The superintendent of public instruction shall conduct a comprehensive survey of the mathematics curricula being used by school districts at all grade levels and the textbook and curriculum purchasing cycle of the districts and

report the results of the survey to the education committees of the legislature by November 15, 2008. [2009 c 310 § 5. Prior: 2008 c 274 § 2; 2008 c 172 § 2; 2007 c 396 § 1.]

Reviser's note: *(1) Reference to "goals" was deleted by 2009 c 548 § 101.

***(2) RCW 28A.305.219 expired June 30, 2012.

****(3) RCW 28A.305.130 was amended by 2009 c 548 § 502, deleting subsection (4)(e).

Intent—2008 c 172: "The legislature intends that the revised mathematics standards by the office of the superintendent of public instruction will set higher expectations for Washington's students by fortifying content and increasing rigor; provide greater clarity, specificity, and measurability about what is expected of students in each grade; supply more explicit guidance to educators about what to teach and when; enhance the relevance of mathematics to students' lives; and ultimately result in more Washington students having the opportunity to be successful in mathematics. Additionally, the revised mathematics standards should restructure the standards to make clear the importance of all aspects of mathematics: Mathematics content including the standard algorithms, conceptual understanding of the content, and the application of mathematical processes within the content." [2008 c 172 § 1.]

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

Additional notes found at www.leg.wa.gov

28A.305.902 Transfer of duties—Review and recommendation—2006 c 263. The legislature encourages the members of the new state board of education to review the transfer of duties from the state board to other entities made in chapter 263, Laws of 2006 and if any of the duties that were transferred away from the state board are necessary for the board to accomplish the purpose set out in chapter 263, Laws of 2006 then the state board shall come back to the legislature to request those necessary duties to be returned to the state board of education. The state board of education is encouraged to make such a request by January 15, 2007. [2006 c 263 § 101.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.305.905 Transfer of duties between the state board of education and superintendent of public instruction—Validity of actions, funds apportionment, and collective bargaining. (1) The transfer of powers, duties, and functions of the superintendent of public instruction and the state board of education pursuant to chapter 177, Laws of 2018 do not affect the validity of any superintendent of public instruction or state board of education action performed before June 7, 2018.

(2) If apportionments of budgeted funds are required because of the transfer of powers, duties, and functions directed by chapter 177, Laws of 2018, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the director's certification.

(3) Unless otherwise provided, nothing contained in chapter 177, Laws of 2018 may be construed to alter any existing collective bargaining unit or provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law. [2018 c 177 § 702.]

Finding—Intent—2018 c 177: "The legislature finds that specific powers, duties, and functions of the state board of education and the superintendent of public instruction should be realigned to better serve students and families, educators, school districts, and schools both public and private.

The legislature recognizes that the state board of education and the superintendent of public instruction, with the support of the governor's office, convened a roles and responsibilities task force to review their authorities and made recommendations to clarify and realign responsibilities among the agencies.

The legislature, therefore, intends to clarify, and in some cases shift, responsibilities related to private schools, educational service district boundaries, career and technical education equivalencies, adoption of learning standards, waiver of school district requirements, and compliance with basic education requirements." [2018 c 177 § 1.]

Chapter 28A.310 RCW EDUCATIONAL SERVICE DISTRICTS

Sections

28A.310.010	Purpose.
28A.310.020	Changes in number of, boundaries—Initiating, hearings, considerations—Superintendent's duties.
28A.310.030	ESD board—Membership—Board member district boundaries.
28A.310.040	ESD board—Members—Terms.
28A.310.050	ESD board—Members—Nine member boards.
28A.310.060	ESD board—Members—Terms—Vacancies.
28A.310.070	ESD board—Members—Restriction on other service.
28A.310.080	ESD board—Members—Elections, calling and notice.
28A.310.090	ESD board—Members—Elections—Declarations of candidacy.
28A.310.100	ESD board—Members—Elections—Certification.
28A.310.110	ESD board—Members—Elections, contest of.
28A.310.120	ESD board—Return to seven member board.
28A.310.130	ESD board—Vacation of board member position because of failure to attend meetings.
28A.310.140	School district to be entirely within single educational service district.
28A.310.150	ESD board—Members—Qualifications, oath, bond—Organization—Quorum.
28A.310.160	ESD board—Reimbursement of members for expenses.
28A.310.170	ESD superintendent—Appointment, procedure—Term, salary, discharge—ESD superintendent review committee.
28A.310.180	ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.
28A.310.190	ESD board—Teachers' institutes, directors' meetings—Cooperation with state supervisor—Certification of data.
28A.310.200	ESD board—Powers and duties—Rules.
28A.310.210	ESD board—Payment of member expenses—Payment of dues into statewide association of board members, restrictions.
28A.310.220	ESD board—Delegation of powers and duties to superintendent.
28A.310.230	Assistant superintendents and other personnel—Appointment, salaries, duties.
28A.310.235	Educator recruitment.
28A.310.240	Employee leave policy required.
28A.310.250	Certificated employees of district—Contracts of employment—Nonrenewal of contracts—Notice.
28A.310.260	Certificated employees of district—Adverse change in contract status—Notice—Probable cause—Review—Appeal.
28A.310.270	ESD superintendent's powers and duties—Chief executive officer.
28A.310.280	ESD superintendent's powers and duties—Records and reports.
28A.310.290	ESD superintendent's powers and duties—Oaths and affirmations.
28A.310.300	ESD superintendent's powers and duties—Generally.
28A.310.310	Headquarters office—Official records—Transfers of records.
28A.310.320	ESD superintendents, employees—Travel expenses and subsistence—Advance payment.
28A.310.330	Budgeting procedures for districts.
28A.310.340	Identification of core services for budget purposes—Generally.
28A.310.350	Identification of core services for budget purposes—Specific services listed.
28A.310.360	Identification of core services for budget purposes—Formula utilized for ESD's biennial budget request.

- 28A.310.370 District budget—State funds, allocation of—District general expense fund—Created, deposits, expenditures.
- 28A.310.390 District budget request—Procedure for approval.
- 28A.310.400 Legal services.
- 28A.310.410 Ex officio treasurer of district.
- 28A.310.420 County or intermediate district superintendent and board employees to terminate or transfer employment—Benefits retained.
- 28A.310.430 Local school district superintendents to advise board and superintendent.
- 28A.310.440 ESD as self-insurer—Authority.
- 28A.310.460 Contracts to lease building space and portable buildings and lease or have maintained security systems, computers and other equipment.
- 28A.310.470 Delegation to ESD of SPI program, project or service—Contract.
- 28A.310.480 Delegation to ESD of state board of education program, project or service—Contract.
- 28A.310.490 ESD employee attendance incentive program—Remuneration or benefit plan for unused sick leave.
- 28A.310.495 Condensed compliance reports—Second-class districts.
- 28A.310.500 Youth suicide screening and referral—Response to emotional or behavioral distress in students—Training for educators and staff—Suicide prevention training.
- 28A.310.501 Civil liability—2013 c 197.
- 28A.310.510 Regional school safety centers.
- 28A.310.515 School safety and security staff—Training program—Guidelines for on-the-job and check-in training.

Chapter not to apply to certain materials printed in educational service district: RCW 82.04.600.

Interlocal cooperation act: Chapter 39.34 RCW.

Redistricting by local governments and municipal corporations—Census information for—Plan, prepared when, criteria for, hearing on, request for review of, certification, remand—Sanctions when review request frivolous: RCW 29A.76.010.

28A.310.010 Purpose. It shall be the intent and purpose of this chapter to establish educational service districts as regional agencies which are intended to:

- (1) Provide cooperative and informational services to local school districts;
- (2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties; and
- (3) Provide services to school districts and to the Washington center for deaf and hard of hearing youth and the school for the blind to assure equal educational opportunities. [2019 c 266 § 15; 2009 c 381 § 25; 1988 c 65 § 1; 1977 ex.s. c 283 § 1; 1975 1st ex.s. c 275 § 1; 1971 ex.s. c 282 § 1; 1969 ex.s. c 176 § 1. Formerly RCW 28A.21.010, 28.19.500.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Additional notes found at www.leg.wa.gov

28A.310.020 Changes in number of, boundaries—Initiating, hearings, considerations—Superintendent's duties. The superintendent of public instruction upon his or her own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the state board of education, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010: PROVIDED, That no reduction in the number of educational service districts will take effect after June 30, 1995, without a majority approval vote by the affected school directors voting

in such election by mail ballot. Prior to making any such changes, the superintendent of public instruction, or his or her designee, shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The superintendent of public instruction in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes. [2018 c 177 § 101; 1994 sp.s. c 6 § 513; 1993 sp.s. c 24 § 522; 1990 c 33 § 270; 1977 ex.s. c 283 § 2; 1971 ex.s. c 282 § 2; 1969 ex.s. c 176 § 2. Formerly RCW 28A.21.020, 28.19.505.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Additional notes found at www.leg.wa.gov

28A.310.030 ESD board—Membership—Board member district boundaries. Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the superintendent of public instruction pursuant to RCW 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the superintendent of public instruction a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the superintendent of public instruction following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the office of the superintendent of public instruction, which, after

a public hearing, shall decide such questions. [2006 c 263 § 603; 1990 c 33 § 271; 1977 ex.s. c 283 § 14; 1975 1st ex.s. c 275 § 3; 1974 ex.s. c 75 § 1; 1971 ex.s. c 282 § 3; 1969 ex.s. c 176 § 3. Formerly RCW 28A.21.030, 28.19.510.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

City, town, and district general elections—Exceptions—Special elections: RCW 29A.04.330.

Additional notes found at www.leg.wa.gov

28A.310.040 ESD board—Members—Terms. The term of office for each board member shall be four years and until a successor is duly elected and qualified. For the first election or an election following reorganization, board-member district positions numbered one, three, five, and seven in each educational service district shall be for a term of four years and positions numbered two, four, and six shall be for a term of two years. [1975 1st ex.s. c 275 § 5; 1974 ex.s. c 75 § 4. Formerly RCW 28A.21.0303.]

Additional notes found at www.leg.wa.gov

28A.310.050 ESD board—Members—Nine member boards. Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next election called by the superintendent of public instruction, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years. [2006 c 263 § 604; 1977 ex.s. c 283 § 19; 1975 1st ex.s. c 275 § 6; 1974 ex.s. c 75 § 5. Formerly RCW 28A.21.0304.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.060 ESD board—Members—Terms—Vacancies. The term of every educational service district board member shall begin on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the superintendent of public instruction shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next election called by the superintendent of public instruction and has qualified. [2006 c 263 § 605; 1977 ex.s. c 283 § 20; 1975 1st ex.s. c 275 § 7; 1974 ex.s. c 75 § 6. Formerly RCW 28A.21.0305.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

(2021 Ed.)

28A.310.070 ESD board—Members—Restriction on other service. No person shall serve as an employee of a school district or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an educational service district board at the same time. [1975 1st ex.s. c 275 § 8; 1974 ex.s. c 75 § 7. Formerly RCW 28A.21.0306.]

Additional notes found at www.leg.wa.gov

28A.310.080 ESD board—Members—Elections, calling and notice. Not later than the twenty-fifth day of August of every odd-numbered year, the superintendent of public instruction shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions and rules established by the superintendent of public instruction for the conduct of the election. [2007 c 460 § 1; 2006 c 263 § 602; 1977 ex.s. c 283 § 15. Formerly RCW 28A.21.031.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.090 ESD board—Members—Elections—Declarations of candidacy. Candidates for membership on an educational service district board shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September. [2006 c 263 § 606; 1977 ex.s. c 283 § 16. Formerly RCW 28A.21.032.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.100 ESD board—Members—Elections—Certification. Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the superintendent shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of

votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the superintendent of public instruction. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the superintendent of public instruction shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board. [2006 c 263 § 607; 1980 c 179 § 7; 1977 ex.s. c 283 § 17. Formerly RCW 28A.21.033.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.110 ESD board—Members—Elections, contest of. Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of the candidate pursuant to chapter 29A.68 RCW. [2005 c 497 § 404; 1990 c 33 § 272; 1977 ex.s. c 283 § 18. Formerly RCW 28A.21.034.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.310.120 ESD board—Return to seven member board. Any educational service district board which elects under RCW 28A.310.050 to increase the size of the educational service district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven educational service board members. In such case, at the next election a new board consisting of seven educational service board members shall be elected in accordance with the provisions of this chapter. [1990 c 33 § 273; 1977 ex.s. c 283 § 21; 1975 1st ex.s. c 275 § 9; 1974 ex.s. c 75 § 8; 1971 ex.s. c 282 § 4. Formerly RCW 28A.21.035.]

Additional notes found at www.leg.wa.gov

28A.310.130 ESD board—Vacation of board member position because of failure to attend meetings. Absence of any educational service district board member from four consecutive regular meetings of the board, unless excused on account of sickness or otherwise authorized by resolution of the board, shall be sufficient cause for the members of the educational service district board to declare by resolution that such board member position is vacated. [1975 1st ex.s. c 275 § 10; 1971 ex.s. c 282 § 5. Formerly RCW 28A.21.037.]

Additional notes found at www.leg.wa.gov

28A.310.140 School district to be entirely within single educational service district. Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so as to extend the school district beyond the boundaries of that educational service district, the superintendent of public instruction shall change the boundaries of the educational service districts so affected in a manner consistent with the purposes of RCW 28A.310.010 and this section. [2006 c 263 § 608; 1990 c 33 § 274; 1975 1st ex.s. c 275 § 11; 1971 ex.s. c 282 § 6; 1969 ex.s. c 176 § 4. Formerly RCW 28A.21.040, 28.19.515.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.150 ESD board—Members—Qualifications, oath, bond—Organization—Quorum. Every candidate for membership on a educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the superintendent of public instruction. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chair and a vice chair. A majority of all of the members of the board shall constitute a quorum. [2006 c 263 § 609; 1990 c 33 § 275; 1977 ex.s. c 283 § 22; 1975 1st ex.s. c 275 § 12; 1971 ex.s. c 282 § 7; 1969 ex.s. c 176 § 5. Formerly RCW 28A.21.050, 28.19.520.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.160 ESD board—Reimbursement of members for expenses. The actual expenses of educational service board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid; all such claims shall be approved by the educational service district board and paid from the budget of the educational service district. [1977 ex.s. c 283 § 3; 1975-'76 2nd ex.s. c 34 § 68; 1975 1st ex.s. c 275 § 13; 1971 ex.s. c 282 § 8; 1969 ex.s. c 176 § 6. Formerly RCW 28A.21.060, 28.19.525.]

Additional notes found at www.leg.wa.gov

28A.310.170 ESD superintendent—Appointment, procedure—Term, salary, discharge—ESD superintendent review committee. (1) Every educational service district board shall employ and set the salary of an educational service district superintendent who shall be employed by a written contract for a term to be fixed by the board, but not to exceed three years, and who may be discharged for sufficient cause.

(2) There is hereby established within each educational service district an educational service district superintendent review committee. Such review committee shall be composed of a subcommittee of the board, two school district superintendents from within the educational service district selected by the educational service district board, and a representative of the state superintendent of public instruction selected by the state superintendent of public instruction.

(3) Prior to the employment by the educational service district board of a new educational service district superintendent, the review committee shall screen all applicants against the established qualifications for the position and recommend to the board a list of three or more candidates. The educational service district board shall either select the new superintendent from the list of three or more candidates, ask the review committee to add additional names to the list, or reject the entire list and ask the review committee to submit three or more additional candidates for consideration. The educational service district board shall repeat this process until a superintendent is selected. [2001 c 182 § 1; 1985 c 341 § 7; 1977 ex.s. c 283 § 4. Formerly RCW 28A.21.071.]

Additional notes found at www.leg.wa.gov

28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district. However, the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.320.080(3). However, on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under RCW 28A.155.010 through 28A.155.100, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: PROVIDED, That the board of directors and superintendent of a local school district request the educa-

tional service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED FURTHER, That the educational service district board of directors may contract with the Washington center for deaf and hard of hearing youth and the school for the blind to provide transportation services or other services necessary for the regional delivery of educational services for children who are deaf or hearing impaired. [2019 c 266 § 16; 2009 c 381 § 26; 1990 c 33 § 276; 1988 c 65 § 2; 1987 c 508 § 3; 1982 c 46 § 1; 1979 ex.s. c 66 § 1; 1975 1st ex.s. c 275 § 16; 1971 ex.s. c 282 § 11. Formerly RCW 28A.21.086.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Additional notes found at www.leg.wa.gov

28A.310.190 ESD board—Teachers' institutes, directors' meetings—Cooperation with state supervisor—Certification of data. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.415.010 and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for children with disabilities as provided in RCW 28A.155.010 through 28A.155.100.

(3) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.545 RCW.

(4) Perform such other duties as may be prescribed by law or rule of the state board of education and/or the superintendent of public instruction as provided in RCW 28A.300.030 and *28A.305.210. [1995 c 77 § 20; 1990 c 33 § 277; 1983 c 56 § 2; 1981 c 103 § 2; 1975 1st ex.s. c 275 § 17; 1971 ex.s. c 282 § 12. Formerly RCW 28A.21.088.]

*Reviser's note: RCW 28A.305.210 expired July 1, 2007.

Additional notes found at www.leg.wa.gov

28A.310.200 ESD board—Powers and duties—Rules. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter;

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board;

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230;

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding;

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district;

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educa-

tional service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender;

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district;

(8) Adopt such bylaws and rules for its own operation as it deems necessary or appropriate; and

(9) Enter into contracts, including contracts with common and educational service districts and the Washington center for deaf and hard of hearing youth and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts. [2019 c 266 § 17; 2009 c 381 § 27; 2006 c 263 § 610; 2001 c 143 § 1; 1993 c 298 § 1. Prior: 1990 c 159 § 1; 1990 c 33 § 278; 1988 c 65 § 3; 1983 c 56 § 3; 1975 1st ex.s. c 275 § 18; 1971 ex.s. c 282 § 13; 1971 c 53 § 1; 1969 ex.s. c 176 § 9. Formerly RCW 28A.21.090, 28.19.540.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.210 ESD board—Payment of member expenses—Payment of dues into statewide association of board members, restrictions. In addition to other powers and duties prescribed by law every educational service district board shall be authorized to:

(1) Pay the expenses of its members in accordance with law for attendance at statewide meetings of educational service district board members.

(2) Pay dues from educational service district funds in an amount not to exceed one hundred dollars per board member per year for membership in a statewide association of educational service district board members: PROVIDED, That dues to such an association shall not be paid unless the formation of such an association, including its constitution and bylaws, is approved by a resolution passed by at least two-thirds of the educational service district boards within the state: PROVIDED FURTHER, That such association if formed shall not employ any staff but shall contract either with the Washington state school directors' association or

with the superintendent of public instruction for staff and informational services. [1975 1st ex.s. c 275 § 19; 1971 ex.s. c 282 § 14. Formerly RCW 28A.21.092.]

Additional notes found at www.leg.wa.gov

28A.310.220 ESD board—Delegation of powers and duties to superintendent. Each educational service district board, by written order filed in the headquarters office, may delegate to the educational service district superintendent any of the powers and duties vested in or imposed upon the board by law or rule or regulation of the state board of education and/or the superintendent of public instruction. Such delegated powers and duties shall not be in conflict with rules or regulations of the superintendent of public instruction or the state board of education and may be exercised by the educational service district superintendent in the name of the board. [1975 1st ex.s. c 275 § 20; 1974 ex.s. c 75 § 9; 1971 ex.s. c 282 § 15. Formerly RCW 28A.21.095.]

Additional notes found at www.leg.wa.gov

28A.310.230 Assistant superintendents and other personnel—Appointment, salaries, duties. The educational service district superintendent may appoint with the consent of the educational service district board assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of the office at such salaries as may be determined by the educational service district board and shall pay such salaries out of the budget of the district. In the absence of the educational service district superintendent a designated assistant superintendent shall perform the duties of the office. The educational service district superintendent shall have the authority to appoint on an acting basis an assistant superintendent to perform any of the duties of the office. [1975 1st ex.s. c 275 § 21; 1974 ex.s. c 75 § 10; 1971 ex.s. c 282 § 16; 1969 ex.s. c 176 § 10. Formerly RCW 28A.21.100, 28.19.545.]

Job sharing: RCW 28A.405.070.

Additional notes found at www.leg.wa.gov

28A.310.235 Educator recruitment. (1) For the purpose of this section, "educator" means a paraeducator, teacher, principal, administrator, superintendent, school counselor, school psychologist, school social worker, school nurse, school physical therapist, school occupational therapist, or school speech-language pathologist or audiologist.

(2) An educational service district may employ a person whose duties are to provide to local school districts the following services related to educator recruitment:

(a) Serve as a liaison between local school districts and educator preparation programs, between their region and other regions in the state, and between the local school districts and agencies that may be helpful in educator recruitment efforts, including the office of the superintendent of public instruction, the Washington professional educator standards board, the paraeducator board, the student achievement council, the state board for community and technical colleges, the state department of veterans affairs, the state military department, and the workforce training and education coordinating board;

(b) Encourage and support local school districts to develop or expand a recruiting Washington teachers program

under RCW 28A.415.370, a career and technical education careers in education program, or an alternative route teacher certification program under chapter 28A.660 RCW;

(c) Provide outreach to community members who may be interested in becoming educators, including high school and college students, subject matter experts, and former military personnel and their spouses;

(d) Support persons interested in becoming educators by providing resources and assistance with navigating transition points on the path to a career in education; and

(e) Provide resources and technical assistance to local school districts on best hiring processes and practices.

(3) A person employed to provide the services described in subsection (2) of this section must be reflective of, and have an understanding of, the local community. [2019 c 295 § 102.]

Effective date—2019 c 295: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 8, 2019]." [2019 c 295 § 403.]

Findings—Intent—2019 c 295: "(1) The legislature finds that discrete efforts are being made at state and local levels to address the educator shortage, but these efforts need to be streamlined and performed in concert, in order to enhance the effect of these recruitment and retention strategies.

(2) The legislature also reaffirms that excellent, effective educators and educator leaders are essential to the state's ongoing efforts to establish a world-class, globally competitive education system. As acknowledged in Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009), "Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made."

(3) Therefore, the legislature intends to seize the challenges presented by the educator workforce shortage in Washington to build the capacity of the education system to attract, retain, support, and sustain successful educators through:

- (a) Intentional recruitment strategies;
- (b) Expanding educator training programs;
- (c) Focused financial incentives, assistance, and supports;
- (d) Responsive and responsible retention strategies; and (e) Deeper systems evaluation." [2019 c 295 § 1.]

Findings—Intent—2019 c 295: "(1) The legislature finds that effective educators who share their love of learning inspire students to enter into the education profession. The legislature further finds that every category and level of educator should support and inspire the next generation into careers in education.

(2) The legislature finds that a comprehensive effort is needed to repair the disjointed system for attracting persons into certificated educator professions. The legislature acknowledges that Washington is facing a short-term recruitment problem with the immediate need to fill classroom vacancies, but recognizes that it must also solve its long-term recruitment problem by creating a pipeline of interested persons entering into, and remaining in, the educator workforce.

(3) Therefore, the legislature intends to support a multipronged grow-your-own initiative to develop persons from the community, which includes programs that target middle and high school students, paraeducators, military personnel, and career changers who are subject matter experts, and that supports these persons to become educators. The initiative includes:

- (a) Improvements to existing programs and activities, including the recruiting Washington teachers program, the high school career and technical education course called careers in education, and the alternative route teacher certification programs; and
- (b) Development and implementation of additional programs and activities, including the coordination of existing resources that attract persons with needed skills and abilities, improving standards of practice, and reviewing barriers to recruitment." [2019 c 295 § 101.]

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.410.287.

28A.310.240 Employee leave policy required. (1) Every educational service district board shall adopt written policies granting leaves to persons under contracts of employment with the district in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement, and emergencies for both certificated and classified employees, with such compensation as the board prescribes. The board shall adopt written policies granting annual leave with compensation for illness, injury, and emergencies as follows:

(a) For persons under contract with the district for a full fiscal year, at least ten days;

(b) For persons under contract with the district as part-time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per fiscal year. Provisions of any contract in force on July 23, 1989, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation the person would have received had the person not taken the leave provided in this section;

(e) Leave provided in this section not taken shall accumulate from fiscal year to fiscal year up to a maximum of one hundred eighty days for the purposes of RCW 28A.310.490, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one fiscal year. Such accumulated time may be taken at any time during the fiscal year, or up to twelve days per year may be used for the purpose of payments for unused sick leave; and

(f) Accumulated leave under this section shall be transferred to educational service districts, school districts, the office of the superintendent of public instruction, the state school for the blind, the *school for the deaf, institutions of higher education, and community and technical colleges, and from any such district, school, or office to another such district, school, office, institution of higher education, or community or technical college. An intervening customary summer break in employment or the performance of employment duties shall not preclude such a transfer.

(2) Leave accumulated by a person in a district prior to leaving the district may, under rules of the board, be granted to the person when the person returns to the employment of the district.

(3) Leave for illness or injury accumulated before July 23, 1989, under the administrative practices of an educational

service district, and such leave transferred before July 23, 1989, to or from an educational service district, school district, or the office of the superintendent of public instruction under the administrative practices of the district or office, is declared valid and shall be added to such leave for illness or injury accumulated after July 23, 1989. [2009 c 47 § 1; 2008 c 174 § 1; 1997 c 13 § 6; 1990 c 33 § 279; 1989 c 208 § 1. Formerly RCW 28A.21.102.]

***Reviser's note:** The "state school for the deaf" was abolished pursuant to 2009 c 381 § 11 and powers, duties, and functions were transferred to the Washington state center for childhood deafness and hearing loss. The "Washington state center for childhood deafness and hearing loss" was renamed the "Washington center for deaf and hard of hearing youth" by 2019 c 266 § 1.

28A.310.250 Certificated employees of district—Contracts of employment—Nonrenewal of contracts—Notice. No certificated employee of an educational service district shall be employed as such except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the educational service district superintendent and the other shall be delivered to the employee.

Every educational service district superintendent or board determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before May 15th preceding the commencement of such term of that determination or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the hearing officer, superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district. [2016 c 85 § 5; 2009 c 57 § 4; 1996 c 201 § 4; 1990 c 33 § 280; 1977 ex.s. c 283 § 7; 1975 1st ex.s. c 275 § 22; 1974 ex.s. c 75 § 11; 1971 c 48 § 6; 1969 ex.s. c 34 § 19. Formerly RCW 28A.21.105.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Additional notes found at www.leg.wa.gov

28A.310.260 Certificated employees of district—Adverse change in contract status—Notice—Probable cause—Review—Appeal. Every educational service district superintendent or board determining that there is probable cause or causes for a certificated employee or superintendent, hereinafter referred to as employee, of that educational service district to be discharged or otherwise adversely affected in his or her contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and

discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. The board and the educational service district superintendent, respectively, shall have the duties of the boards of directors and superintendents of school districts in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district. [1990 c 33 § 281; 1977 ex.s. c 283 § 8; 1975 1st ex.s. c 275 § 23; 1974 ex.s. c 75 § 12; 1971 c 48 § 7; 1969 ex.s. c 34 § 20. Formerly RCW 28A.21.106.]

Additional notes found at www.leg.wa.gov

28A.310.270 ESD superintendent's powers and duties—Chief executive officer. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Serve as chief executive officer of the educational service district and secretary of the educational service district board.

(2) Visit the schools in the educational service district, counsel with directors and staff, and assist in every possible way to advance the educational interest in the educational service district. [1975 1st ex.s. c 275 § 24; 1974 ex.s. c 75 § 13; 1972 ex.s. c 3 § 1; 1971 ex.s. c 282 § 17; 1969 ex.s. c 176 § 11. Formerly RCW 28A.21.110, 28.19.550.]

Additional notes found at www.leg.wa.gov

28A.310.280 ESD superintendent's powers and duties—Records and reports. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Perform such recordkeeping, including such annual reports as may be required, and liaison and informational services to local school districts and the superintendent of public instruction as required by rule or regulation of the superintendent of public instruction or state board of education: PROVIDED, That the superintendent of public instruction and the state board of education may require some or all of the school districts to report information directly when such reporting procedures are deemed desirable or feasible.

(2) Keep records of official acts of the educational service district board and superintendents in accordance with *RCW 28A.21.120, as now or hereafter amended.

(3) Preserve carefully all reports of school officers and teachers and deliver to the successor of the office all records, books, documents, and papers belonging to the office either personally or through a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where the office is located. [1975 1st ex.s. c 275 § 25; 1974 ex.s. c 75 § 14. Formerly RCW 28A.21.111.]

***Reviser's note:** RCW 28A.21.120 was recodified as RCW 28A.310.310 pursuant to 1990 c 33 § 4.

Additional notes found at www.leg.wa.gov

28A.310.290 ESD superintendent's powers and duties—Oaths and affirmations. In addition to other pow-

ers and duties as provided by law, each educational service district superintendent shall:

(1) Administer oaths and affirmations to school directors, teachers, and other persons on official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

(2) Require the oath of office of all school district officers be filed as provided in *RCW 28A.315.500 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file. [1990 c 33 § 282; 1975 1st ex.s. c 275 § 26; 1974 ex.s. c 75 § 15. Formerly RCW 28A.21.112.]

*Reviser's note: RCW 28A.315.500 was recodified as RCW 28A.343.360 pursuant to 1999 c 315 § 804.

Additional notes found at www.leg.wa.gov

28A.310.300 ESD superintendent's powers and duties—Generally. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Assist the school districts in preparation of their budgets as provided in chapter 28A.505 RCW.

(2) Enforce the provisions of the compulsory attendance law as provided in RCW 28A.225.010 through 28A.225.140, 28A.200.010, and 28A.200.020.

(3) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.540 RCW.

(4) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.315 RCW.

(5) Perform the limited duties as provided in chapter 28A.193 RCW.

(6) Perform all other duties prescribed by law and the educational service district board. [1998 c 244 § 13; 1990 c 33 § 283; 1975 1st ex.s. c 275 § 27; 1974 ex.s. c 75 § 16. Formerly RCW 28A.21.113.]

Additional notes found at www.leg.wa.gov

28A.310.310 Headquarters office—Official records—Transfers of records. The educational service district board shall designate the headquarters office of the educational service district. Educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the educational service districts are reorganized pursuant to RCW 28A.310.020, the superintendent of public instruction shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district. [2006 c 263 § 611; 1990 c 33 § 284; 1985 c 341 § 8; 1975 1st ex.s. c 275 § 28; 1974 ex.s. c 75 § 17; 1971 ex.s. c 282 § 18; 1969 ex.s. c 176 § 12. Formerly RCW 28A.21.120, 28.19.555.]

(2021 Ed.)

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.320 ESD superintendents, employees—Travel expenses and subsistence—Advance payment. For all actual and necessary travel in the performance of official duties and while in attendance upon meetings and conferences, each educational service district superintendent and employee shall be reimbursed for their travel expenses in the amounts provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. All claims shall be approved by the educational service district board and paid from the funds budgeted by the district. Each educational service district superintendent and employee may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210. [1975-'76 2nd ex.s. c 34 § 69; 1975 1st ex.s. c 275 § 29; 1971 ex.s. c 282 § 19; 1969 ex.s. c 176 § 13. Formerly RCW 28A.21.130, 28.19.560.]

Additional notes found at www.leg.wa.gov

28A.310.330 Budgeting procedures for districts. The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for educational service districts modeled after the statutory procedures for school districts as provided in chapter 28A.505 RCW and in accordance with RCW 28A.310.340, 28A.310.350, and 28A.310.360. [1990 c 33 § 285; 1977 ex.s. c 283 § 12; 1975 1st ex.s. c 275 § 30; 1971 ex.s. c 282 § 20. Formerly RCW 28A.21.135.]

Additional notes found at www.leg.wa.gov

28A.310.340 Identification of core services for budget purposes—Generally. It is the intent of the legislature that a basic core of uniform services be provided by educational service districts and be identified in statute so that biennial budget requests for educational service districts may be based upon measurable goals and needs. Educational service districts as noted in RCW 28A.310.010, are intended primarily to:

(1) Provide cooperative and informational services to local districts and to perform functions for those districts when such functions are more effectively or economically administered from the regional level;

(2) Assist the state educational agencies, office of superintendent of public instruction and the state board of education in the legal performance of their duties; and

(3) Assist in providing pupils with equal educational opportunities.

The purpose of RCW 28A.310.350 and 28A.310.360 is to further identify those core services in order to prepare educational service district budgets for the 1979-81 biennium, and those bienniums beyond. [1990 c 33 § 286; 1977 ex.s. c 283 § 9. Formerly RCW 28A.21.136.]

Additional notes found at www.leg.wa.gov

28A.310.350 Identification of core services for budget purposes—Specific services listed. The basic core ser-

vices and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

(1) Educational service district administration and facilities such as office space, maintenance and utilities;

(2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;

(3) Personnel services such as certification/registration services;

(4) Learning resource services such as audiovisual aids;

(5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment;

(6) Professional development services identified by statute or the omnibus appropriations act; and

(7) Special needs of local education agencies. [2007 c 402 § 8; 1977 ex.s. c 283 § 10. Formerly RCW 28A.21.137.]

Additional notes found at www.leg.wa.gov

28A.310.360 Identification of core services for budget purposes—Formula utilized for ESD's biennial budget request. The superintendent of public instruction, pursuant to RCW 28A.310.330 shall prepare the biennial budget request for the operation of educational service districts based upon a formula using the following factors:

(1) The core service cost itemized in RCW 28A.310.350 which shall receive primary weighting for formula purposes;

(2) A weighting factor constituting a geographical factor which shall be used to weight the larger sized educational service districts for formula purposes; and

(3) A weighting factor which shall be based on the number and size of local school districts within each educational service district for formula purposes.

The sum of subsection (1) of this section, together with the weighting factors of subsections (2) and (3) of this section for each educational service district, shall reflect the variables among the educational service districts and when combined, a total budget for all educational service districts shall be the result. [1990 c 33 § 287; 1977 ex.s. c 283 § 11. Formerly RCW 28A.21.138.]

Additional notes found at www.leg.wa.gov

28A.310.370 District budget—State funds, allocation of—District general expense fund—Created, deposits, expenditures. The superintendent of public instruction shall examine and revise the biennial budget request of each educational service district and shall fix the amount to be requested in state funds for the educational service district system from the legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each educational service district and shall allocate quarterly the state's portion from funds appropriated for that purpose to the county treasurer of the headquarters county of the educational service district for deposit to the credit of the educational service district general expense fund.

In each educational service district, there shall be an educational service district general expense fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this

chapter and other funds of the educational service district, and such moneys shall be expended according to the method used by first or second-class school districts, whichever is deemed most feasible by the educational service district board. No vouchers for warrants other than moneys being distributed to the school districts shall be approved for expenditures not budgeted by the educational service district board. [1983 c 56 § 4; 1975 1st ex.s. c 275 § 31; 1971 ex.s. c 282 § 22; 1969 ex.s. c 176 § 14. Formerly RCW 28A.21.140, 28.19.565.]

Additional notes found at www.leg.wa.gov

28A.310.390 District budget request—Procedure for approval. The biennial budget request of each educational service district shall be approved by the respective educational service district board and then forwarded to the superintendent of public instruction for revision and approval as provided in RCW 28A.310.370. [1990 c 33 § 288; 1975 1st ex.s. c 275 § 33; 1971 ex.s. c 282 § 21; 1969 ex.s. c 176 § 17. Formerly RCW 28A.21.170, 28.19.580.]

Additional notes found at www.leg.wa.gov

28A.310.400 Legal services. The superintendent of public instruction shall be responsible for the provision of legal services to all educational service districts: PROVIDED, That any educational service district board may contract with any county for the legal services of its prosecuting attorney. [1975 1st ex.s. c 275 § 35; 1974 ex.s. c 75 § 23. Formerly RCW 28A.21.195.]

Additional notes found at www.leg.wa.gov

28A.310.410 Ex officio treasurer of district. The county treasurer of the county in which the headquarters office of the educational service district is located shall serve as the ex officio treasurer of the district. The treasurer shall keep all funds and moneys of the district separate and apart from all other funds and moneys in the treasurer's custody and shall disburse such moneys only upon proper order of the educational service district board or superintendent. [1990 c 33 § 289; 1975 1st ex.s. c 275 § 36; 1969 ex.s. c 176 § 21. Formerly RCW 28A.21.200, 28.19.595.]

Additional notes found at www.leg.wa.gov

28A.310.420 County or intermediate district superintendent and board employees to terminate or transfer employment—Benefits retained. As of July 1, 1969, employees of the various offices of county or intermediate district superintendent and county or intermediate district board shall terminate their employment therein, or such employees, at their election, may transfer their employment to the new intermediate school district in which their respective county is located. If such employment is so transferred, each employee shall retain the same leave benefits and other benefits that he or she had in his or her previous position. If the intermediate school district has a different system of computing leave benefits and other benefits, then the employee shall be granted the same leave and other benefits as a person will receive who would have had similar occupational status and total years of service with the new intermediate school district. [1990 c 33 § 290; 1969 ex.s. c 176 § 22. Formerly RCW 28A.21.210, 28.19.600.]

Additional notes found at www.leg.wa.gov

28A.310.430 Local school district superintendents to advise board and superintendent. The superintendents of all local school districts within an educational service district shall serve in an advisory capacity to the educational service district board and superintendent in matters pertaining to budgets, programs, policy, and staff. [1975 1st ex.s. c 275 § 37; 1971 ex.s. c 282 § 28; 1969 ex.s. c 176 § 23. Formerly RCW 28A.21.220, 28.19.605.]

Additional notes found at www.leg.wa.gov

28A.310.440 ESD as self-insurer—Authority. The board of directors of any educational service district is authorized to enter into agreements with the board of directors of any local school district and/or other educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW. [1982 c 191 § 9. Formerly RCW 28A.21.255.]

Educational service districts as self-insurers: RCW 51.14.150 and 51.14.160.

Additional notes found at www.leg.wa.gov

28A.310.460 Contracts to lease building space and portable buildings and lease or have maintained security systems, computers and other equipment. The board of any educational service district may enter into contracts for their respective districts for periods not exceeding twenty years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.310.330 and 28A.505.140. [1990 c 33 § 291; 1987 c 508 § 2; 1977 ex.s. c 210 § 2. Formerly RCW 28A.21.310.]

Additional notes found at www.leg.wa.gov

28A.310.470 Delegation to ESD of SPI program, project or service—Contract. The superintendent of public instruction may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the superintendent of public instruction: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended. [1977 ex.s. c 283 § 5. Formerly RCW 28A.21.350.]

Additional notes found at www.leg.wa.gov

28A.310.480 Delegation to ESD of state board of education program, project or service—Contract. The state board of education may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or

(2021 Ed.)

directed by the legislature to be performed by the state board of education: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended. [1977 ex.s. c 283 § 6. Formerly RCW 28A.21.355.]

Additional notes found at www.leg.wa.gov

28A.310.490 ESD employee attendance incentive program—Remuneration or benefit plan for unused sick leave. Every educational service district board of directors shall establish an attendance incentive program for all certificated and classified employees in the following manner.

(1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation. No employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

(2) At the time of separation from educational service district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury.

(3) In lieu of remuneration for unused leave for illness or injury as provided for in subsections (1) and (2) of this section, an educational service district board of directors may, with equivalent funds, provide eligible employees a benefit plan that provides reimbursement for medical expenses. Any benefit plan adopted after July 28, 1991, shall require, as a condition of participation under the plan, that the employee sign an agreement with the district to hold the district harmless should the United States government find that the district or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the district not withholding or deducting any tax, assessment, or other payment on such funds as required under federal law.

Moneys or benefits received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right. [1997 c 13 § 7; 1991 c 92 § 1; 1989 c 69 § 1; 1985 c 341 § 9; 1980 c 182 § 6. Formerly RCW 28A.21.360.]

Additional notes found at www.leg.wa.gov

28A.310.495 Condensed compliance reports—Second-class districts. Any compliance reporting requirements

as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 21.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.310.500 Youth suicide screening and referral—Response to emotional or behavioral distress in students—Training for educators and staff—Suicide prevention training. (1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention. [2016 c 96 § 5; 2013 c 197 § 6.]

Findings—Intent—2016 c 96: See note following RCW 74.09.495.

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

28A.310.501 Civil liability—2013 c 197. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district. [2013 c 197 § 10.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

28A.310.510 Regional school safety centers. (1) Subject to the availability of amounts appropriated for this specific purpose, each educational service district must establish a regional school safety center as provided in this section.

(2) The regional school safety centers working in collaboration with one another and the state school safety center, established in RCW 28A.300.630, form a statewide network for school safety. The purpose of this statewide network is to provide coordination of school safety efforts throughout the state and to provide school safety resources to the school districts in each educational service district region.

(3) Working in collaboration with the office of the superintendent of public instruction and the statewide network, each regional school safety center must provide to the school districts in its region:

(a) Behavioral health coordination that, at a minimum, includes:

(i) Providing support for school district development and implementation of plans for recognition, initial screening, and response to emotional or behavioral distress in students as required by RCW 28A.320.127;

(ii) Suicide prevention training for school counselors, school psychologists, and school social workers;

(iii) Facilitating partnerships and coordination between school districts, public schools, and existing regional and local systems of behavioral health care services and supports in order to increase student and family access to the services and supports;

(iv) Assisting school districts and public schools in building capacity to identify and support students in need of

behavioral health care services and to link students and families with community-based behavioral health care services;

(v) Identifying, sharing, and integrating, to the extent practicable, behavioral and physical health care service delivery models;

(vi) Providing medicaid billing related training, technical assistance, and coordination between school districts; and

(vii) Guidance in implementing best practices in response to, and to recover from, the suicide or attempted suicide of a student;

(b) School-based threat assessment coordination that, at a minimum, includes:

(i) Providing training and technical assistance regarding the use of the model policy and procedure to establish a school-based threat assessment program, developed under RCW 28A.300.640;

(ii) Assisting with ongoing identification and implementation of best practices for school-based threat assessment programs, described under RCW 28A.320.123; and

(iii) Building partnerships with community partners, such as behavioral health providers, law enforcement agencies, emergency responders, juvenile justice organizations, and child welfare agencies, for the purpose of implementing school-based threat assessment programs that comply with best practices;

(c) Assistance with coordinating other entities in the region to provide support to school districts before emergencies occur;

(d) Plan, coordinate, and deliver the trainings required by this subsection (3), and other school district staff trainings related to school safety, in order to maximize quality professional learning;

(e) Technical assistance to school districts seeking funding for first aid, health, and safety and security resources;

(f) Information about systems and programs that allow anonymous reporting of student concerns;

(g) Real-time support and assistance for school districts in crisis, such as offering information, technical assistance associated with best practices, and staff trained in responding to school emergencies;

(h) Develop collaborative relationships with community organizations, private schools, businesses, and others interested in supporting safe schools; and

(i) Other services consistent with state and federal school safety requirements, including comprehensive safe school planning under RCW 28A.320.125.

(4) The regional school safety centers may, based on the needs of the school districts in their region, and in collaboration with emergency responders, provide assistance to, and facilitate communication between, emergency responders and schools or school districts impacted by emergency situations. [2019 c 333 § 3.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

28A.310.515 School safety and security staff—Training program—Guidelines for on-the-job and check-in training. (1)(a) A safety and security staff training program is established. The program must be jointly developed by the educational service districts, but may be administered pri-

(2021 Ed.)

marily by one or more educational service districts. The program must meet the requirements of this section.

(b) When developing the safety and security staff training program, the educational service districts should engage with the state school safety center established in RCW 28A.300.630 and the school safety and student well-being advisory committee established in RCW 28A.300.635.

(2) The educational service districts must identify or develop classroom training on the following subjects:

(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;

(b) Child and adolescent development;

(c) Trauma-informed approaches to working with youth;

(d) Recognizing and responding to youth mental health issues;

(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(f) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students;

(g) Local and national disparities in the use of force and arrests of children;

(h) Collateral consequences of arrest, referral for prosecution, and court involvement;

(i) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;

(j) De-escalation techniques when working with youth or groups of youth;

(k) State law regarding restraint and isolation in schools, including RCW 28A.600.485;

(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(m) Restorative justice principles and practices.

(3) The educational service districts must provide, or arrange for the delivery of, classroom training on the subjects listed in subsection (2) of this section. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously or asynchronously, and by at least one educational service district. Classroom training may be provided on a fee-for-service basis and should be self-supporting.

(4) The educational service districts must provide to safety and security staff, upon request, documentation that the safety and security staff training series described in RCW 28A.400.345(2) has been completed. Before providing this training series documentation, completion of each component of the training series must be verified or, in the case of safety and security staff with significant prior training and experience, waived.

(5) The educational service districts must develop and publish guidelines for on-the-job training and check-in training that include recommendations for identifying and recruiting experienced safety and security staff to provide the trainings, suggested activities during on-the-job trainings, and

best practices for meaningful check-in trainings. The guidelines for check-in training must also include recommended frequency, possible topics of discussion, and options for connecting virtually.

(6) For purposes of this section, the term "safety and security staff" has the same meaning as in RCW 28A.320.124. [2021 c 38 § 4.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

Chapter 28A.315 RCW ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS

Sections

28A.315.005	Governance structure.
28A.315.015	Purpose—Policy.
28A.315.025	Definitions.
28A.315.035	Organization of school districts.
28A.315.045	Reorganization.
28A.315.055	Conflicting or incorrectly described school district boundaries.
28A.315.065	District boundary changes—Filing with county auditor.
28A.315.085	Personnel and supplies—Reimbursement.
28A.315.095	Regional committees—Powers and duties.
28A.315.105	Regional committees—Appointment and terms of members—New regional committees.
28A.315.115	Regional committees—Membership limitation.
28A.315.155	Regional committees—Members' expenses reimbursed.
28A.315.165	Regional committees—Organization, meetings, quorum.
28A.315.175	Superintendent of public instruction—Powers and duties.
28A.315.185	Annual training.
28A.315.195	Transfer of territory by petition—Requirements—Rules.
28A.315.199	Transfer of territory or dissolution of financially insolvent school district by petition—Notification to affected districts—Mediation—Request for hearing—Notification to regional committee—Costs.
28A.315.205	Transfer of territory or dissolution by petition—Regional committee responsibilities—Rules—Appeals.
28A.315.215	Transfer of territory or annexation of financially insolvent district by agreement or order—Approval—Order—Previously approved and imposed excess tax levies.
28A.315.221	Financial oversight committee—Membership—Review of financially insolvent districts—Enhanced financial monitoring—Rules.
28A.315.225	Dissolution and annexation of certain districts—Dissolution of financially insolvent districts—Annexation of nondistrict property.
28A.315.229	Employment contracts and collective bargaining agreements in dissolved financially insolvent districts.
28A.315.235	Consolidation—Petition.
28A.315.245	Adjustment of assets and liabilities.
28A.315.255	Adjustment of indebtedness.
28A.315.265	Adjustment of bonded indebtedness—Order—Special elections.
28A.315.275	Notice of elections.
28A.315.285	Special election—Determination—Order—Certification.
28A.315.295	Rejection of proposal.
28A.315.305	School district organizational changes—Corporate existence—Payment of bonded indebtedness—Levy authority—Levy requirements for dissolved or annexed financially insolvent school districts.
28A.315.308	School district organization changes—Adjustment of school district assets and liabilities—School districts in two or more educational service districts.
28A.315.311	Validation of proceedings to effect dissolution, annexation, consolidation, or transfer of territory between districts.
28A.315.315	Appeal.
28A.315.325	Condensed compliance reports—Second-class districts.
28A.315.902	Rule-making authority—2012 c 186.

Redistricting by local governments and municipal corporations—Census information for—Plan, prepared when, criteria for, hearing on, request for review of, certification, remand—Sanctions when review request frivolous: RCW 29A.76.010.

School district boundary changes—Excess levies: RCW 84.09.037.

28A.315.005 Governance structure. (1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington. [2016 c 241 § 132. Prior: 2013 c 2 § 302 (Initiative Measure No. 1240, approved November 6, 2012); 1999 c 315 § 1.]

Effective date—2016 c 241: See RCW 28A.710.901.

28A.315.015 Purpose—Policy. (1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the superintendent of public instruction.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as pro-

vided for in chapter 28A.540 RCW. [2006 c 263 § 504; 1999 c 315 § 101.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.025 Definitions. As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

(3) "Financial oversight committee" means a committee convened pursuant to RCW 28A.315.221.

(4) "Financially insolvent district" means a school district that:

(a) Has been on binding conditions pursuant to RCW 28A.505.110 for two consecutive years and is unable to prepare a satisfactory financial plan; or

(b) Is reasonably foreseeable and likely to have a deficit general fund balance within three years and is unable to prepare a satisfactory financial plan.

(5) "Regional committee" means the regional committee on school district organization created by this chapter.

(6) "Satisfactory financial plan" means a plan approved by the superintendent of public instruction and the educational service district where a school district is located demonstrating the school district will have an adequate fund balance at the end of the plan period relying on:

(a) Currently available revenue streams provided by federal, state, or local resources; or

(b) Other revenue streams determined reasonably reliable by the educational service district where the school district is located.

(7) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors. [2012 c 186 § 1; 2006 c 263 § 505; 1990 c 33 § 293; 1985 c 385 § 1; 1983 c 3 § 33; 1975 1st ex.s. c 275 § 78; 1971 c 48 § 25; 1969 ex.s. c 223 § 28A.57.020. Prior: 1955 c 395 § 1; 1947 c 266 § 2; Rem. Supp. 1947 § 4693-21. Formerly RCW 28A.315.020, 28A.57.020, 28.57.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2012 c 186: "This act takes effect September 1, 2012." [2012 c 186 § 26.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.315.035 Organization of school districts. A school district shall be organized in form and manner as hereinafter in this chapter provided, and shall be known as (insert here the name of the district) School District No. county, state of Washington: PROVIDED, That all school districts now existing as shown by the records of the educational service district superintendent are hereby recognized as legally organized districts: PROVIDED FURTHER, That all school districts existing on April 25, 1969 as (2021 Ed.)

shown by the records of the county or intermediate district superintendents are hereby recognized as legally organized districts. [1975 1st ex.s. c 275 § 88; 1969 ex.s. c 176 § 124; 1969 ex.s. c 223 § 28A.57.130. Prior: 1947 c 266 § 3; Rem. Supp. 1947 § 4693-22. Formerly RCW 28A.315.220, 28A.57.130, 28.57.130.]

Additional notes found at www.leg.wa.gov

28A.315.045 Reorganization. (1) A new school district may be formed comprising contiguous territory lying in either a single county or in two or more counties. The new district may comprise:

- (a) Two or more whole school districts;
- (b) Parts of two or more school districts; and/or
- (c) Territory that is not a part of any school district if such territory is contiguous to the district to which it is transferred.

(2) The boundaries of existing school districts may be altered:

- (a) By the transfer of territory from one district to another district;
- (b) By the consolidation of one or more school districts with one or more school districts; or
- (c) By the dissolution and annexation to a district of a part or all of one or more other districts or of territory that is not a part of any school district: PROVIDED, That such territory shall be contiguous to the district to which it is transferred or annexed.

(3) Territory may be transferred or annexed to or consolidated with an existing school district without regard to county boundaries. [1999 c 315 § 201.]

28A.315.055 Conflicting or incorrectly described school district boundaries. In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the superintendent of public instruction for approval or revision. Upon receipt of notification of action by the superintendent of public instruction, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected. [2006 c 263 § 506; 1999 c 315 § 203.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.065 District boundary changes—Filing with county auditor. Any district boundary changes shall be filed for recording with the county auditor by the educational service district superintendent within thirty days after the changes have been approved in accordance with this chapter. The superintendent shall submit both legal descriptions and maps. District boundary changes shall be effective the date specified in the educational service district superintendent's order. [2012 c 186 § 2; 1999 c 315 § 204.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.085 Personnel and supplies—Reimbursement. (1) The superintendent of public instruction shall furnish to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes. [2008 c 159 § 3; 2006 c 263 § 507; 2005 c 497 § 405; 1999 c 315 § 206.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.315.095 Regional committees—Powers and duties. The powers and duties of each regional committee are to:

(1) Hear and approve or disapprove proposals for changes in the organization and extent of school districts in the educational service districts when a hearing on a proposal has been requested under RCW 28A.315.199;

(2) Make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts;

(3) Make an equitable adjustment of the bonded indebtedness outstanding against any of the old and new districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected, subject to the requirements in RCW 28A.315.265;

(4) Provide that territory transferred from a school district by a change in the organization and extent of school districts, other than changes required pursuant to RCW 28A.315.225, shall either remain subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district;

(5) Provide that territory transferred to a school district by a change in the organization and extent of school districts, other than changes required pursuant to RCW 28A.315.225, shall either be made subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district;

(6)(a) Provide that a school district that is annexing or receiving territory from a financially insolvent school district pursuant to RCW 28A.315.225 may submit to the voters of the entire school district, including the territory to be annexed or transferred, a proposition for a replacement or supplemental levy pursuant to RCW 84.52.053(2)(b);

(b) Provide that, if an election under (a) of this subsection has not occurred or has failed, territory transferred from a financially insolvent school district to another school district or districts pursuant to RCW 28A.315.225 must be relieved of any one or more excess tax levies that are autho-

rized for the financially insolvent school district under RCW 84.52.053 before the effective date of the transfer of territory from the financially insolvent school district;

(c) Provide that, if an election under (a) of this subsection has not occurred or has failed, territory transferred from a financially insolvent school district to another school district or districts pursuant to RCW 28A.315.225 must be made subject to any one or more excess tax levies that are authorized for the receiving school district or districts under RCW 84.52.053 before the effective date of the transfer of territory to the receiving school district or districts;

(7) Establish the date by which a committee-approved transfer of territory shall take effect;

(8) Hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.315.225 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby; and

(9) Prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities. [2012 c 186 § 3; 1999 c 315 § 301.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.105 Regional committees—Appointment and terms of members—New regional committees. (1) There is hereby created in each educational service district a committee which shall be known as the regional committee on school district organization, which committee shall be composed of not less than seven nor more than nine registered voters of the educational service district, the number to correspond with the number of board member districts established for the governance of the educational service district in which the regional committee is located.

(2) Members of each regional committee shall be appointed to serve a four-year term by the educational service district board of the district in which the regional committee is located. One member of the regional committee shall be appointed from each such educational service district board member district. Appointed members of regional committees must be registered voters and reside in the educational service district board member district from which they are appointed. Members of regional committees who were

elected before June 12, 2008, may serve the remainder of their four-year terms. Vacancies occurring for any reason, including at the end of the term of any member of a regional committee who was elected before June 12, 2008, shall be filled by appointment by the educational service district board of directors as provided in this section.

(3) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW, a new regional committee shall be appointed for each affected educational service district at the expiration of the terms of the majority of the members of the regional committee. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been appointed.

(4) No appointed member of a regional committee may continue to serve on the committee if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee. [2008 c 159 § 4; 1985 c 385 § 2; 1969 ex.s. c 223 § 28A.57.030. Prior: 1947 c 266 § 11, part; Rem. Supp. 1947 § 4693-30, part; prior: 1941 c 248 § 3, part; Rem. Supp. 1941 § 4709-3, part. Formerly RCW 28A.315.040, 28A.57.030, 28.57.030, part.]

Additional notes found at www.leg.wa.gov

28A.315.115 Regional committees—Membership limitation. Persons possessing the status of any of the following positions shall not be eligible to be a member of a regional committee: The superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, officers appointed by any such governing board, and employees of a school district, an educational service district, the office of the superintendent of public instruction, a private school, or a private school district. [1985 c 385 § 3; 1975 1st ex.s. c 275 § 79; 1969 ex.s. c 176 § 115; 1969 ex.s. c 223 § 28A.57.031. Prior: 1947 c 226 § 11, part; Rem. Supp. 1947 § 4693-30, part; prior: 1941 c 248 § 3, part; Rem. Supp. 1941 § 4709-3, part. Formerly RCW 28A.315.050, 28A.57.031, 28.57.030, part.]

Additional notes found at www.leg.wa.gov

28A.315.155 Regional committees—Members' expenses reimbursed. Members of each regional committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. [1985 c 385 § 7; 1969 ex.s. c 176 § 118; 1969 ex.s. c 223 § 28A.57.035. Prior: 1947 c 266 § 11, part; Rem. Supp. 1947 § 4693-30, part; prior: 1941 c 248 § 3, part; Rem. Supp. 1941 § 4709-3, part. Formerly RCW 28A.315.090, 28A.57.035, 28.57.030, part.]

Additional notes found at www.leg.wa.gov

28A.315.165 Regional committees—Organization, meetings, quorum. Each regional committee shall organize by electing from its membership a chair and a vice chair. The educational service district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chair or of a majority of the members thereof. A majority of the committee shall constitute a quorum. [1990 c 33 § 297; 1985 c 385 § 8; 1975 1st ex.s. c 275 § 82; 1969 ex.s. c 176 § 119; 1969 ex.s. c 223 § 28A.57.040. Prior: 1947 c 266 § 12; Rem. Supp. 1947 § 4693-31; prior: 1941 c 248 § 4; Rem. Supp. 1941 § 4709-4. Formerly RCW 28A.315.100, 28A.57.040, 28.57.040.]

Additional notes found at www.leg.wa.gov

28A.315.175 Superintendent of public instruction—Powers and duties. The superintendent of public instruction shall:

(1) Aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts; and

(2) Carry out powers and duties of the superintendent of public instruction relating to the organization and reorganization of school districts. [2006 c 263 § 501; 1999 c 315 § 302.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.185 Annual training. To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request. [2006 c 263 § 509; 1999 c 315 § 303.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.195 Transfer of territory by petition—Requirements—Rules. (1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory and providing documentation that, before signing the petition, the board of directors took the following actions:

(i) Communicated the proposed transfer to the board of directors of the affected district or districts and provided an opportunity for the board of the affected district or districts to respond; and

(ii) Communicated the proposed transfer to the registered voters residing in the territory proposed to be transferred, provided notice of a public hearing regarding the pro-

posal, and provided the voters an opportunity to comment on the proposal at the public hearing.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The superintendent of public instruction may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) A petition to transfer territory must be processed in accordance with RCW 28A.315.199 and 28A.315.205. [2012 c 186 § 4; 2008 c 159 § 1; 2006 c 263 § 502; 2003 c 413 § 2; 1999 c 315 § 401.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.199 Transfer of territory or dissolution of financially insolvent school district by petition—Notification to affected districts—Mediation—Request for hearing—Notification to regional committee—Costs. (1) Upon receipt of a petition to transfer territory pursuant to RCW 28A.315.195 or to dissolve a financially insolvent school district pursuant to RCW 28A.315.225, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory or dissolution, must enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory or to agree on the annexation of a financially insolvent district;

(d) Districts negotiating an agreement regarding annexation of a dissolving financially insolvent district may not agree to not dissolve a financially insolvent district;

(e) The agreement between at least one contiguous district and a financially insolvent district regarding the annexation of the dissolving district and the distribution of assets and liabilities is subject to approval by the financial oversight committee;

(f) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(g) Any district involved in the negotiations may at any time during the ninety-day period notify the educational ser-

vice district superintendent in writing that agreement will not be possible.

(2) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, or cannot agree how to annex a financially insolvent district, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(3) If the affected school districts cannot come to agreement about the proposed transfer of territory, or cannot agree how to annex a financially insolvent district, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, any affected district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(4) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside must file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(5) Upon receipt of a notice under subsection (3) or (4) of this section, the educational service district superintendent must notify the chair of the regional committee in writing within ten days.

(6) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose. [2012 c 186 § 5.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.205 Transfer of territory or dissolution by petition—Regional committee responsibilities—Rules—Appeals. (1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory or dissolution petition at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.199 (3) or (4).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory or the dissolution and annexation of a financially insolvent district. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the superintendent of public instruction under chapter 34.05 RCW.

(4) The rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the state-wide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, the impact of the growth management act and current or proposed urban growth areas, city boundaries, and master planned communities;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee. The appeal shall be heard and determined by an administrative law judge in the office of administrative hearings, based on the standards in (a)(ii) of this subsection.

(ii) If the administrative law judge finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, the administrative law judge shall refer the matter back to the regional committee with an explanation of his or her findings. The regional committee shall rehear the proposal.

(iii) If the administrative law judge finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(iv) The administrative law judge shall expedite review and issuance of a decision on an appeal of a decision approving the dissolution and annexation of a financially insolvent district.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570. Judicial review of a regional committee decision approving dissolution and annexation of a financially insolvent district must be expedited. [2012 c 186 § 6; 2008 c 159 § 2; 2006 c 263 § 503; 2003 c 413 § 1; 1999 c 315 § 402.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.215 Transfer of territory or annexation of financially insolvent district by agreement or order—Approval—Order—Previously approved and imposed excess tax levies. (1) Upon receipt by the educational service district superintendent of a written agreement by two or more school districts to the transfer of territory between the affected districts, or an agreement approved by the financial oversight committee regarding the annexation of a financially insolvent district, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts, with the effective date of such alterations to the boundaries. For school districts that are dissolved and annexed pursuant to RCW 28A.315.225, the order shall provide that any excess tax levy approved, including previously approved and imposed excess levies by the school district annexing or receiving the transferred territory from the financially insolvent school district and replacement and supplemental levies voted upon by voters of the entire newly established territory before the effective date of the dissolution by the school district receiving the transferred territory from the dissolved school district shall, in the cases of previously approved and imposed excess levies of the annexing or receiving school district, be imposed on the newly annexed, or dissolved territory, and in the case of replacement or supplemental levies, the entire newly established territory, pursuant to RCW 84.09.030. The superintendent shall file his or her action with each county auditor, each county treasurer, each county assessor, the office of the secretary of state, the office of the superintendent of public instruction, and the superintendents of all school districts affected by the action.

(2)(a) Upon receipt by the educational service district superintendent of a written decision by the regional committee approving the transfer of territory between two or more school districts, or the dissolution and annexation of a financially insolvent school district, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts, with the effective date of such alterations to the boundaries. The effective date of boundary alterations shall be no later than sixty days prior to the first day candidates may file for office for the next succeeding general or special election.

(b) The order may not be implemented before the period of appeal authorized under RCW 28A.315.205(5)(a)(i) has ended.

(c) The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts.

(d) For school districts that are dissolved and annexed pursuant to RCW 28A.315.225, the order must provide that any excess tax levy approved, including previously approved and imposed excess levies by the school district annexing or receiving the transferred territory from the financially insolvent school district and replacement and supplemental levies voted upon by voters of the entire newly established territory before the effective date of the dissolution by the school dis-

tract receiving the transferred territory from the dissolved school district shall, in the cases of previously approved and imposed excess levies of the annexing or receiving school district, be imposed on the newly annexed, or dissolved territory, and in the case of replacement or supplemental levies, the entire newly established territory, pursuant to RCW 84.09.030.

(e) The superintendent shall file his or her action with each county auditor, the office of the secretary of state, the office of the superintendent of public instruction, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action. [2012 c 186 § 7; 1999 c 315 § 403.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.221 Financial oversight committee—Membership—Review of financially insolvent districts—Enhanced financial monitoring—Rules. (1) The superintendent of public instruction shall convene a financial oversight committee:

(a) At the request of the board of directors of a financially insolvent district;

(b) When the superintendent of public instruction determines a district is financially insolvent, after first consulting with the educational service district where the district is located and notifying the district the committee will be convened; or

(c) When a district has been on binding conditions pursuant to RCW 28A.505.110 for two consecutive years and does not have a satisfactory financial plan.

(2) The financial oversight committee comprises two representatives from the office of the superintendent of public instruction, one representative from an educational service district where a financially insolvent school district is not located, and one nonvoting representative from the educational service district where the financially insolvent school district is located.

(3) The financial oversight committee shall review the financial condition of a financially insolvent school district. In conducting its review, the committee shall hold a public hearing in the financially insolvent school district or educational service district in order to receive public comment on any proposed financial plans. If the financial oversight committee feels that dissolution of the financially insolvent school district is a valid option, it shall receive input at the public hearing on options for dissolving said school district.

(4) After holding a public hearing as provided in subsection (3) of this section, the financial oversight committee must make a recommendation to the superintendent of public instruction to either dissolve a financially insolvent school district or to place a district under enhanced financial monitoring to reduce the risk of dissolution due to insolvency. The superintendent of public instruction must implement financial oversight committee recommendations via enhanced financial oversight, which will be monitored by the educational service district.

(5) Enhanced financial oversight may include, but is not limited to, the following types of actions, which the superintendent of public instruction is expressly authorized to implement and enforce:

(a) Appointment of a special administrator to oversee and carry out financial conditions imposed on the district as recommended by the financial oversight committee;

(b) Review, approval, and limitations on a school district's authority to enter into contracts;

(c) Review, approval, and limitations on hiring and personnel actions; and

(d) Liquidation or disposition of fixed assets and contractual liabilities by any reasonable and documented method provided the liquidation or disposition of fixed assets and contractual liabilities is reasonably necessary before filing a dissolution petition.

(6) Any new, amended, or renewed contract entered into by a school district that is subject to enhanced financial monitoring that has not been approved by the educational service district or special administrator, or that is inconsistent with conditions imposed on the district pursuant to this section, is null and void.

(7) Any action taken by a school district subject to enhanced financial monitoring that is likely to affect the district's finances is null and void if the action was not approved by the educational service district or special administrator or if the action is inconsistent with conditions imposed on the district pursuant to this section.

(8) The superintendent of public instruction shall adopt rules to carry out the provisions in this section, which may include, but are not limited to, identifying the responsibilities and authority of the financial oversight committee, the educational service district, the special administrator, and the school district and the implementation of enhanced financial oversight. [2012 c 186 § 8.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.225 Dissolution and annexation of certain districts—Dissolution of financially insolvent districts—Annexation of nondistrict property. (1) In case any school district has an average enrollment of fewer than five kindergarten through eighth grade pupils during the preceding three consecutive school years or has not made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the educational service district superintendent shall report that fact to the regional committee, which committee shall dissolve the school district and annex the territory thereof to some other district or districts. For the purposes of this section, in addition to any other finding, "reasonable effort" shall be deemed to mean the attempt to make up whatever days are short of the legal requirement by conducting of school classes on any days to include available holidays, though not to include Saturdays and Sundays, prior to June 15th of that year. School districts operating an extended school year program, most commonly implemented as a 45-15 plan, shall be deemed to be making a reasonable effort. In the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees that district shall not be subject to this section.

(2) A financially insolvent school district may be dissolved and annexed to one or more contiguous districts, in accordance with an agreement between the insolvent district and at least one other contiguous district, that has been approved by the financial oversight committee, or in accor-

dance with the decision of the regional committee. A financially insolvent district may file bankruptcy only if it is recommended by the financial oversight committee.

(3)(a) A petition to dissolve a financially insolvent school district may be filed with the educational service district superintendent by the superintendent of public instruction if, before signing and filing the petition, the financial oversight committee was convened and recommended that the district be dissolved.

(b) A petition for dissolution under this subsection (3) must include the name of the financially insolvent district, the legal boundaries of the district, the names of contiguous school districts, the basis for concluding the district is financially insolvent, a map with legal description of the proposed annexation of the financially insolvent school district to one or more contiguous school districts, and any proposed equitable adjustments of assets and liabilities for the affected districts. The proposed annexation and equitable adjustment of assets and liabilities must be based on the factors in RCW 28A.315.015(2), 28A.315.205(4), and 28A.315.245.

(c) The superintendent of public instruction, at the recommendation of the financial oversight committee, may take the following actions upon filing a petition to dissolve a financially insolvent school district: Authorize liquidation or disposition of fixed assets and contractual liabilities by any reasonable and documented method.

(d) A petition to dissolve a financially insolvent school district shall be processed in accordance with RCW 28A.315.199 and 28A.315.205.

(4) The superintendent of public instruction may request an appropriation to address matters associated with the dissolution of a financially insolvent school district.

(5) The superintendent of public instruction may adopt rules governing actions that may be taken to prevent a school district from being dissolved and to assist in the orderly and timely dissolution and annexation of school districts that are unable to avoid financial insolvency.

(6) In case any territory is not a part of any school district, the educational service district superintendent shall present to the regional committee a proposal for the annexation of the territory to some contiguous district or districts. [2015 c 82 § 1; 2012 c 186 § 9; 1999 c 315 § 501.]

Effective date—2015 c 82: "This act takes effect September 1, 2015." [2015 c 82 § 2.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.229 Employment contracts and collective bargaining agreements in dissolved financially insolvent districts. (1) As of the effective date of dissolution of a financially insolvent district, all existing employment contracts and collective bargaining agreements of the financially insolvent district shall be extinguished.

(2) School districts that annex or receive territory from a financially insolvent district have full authority to constitute their workforces, and have no duty to bargain with, or observe the former wages and working conditions of, any former employees of a financially insolvent district who may be hired; rather, any employees hired from a financially insolvent district become part of the appropriate bargaining units, if any, of the annexing or receiving district, and their wages and working conditions are defined by the terms of the

(2021 Ed.)

annexing or receiving district's bargaining agreements or other policies or conditions of employment.

(3) Certificated employees of a district that is dissolved due to financial insolvency have no continuing contract or appeal rights under RCW 28A.405.210 through 28A.405.380 or other law, nor do certificated or classified employees of a district dissolved due to financial insolvency have any resort to grievance or arbitration under a collective bargaining agreement, and any inconsistent provision of any individual contract or collective bargaining agreement is null and void. Sufficient cause for nonrenewal or discharge of such certificated and classified personnel is deemed to exist by sole virtue of the employer district's dissolution for financial insolvency. Notice of nonrenewal or discharge under such circumstances may be given by the educational service district superintendent without regard to date. Any appeal must be addressed to the educational service district board on an expedited basis according to rules established by the superintendent of public instruction, and must be confined to the issue of whether the employer district is dissolved for reasons of financial insolvency. There is no judicial review for the educational service district board's decisions in these matters. [2012 c 186 § 10.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.235 Consolidation—Petition. (1) A proposed change in school district organization by consolidation of territory from two or more school districts to form a new school district may be initiated by:

(a) A written petition presented to the educational service district superintendent signed by ten or more registered voters residing:

(i) In each whole district and in each part of a district proposed to be included in any single new district; or

(ii) In the territory of a proposed new district that comprises a part of only one or more districts and approved by the boards of directors of the affected school districts;

(b) A written petition presented to the educational service district superintendent signed by ten percent or more of the registered voters residing in such affected areas or area without the approval of the boards of directors of the affected school districts.

(2) The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof shall be considered during a school fiscal year.

(3) The educational service district superintendent may not complete any consolidation of territory under this section unless he or she has first called and held a special election of the voters of the affected districts to afford those voters an opportunity to approve or reject the proposed consolidation. A simple majority shall determine approval or rejection.

(4) If a proposed change in school district organization by consolidation of territory has been approved under this section, the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected dis-

tricts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action. [1999 c 315 § 601.]

28A.315.245 Adjustment of assets and liabilities. In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:

(1) The number of school-age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization;

(2) The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization;

(3) The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred;

(4) The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization;

(5) Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization;

(6) The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization;

(7) The consideration of all other sources of funding; and

(8) Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities. [1999 c 315 § 701.]

28A.315.255 Adjustment of indebtedness. (1) The fact of the issuance of bonds by a school district, heretofore or hereafter, does not prevent changes in the organization and extent of school districts, regardless of whether or not such bonds or any part thereof are outstanding at the time of change.

(2) In case of any change:

(a) The bonded indebtedness outstanding against any school district involved in or affected by such change shall be adjusted equitably among the old school districts and the new district or districts, if any, involved or affected; and

(b) The property and other assets and the liabilities other than bonded indebtedness of any school district involved in or affected by any such change shall also be adjusted in the manner and to the effect provided for in this section, except if all the territory of an old school district is included in a single new district or is annexed to a single existing district, in which event the title to the property and other assets and the liabilities other than bonded indebtedness of the old district vests in and becomes the assets and liabilities of the new district or of the existing district, as applicable. [1999 c 315 § 702.]

28A.315.265 Adjustment of bonded indebtedness—Order—Special elections. If adjustments of bonded indebtedness are made between or among school districts in con-

nection with the alteration of the boundaries of the school districts under this chapter, the order of the educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district:

(a) That such bonded indebtedness is assumed by the school district to which it is transferred;

(b) That thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred;

(c) That, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized before the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and

(d) That taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, the taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred, as the same become due and payable.

(2) In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of transferred bonded indebtedness at any time outstanding:

(a) Shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which the bonded indebtedness was transferred; and

(b) Shall be deemed to be bonded indebtedness solely of the transferee school district that assumed the indebtedness.

(3) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district:

(a) That the existing bonded indebtedness of each school district, the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized before the date its boundaries were altered is the obligation of the school district in its reduced or enlarged form, as the case may be; and

(b) That taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

(4) If a change in school district organization approved by the regional committee concerns a proposal to form a new school district or if a change in school district organization includes a proposal for adjustment of voted general obligation bonded indebtedness, a special election of the voters residing within the territory of the proposed new district, or of the school district involved in a proposal for adjustment of bonded indebtedness as the case may be, shall be held for the purpose of affording those voters an opportunity to approve or reject such proposals as concern or affect them.

(5) In a case involving both the question of the formation of a new school district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever seems expedient to the educational service district superintendent. When the regional committee

has passed appropriate resolutions for the questions to be submitted and the educational service district superintendent has given notice thereof to the county auditor, the special election shall be called and conducted, and the returns canvassed as in regular school district elections. [2012 c 186 § 11; 1999 c 315 § 703.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.275 Notice of elections. Notice of special elections as provided for in RCW 28A.315.265 shall be given by the county auditor as provided in RCW 29A.52.355. The notice of election shall state the purpose for which the election has been called and contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness on which to be voted. [2015 c 53 § 6; 1999 c 315 § 704.]

28A.315.285 Special election—Determination—Order—Certification. (1) If a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately. Any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon.

(2) If a special election is held to vote on a proposal for adjustment of bonded indebtedness, the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated. Any such proposition shall be considered approved if three-fifths or more of all votes cast thereon are in the affirmative and forty percent of the voters who voted at the last preceding general election cast a ballot.

(3) In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall:

(a) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order such other terms of adjustment, if there are any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state council; and

(b) Certify his or her action to the county and school district officials specified in RCW 28A.315.215. The educational service district superintendent may designate, with the approval of the superintendent of public instruction, a name and number different from that of any component thereof, but must designate the new district by name and number different from any other district in existence in the county.

(4) The educational service district superintendent shall fix as the effective date of any order or orders he or she is required to make by this chapter, the date specified in the order of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries under RCW 84.09.030, by the regional committee.

(5) Upon receipt of certification under this section, the superintendent of each school district that is included in the new district shall deliver to the superintendent of the new school district those books, papers, documents, records, and

other materials pertaining to the territory transferred. [2012 c 186 § 12; 1999 c 315 § 705.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.295 Rejection of proposal. If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the matter is terminated. [1999 c 315 § 706.]

28A.315.305 School district organizational changes—Corporate existence—Payment of bonded indebtedness—Levy authority—Levy requirements for dissolved or annexed financially insolvent school districts.

(1) Each school district involved in or affected by any change made in the organization and extent of school districts under this chapter retains its corporate existence insofar as is necessary for the purpose, until the bonded indebtedness outstanding against it on and after the effective date of the change has been paid in full. This section may not be construed to prevent, after the effective date of the change, such adjustments of bonded indebtedness as are provided for in this chapter.

(2) The county legislative authority shall provide, by appropriate levies on the taxable property of each school district, for the payment of the bonded indebtedness outstanding against it after any of the changes or adjustments under this chapter have been effected.

(3) In case any such changes or adjustments involve a joint school district, the tax levy for the payment of any bonded indebtedness outstanding against the joint district, after the changes or adjustments are effected, shall be made and the proceeds thereof shall be transmitted, credited, and paid out in conformity with the provisions of law applicable to the payment of the bonded indebtedness of joint school districts.

(4) In case any such changes or adjustments involve the dissolution or annexation of a financially insolvent school district pursuant to RCW 28A.315.225:

(a) The board of directors of a receiving or annexing school district, or the educational service district superintendent as identified in RCW 84.52.020 must certify a tax levy by November 30th in each calendar year that there is outstanding voted bonded indebtedness to pay the principal of and interest on such outstanding voted bonded indebtedness for the following calendar year;

(b) The county treasurer in the county in which the financially insolvent school district is located must collect the levy, the proceeds of which must be deposited into a debt service fund established and overseen by the annexing school district as determined by the financial oversight committee or regional committee to pay the principal of and interest on the dissolved district's outstanding bonded indebtedness as it becomes due;

(c) For outstanding voted bonded indebtedness of the financially insolvent school district, the board of directors of the receiving or annexing school district may determine that all or any portion of the voted bonded indebtedness be refunded pursuant to chapter 39.53 RCW, in which case the board of directors of the annexing or receiving district shall act as the governing body of the financially insolvent school

district and is expressly empowered to take all action it deems necessary to accomplish such refunding; and

(d) Any balance in the debt service fund of the financially insolvent school district remaining after all such voted bonded indebtedness is paid must be transferred to the general fund of the receiving or annexing school district. [2012 c 186 § 13; 1999 c 315 § 707.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.308 School district organization changes—Adjustment of school district assets and liabilities—School districts in two or more educational service districts. The duties in this chapter imposed upon and required to be performed by a regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in more than one educational service district is involved shall be performed by the regional committee and by the superintendent of the educational service district in which is located the part of the proposed or enlarged school district having the largest number of common school pupils residing therein. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the superintendent of public instruction. [2008 c 159 § 6; 2006 c 263 § 612; 1985 c 385 § 25; 1975 1st ex.s. c 275 § 95; 1973 c 47 § 2; 1969 ex.s. c 176 § 131; 1969 ex.s. c 223 § 28A.57.240. Prior: 1947 c 266 § 26; Rem. Supp. 1947 § 4693-45. Formerly RCW 28A.323.020, 28A.315.360, 28A.57.240, 28.57.240.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.315.311 Validation of proceedings to effect dissolution, annexation, consolidation, or transfer of territory between districts. All proceedings that have been taken by any school district, educational service district governing body, or commission, or any officers thereof, for the purpose of effecting a dissolution, annexation, consolidation, or transfer of territory from one or more school districts to one or more other school districts, including but not limited to reorganizing boundaries and making an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies, are hereby validated, ratified, approved, and confirmed, notwithstanding any lack of power, other than constitutional, of the school district, educational service district, or the governing body or commission or officers thereof to effect such changes in organization of school districts. [2012 c 186 § 14.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.315 Appeal. (1) An appeal may be taken, as provided for in RCW 28A.645.010, to the superior court of the county in which a school district or any part thereof is situated on any question of adjustment of property and other assets and of liabilities provided for in this chapter. Judicial appeal must be expedited. If the court finds the terms of the

adjustment in question not equitable, the court shall make an adjustment that is equitable.

(2) In the case of any financially insolvent school district that is required to transfer territory pursuant to RCW 28A.315.225, no lawsuit may be maintained challenging the imposition of excess tax levies on the territory transferred or annexed pursuant to an order of the superintendent of the educational service district under RCW 28A.315.215 unless that lawsuit is served and filed no later than thirty days after the date of the order. [2012 c 186 § 15; 1990 c 33 § 305; 1983 c 3 § 34; 1969 ex.s. c 223 § 28A.57.120. Prior: 1947 c 266 § 40; Rem. Supp. 1947 § 4693-59. Formerly RCW 28A.315.210, 28A.57.120, 28.57.120.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Boundary change, copy of decision to county assessor: RCW 28A.645.040.

28A.315.325 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 22.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.315.902 Rule-making authority—2012 c 186. The superintendent of public instruction may adopt rules to implement chapter 186, Laws of 2012. [2012 c 186 § 25.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Chapter 28A.320 RCW PROVISIONS APPLICABLE TO ALL DISTRICTS

Sections

DISTRICT POWERS AND DUTIES

- 28A.320.010 Corporate powers.
- 28A.320.015 School boards of directors—Powers—Notice of adoption of policy.
- 28A.320.019 Condensed compliance reports—Second-class districts.
- 28A.320.020 Liability for debts and judgments.
- 28A.320.025 School district name change.
- 28A.320.030 Gifts, conveyances, etc., for scholarship and student aid purposes, receipt and administration.
- 28A.320.035 Contracting out—Board's powers and duties—Goods and services.
- 28A.320.040 Bylaws for board and school government.
- 28A.320.050 Reimbursement of expenses of directors, other school representatives, and superintendent candidates—Advancing anticipated expenses.
- 28A.320.055 Employee collective bargaining agreements—Publication on school web site.
- 28A.320.060 Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless.
- 28A.320.070 School district as self-insurer—Authority.
- 28A.320.080 Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants and agreements with private schools—Budgets.
- 28A.320.090 Preparing and distributing information on district's instructional program, operation and maintenance—Limitation.
- 28A.320.092 Unsolicited information about learning programs—Prohibition on providing to persons who file a declaration of intent to cause a child to receive home-based instruction—Exceptions.
- 28A.320.100 Actions against officers, employees or agents of school districts and educational service districts—Defense, costs, fees—Payment of obligation.
- 28A.320.110 Information and research services.
- 28A.320.120 Cooperation with technical colleges—Jurisdiction over property—Administrative charges—Discrimination against

employees of technical colleges prohibited—Dispute resolution.

28A.320.123 School-based threat assessment program.

28A.320.124 School safety and security staff—Policy and procedure—Presentation to students.

28A.320.1241 School safety and security staff—Collected agreements and information.

28A.320.1242 School safety and security staff—Agreements with law enforcement agencies or security guard companies.

28A.320.125 Safe school plans—Requirements—Duties of school districts and schools—Drills—Rules—First responder agencies.

28A.320.126 Emergency response system.

28A.320.127 Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse.

28A.320.1271 Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students.

28A.320.128 Notice and disclosure policies—Threats of violence—Student conduct—Immunity for good faith notice—Penalty.

28A.320.130 Weapons incidents—Reporting.

28A.320.135 Telecommunication devices—Limits on possession—Policies.

28A.320.140 Schools with special standards—Dress codes.

28A.320.142 Unaccompanied and homeless youth—Building point of contact—Duty of district liaison for students experiencing homelessness.

28A.320.145 Homeless students—Support.

28A.320.148 Foster care liaison—Building point of contact.

28A.320.155 Criminal history record information—School volunteers.

28A.320.160 Alleged sexual misconduct by school employee—Parental notification—Information on public records act.

28A.320.163 Notifications—Appeals.

28A.320.165 Notice of pesticide use.

28A.320.170 Curricula—Tribal history and culture.

28A.320.173 Curricula—Outdoor-based activities.

28A.320.175 School data—Collection and submission to the office of the superintendent of public instruction.

28A.320.180 Mathematics college readiness test—Costs.

28A.320.185 School gardens or farms.

28A.320.190 Extended learning opportunities program.

28A.320.191 Program of early learning under RCW 43.216.555.

28A.320.192 On-time grade level progression and graduation of students who are homeless, dependent, at-risk youth or children, or have been released from an institutional education facility—Rules.

28A.320.193 Community service—Policy—Incentive.

28A.320.195 Academic acceleration for high school students—Adoption of policy.

28A.320.196 Academic acceleration incentive program—Dual credit courses—Allocation of funds—Reports.

28A.320.202 Comprehensive system of instruction and services in reading and early literacy.

28A.320.203 Reading skills—Report cards.

28A.320.208 Notice to parents and guardians of student assessments, graduation requirements, and additional district graduation requirements.

28A.320.211 Discipline policies, procedures, and rules—Dissemination of information—Use of disaggregated data—Review.

28A.320.230 Instructional materials—Instructional materials committee.

28A.320.240 School library information and technology programs—Resources and materials—Teacher-librarians.

28A.320.242 Teacher hiring data—Reports.

28A.320.245 Responses to audit findings on use of local revenues—Policies—Hearings—Disciplinary actions.

28A.320.250 Dyslexia definition.

28A.320.260 Dyslexia interventions.

28A.320.270 Dyslexia reporting requirements.

28A.320.280 School counselors, social workers, and psychologists—Priorities.

28A.320.290 School counselors, social workers, and psychologists—Professional collaboration.

28A.320.294 Health and safety information on public school websites.

28A.320.296 Native American names, symbols, and images as school mascots, logos, or team names.

DEPOSIT, INVESTMENT, AND USE OF PROCEEDS

28A.320.300 Investment of funds, including funds received by ESD—Authority—Procedure.

28A.320.310 Investment of building funds—Restrictions.

28A.320.320 Investment of funds of district—Service fee.

28A.320.330 School district funds.

(2021 Ed.)

ELECTORS—QUALIFICATIONS, VOTING PLACE, AND SPECIAL MEETINGS

28A.320.400 Elections—Qualifications of electors—Voting place.

28A.320.410 Elections—Elections to be conducted according to Title 29A RCW.

28A.320.420 Special meetings of voters—Authorized—Purpose.

28A.320.430 Special meetings of voters—Place, notice, procedure, record.

28A.320.440 Special meetings of voters—Directors to follow electors' decision.

SUMMER SCHOOL, NIGHT SCHOOL, EXTRACURRICULAR ACTIVITIES, AND ATHLETICS

28A.320.500 Summer and/or other student vacation period programs—Authorized—Tuition and fees.

28A.320.510 Night schools, summer schools, meetings, use of facilities for.

28A.320.520 School credit for participation in youth court.

28A.320.530 Extracurricular activities—Definitions.

28A.320.540 Extracurricular activities—Data collection, publishing, and reporting.

28A.320.550 Extracurricular activities—Calculation of opportunity gaps.

28A.320.560 Extracurricular activities—Goals for reducing the opportunity gap in possession of an associated student body card.

28A.320.570 Extracurricular activities—Goals for reducing the opportunity gap in participation.

28A.320.580 Extracurricular activities—Opportunity gap reduction plan.

COMPREHENSIVE SCHOOL COUNSELING PROGRAMS

28A.320.600 Comprehensive school counseling programs—Written plan.

28A.320.610 Comprehensive school counseling programs—Implementation.

28A.320.620 Comprehensive school counseling programs—Guidance—Transition plan.

Assistance of certificated or classified employee—Reimbursement for substitute: RCW 28A.300.035.

DISTRICT POWERS AND DUTIES

28A.320.010 Corporate powers. A school district shall constitute a body corporate and shall possess all the usual powers of a public corporation, and in that name and style may sue and be sued and transact all business necessary for maintaining school and protecting the rights of the district, and enter into such obligations as are authorized therefor by law. [1969 ex.s. c 223 § 28A.58.010. Prior: (i) 1909 c 97 p 287 § 7, part; RRS § 4782, part; prior: 1897 c 118 § 44, part; 1891 c 127 § 11, part; 1890 p 366 § 30, part. Formerly RCW 28.58.040, part. (ii) 1947 c 266 § 6, part; Rem. Supp. 1947 § 4693-25, part; prior: 1909 c 97 p 265 § 2, part. Formerly RCW 28A.58.010, 28.57.135, 28.58.010.]

28A.320.015 School boards of directors—Powers—Notice of adoption of policy. (1) The board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(i) Promote the education and daily physical activity of kindergarten through twelfth grade students in the public schools; or

(ii) Promote the effective, efficient, or safe management and operation of the school district;

(b) Such powers as are expressly authorized by law; and

(c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall com-

ply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors. [2005 c 360 § 7; 1992 c 141 § 301.]

Findings—Intent—2005 c 360: See note following RCW 36.70A.070.

Findings—Part headings—Severability—1992 c 141: See note following RCW 28A.410.040.

28A.320.019 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 23.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.320.020 Liability for debts and judgments. Every school district shall be liable for any debts legally due, and for judgments against the district, and such district shall pay any such judgment or liability out of the proper school funds to the credit of the district. [1969 ex.s. c 223 § 28A.58.020. Prior: 1909 c 97 p 287 § 4; RRS § 4779; prior: 1897 c 118 § 41; 1890 p 365 § 27. Formerly RCW 28A.58.020, 28.58.020.]

28A.320.025 School district name change. (1) The board of directors may change the name of the school district if:

(a) Either ten percent of the registered voters of the district file a petition requesting that the name of the school district be changed and submit the proposed new name with the request to the board or the board passes a motion to hold a hearing to change the school district name;

(b) After receiving the petition or adopting the motion, the board holds a hearing within one month after the petition was submitted to the board. The board shall publish notice of the hearing and the proposed new name once a week for three consecutive weeks in a newspaper of general circulation within the school district. At the hearing, other names may be proposed and considered by the board without additional notice requirements; and

(c) A majority of the board votes to adopt the new name.

(2) If the board adopts the new name, the new name shall be recorded in the school district office and with the educational service district superintendent, the superintendent of public instruction, the state board of education, and the secretary of state. [1999 c 101 § 1.]

28A.320.030 Gifts, conveyances, etc., for scholarship and student aid purposes, receipt and administration. The board of directors of any school district may accept, receive and administer for scholarship and student aid purposes such gifts, grants, conveyances, devises and bequests of personal or real property, in trust or otherwise, for the use or benefit of the school district or its students; and sell, lease, rent or exchange and invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof, if any, for the foregoing pur-

poses; and enter into contracts and adopt regulations deemed necessary by the board to provide for the receipt and expenditure of the foregoing. [1974 ex.s. c 8 § 1. Formerly RCW 28A.58.030.]

28A.320.035 Contracting out—Board's powers and duties—Goods and services. (1) The board of directors of a school district may contract with other school districts, educational service districts, public or private organizations, agencies, schools, or individuals to implement the board's powers and duties. The board of directors of a school district may contract for goods and services, including but not limited to contracts for goods and services as specifically authorized in statute or rule, as well as other educational, instructional, and specialized services. When a school district board of directors contracts for educational, instructional, or specialized services, the purpose of the contract must be to improve student learning or achievement.

(2) A contract under subsection (1) of this section may not be made with a religious or sectarian organization or school where the contract would violate the state or federal Constitution. [1997 c 267 § 1.]

28A.320.040 Bylaws for board and school government. Every board of directors shall have power to make such bylaws for their own government, and the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this title, or rules and regulations of the superintendent of public instruction or the state board of education. [1969 ex.s. c 223 § 28A.58.110. Prior: 1909 c 97 p 287 § 6; RRS § 4781; prior: 1897 c 118 § 43; 1890 p 366 § 29. Formerly RCW 28A.58.110, 28.58.110.]

28A.320.050 Reimbursement of expenses of directors, other school representatives, and superintendent candidates—Advancing anticipated expenses. The actual expenses of school directors in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid. The board of directors may pay the actual and necessary expenses for travel, lodging and meals a superintendent candidate incurs when he or she attends an employment interview in the school district. The school directors, school superintendents, other school representatives or superintendent candidates may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210. [1977 c 73 § 1; 1969 ex.s. c 26 § 2; 1969 ex.s. c 223 § 28A.58.310. Prior: 1961 c 268 § 15; prior: 1919 c 90 § 6, part; 1909 c 97 p 287 § 8, part; RRS § 4783, part. Formerly RCW 28A.58.310, 28.58.310.]

28A.320.055 Employee collective bargaining agreements—Publication on school web site. Each school district, charter school, and state-tribal compact school must

publish on its web site a copy of its public school employee collective bargaining agreements by September 1, 2014, and thereafter must update the web site within thirty days of approval, renewal, or amendment of any such agreement. [2014 c 211 § 2.]

Intent—2014 c 211: "It is the legislature's intent to improve the transparency of certain public school data and expenditure information that may currently be available as a public record but is not easily accessible to the general public. For example, there is not a consistent policy for providing easy access to information about either public school employee collective bargaining agreements or associated student body program funds." [2014 c 211 § 1.]

28A.320.060 Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless. Any school district board of directors and educational service district board are authorized to purchase insurance to protect and hold personally harmless any director, officer, employee or agent of the respective school district or educational service district from any action, claim or proceeding instituted against him or her arising out of the performance or failure of performance of duties for or employment with such institution and to hold him or her harmless from any expenses connected with the defense, settlement or monetary judgments from such actions. [1990 c 33 § 330; 1975 1st ex.s. c 275 § 116; 1972 ex.s. c 142 § 2. Formerly RCW 28A.58.630.]

28A.320.070 School district as self-insurer—Authority. Any school district board of directors is authorized to enter into agreements with the board of directors of other school districts and/or educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW. [1982 c 191 § 10. Formerly RCW 28A.58.410.]

School districts as self-insurers: RCW 51.14.150 and 51.14.160.

Additional notes found at www.leg.wa.gov

28A.320.080 Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants and agreements with private schools—Budgets. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children disabled by defective hearing, make arrangements for free instruction in lip reading to adults disabled by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.310.180(3), or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the

(2021 Ed.)

outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER, That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services including but not limited to school bus maintenance services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services, including but not limited to school bus maintenance services, so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services including but not limited to school bus maintenance services, and, after considering such request, may provide such joint purchasing services: PROVIDED, That such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.505 RCW. [1995 c 77 § 21; 1990 c 33 § 331; 1986 c 77 § 1; 1983 c 125 § 1; 1981 c 308 § 1; 1979 ex.s. c 66 § 2; 1971 c 26 § 1; 1969 c 53 § 2; 1969 ex.s. c 223 § 28A.58.107. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 89 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; 1901 c 41 § 3, part; 1897 c 118 § 40, part; 1890 p 364 § 26, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28A.58.107, 28.58.100(7), (13) and (14).]

Additional notes found at www.leg.wa.gov

28A.320.090 Preparing and distributing information on district's instructional program, operation and maintenance—Limitation. The board of directors of any school district shall have authority to authorize the expenditure of funds for the purpose of preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district: PROVIDED, That nothing contained herein shall be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election. [1969 ex.s. c 283 § 11. Formerly RCW 28A.58.610, 28.58.610.]

Additional notes found at www.leg.wa.gov

28A.320.092 Unsolicited information about learning programs—Prohibition on providing to persons who file a declaration of intent to cause a child to receive home-based instruction—Exceptions. School districts are prohibited from advertising, marketing, and otherwise providing unsolicited information about learning programs offered by the school district, including but not limited to digital learning programs, part-time enrollment opportunities, and other alternative learning programs, to students and their parents who have filed a declaration of intent to cause a child to

receive home-based instruction under RCW 28A.200.010. School districts may respond to requests for information that are initiated by a parent. This section does not apply to general mailings or newsletters sent by the school district to all households in the district. [2009 c 190 § 1.]

28A.320.100 Actions against officers, employees or agents of school districts and educational service districts—Defense, costs, fees—Payment of obligation. Whenever any action, claim or proceeding is instituted against any director, officer, employee or agent of a school district or educational service district arising out of the performance or failure of performance of duties for, or employment with any such district, the board of directors of the school district or educational service district board, as the case may be, may grant a request by such person that the prosecuting attorney and/or attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the school district's general fund, or in the case of an educational service district, from any appropriation made for the support of the educational service district, to which said person is attached: PROVIDED, That costs of defense and/or judgment against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his or her employment with or duties for the district. [1990 c 33 § 332; 1975 1st ex.s. c 275 § 115; 1972 ex.s. c 142 § 1. Formerly RCW 28A.58.620.]

28A.320.110 Information and research services. For the purpose of obtaining information on school organization, administration, operation, finance and instruction, school districts and educational service districts may contract for or purchase information and research services from public universities, colleges and other public bodies, or from private individuals or agencies. For the same purpose, school districts and educational service district superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations. [1975 1st ex.s. c 275 § 112; 1971 ex.s. c 93 § 4; 1969 ex.s. c 176 § 142; 1969 ex.s. c 223 § 28A.58.530. Prior: 1963 c 30 § 1. Formerly RCW 28A.58.530, 28.58.530.]

Additional notes found at www.leg.wa.gov

28A.320.120 Cooperation with technical colleges—Jurisdiction over property—Administrative charges—Discrimination against employees of technical colleges prohibited—Dispute resolution. As of May 17, 1991, school districts shall not remove facilities, equipment, or property from the jurisdiction or use of the technical colleges. This shall include direct and indirect funds other than those indirect charges provided for in the 1990-91 appropriations act. School districts shall not increase direct or indirect charges for central district administrative support for techni-

cal college programs above the percentage rate charged in the 1990-91 school year. This provision on administrative charges for technical college programs shall apply to any state and federal grants, tuition, and other revenues generated by technical college programs. School districts and the superintendent of public instruction shall cooperate fully with the technical colleges and the state board for community and technical colleges with regard to the implementation of chapter 238, Laws of 1991. No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter 238, Laws of 1991. Any dispute related to issues contained in this section shall be resolved under *RCW 28B.50.302. [1991 c 238 § 142.]

*Reviser's note: RCW 28B.50.302 was decodified pursuant to 2015 c 55 § 119.

28A.320.123 School-based threat assessment program. (1) At a minimum, a school-based threat assessment program must:

(a) Provide for timely and methodical school-based threat assessment and management;

(b) Be prompted by the behavior of a student rather than some combination of a student's demographic and personal characteristics;

(c) Convene a multidisciplinary, multiagency team, including special education teachers and practicing educational staff associates, to:

(i) Identify and assess the behavior of a student that is threatening, or potentially threatening, to self, other students, staff, school visitors, or school property;

(ii) Gather and analyze information about the student's behavior to determine a level of concern for the threat that focuses on situational variables, rather than the student's demographic or personal characteristics;

(iii) Depending on the determined level of concern, develop and implement intervention strategies to manage the student's behavior in ways that promote a safe, supportive teaching and learning environment, without excluding the student from the school; and

(iv) In the case of the threatening, or potentially threatening, behavior of a student with disabilities, align intervention strategies with the student's individualized education program or plan developed under section 504 of the rehabilitation act of 1973 by coordinating with the student's individualized education program or section 504 plan team;

(d) Create guidelines for each threat assessment team to collect, report, and review quantitative data on its activities; and

(e) Prohibit suspension or expulsion based merely on threat assessment referral or performance.

(2) By the beginning of the 2020-21 school year, each school district shall adopt a policy and procedure to establish a school-based threat assessment program that meets the requirements of subsection (1) of this section. The school district policy and procedure must be consistent with the model policy and procedure developed under RCW 28A.300.640, and with other school district policies, procedures, and plans addressing safe and supportive learning environments.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-based threat assessment" means the formal process, established by a school district, of evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the threat is likely to be carried out.

(b) "School-based threat management" means the development and implementation of a plan to manage or reduce the threatening, or potentially threatening, behavior of a student in a way that increases the physical and psychological safety of students, staff, and visitors, while providing for the education of all students. [2019 c 333 § 5.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

28A.320.124 School safety and security staff—Policy and procedure—Presentation to students. (1) By the beginning of the 2021-22 school year, school districts that have safety and security staff working on school property when students are expected to be present must adopt, and periodically update, a policy and procedure that:

(a) Includes a clear statement regarding safety and security staff duties and responsibilities related to student behavior and discipline that:

(i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators; and

(ii) Recognizes that trained safety and security staff know when to informally interact with students to reinforce school rules and when to enforce the law;

(b) Clarifies the circumstances under which teachers and school administrators may ask safety and security staff to intervene with a student;

(c) Explains how safety and security staff will be engaged in creating a positive school climate and positive relationships with students; and

(d) Describes the process for families to file complaints with the school and, when applicable, the local law enforcement agency or the company that provides the safety and security staff on contract related to safety and security staff and a process for investigating and responding to complaints.

(2) At the beginning of each school year, school districts that have safety and security staff working on school property must present to and discuss with students, and distribute to students' families, information about the role and responsibilities of safety and security staff.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Safety and security staff" means a school resource officer, a school security officer, a campus security officer, and any other commissioned or noncommissioned employee or contractor, whose primary job duty is to provide safety or security services for a public school, as defined in RCW 28A.150.010.

(b) "School resource officer" means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff's office to work in schools to build positive relationships with students and address crime and disorder problems, gangs, and drug activities affecting or occurring in or around

(2021 Ed.)

K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system. [2021 c 38 § 5; 2019 c 333 § 12.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

Intent—2019 c 333: "It is not the intent of the legislature to require school resource officers to work in schools. If a school district chooses to have a school resource officer program, it is the intent of the legislature to create statewide consistency for the minimum training requirements that school resource officers must receive and ensure that there is a clear agreement between the school district and local law enforcement agency in order to help establish effective partnerships that protect the health and safety of all students." [2019 c 333 § 11.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

28A.320.1241 School safety and security staff—Collected agreements and information. (1) School districts must annually collect the following information on safety and security staff:

(a) Total number of safety and security staff working in the district and in each school building, and number of days per week that each staff works;

(b) The name of any law enforcement agency or private organization with which the district has an agreement for safety and security services;

(c) A description of each incident where safety and security staff were involved that resulted in student discipline, use of force against a student, or a student arrest. For each student involved in the incident, the description must include:

(i) The student's race, ethnicity, and other demographics; and

(ii) Whether the student has an individualized education program or plan developed under section 504 of the rehabilitation act of 1973;

(d) The number of complaints related to job duties and student interactions filed against safety and security staff; and

(e) Other school safety and security information required by the office of the superintendent of public instruction.

(2)(a) School districts must annually submit any agreements adopted as required by RCW 28A.320.1242 and the information collected as required by this section at the time and in the manner required by the office of the superintendent of public instruction.

(b) The office of the superintendent of public instruction must make the submitted agreements and information publicly available. To the extent possible, information collected under subsection (1)(c) of this section must be disaggregated as provided in RCW 28A.300.042.

(3) For the purposes of this section, "safety and security staff" has the same meaning as in RCW 28A.320.124. [2021 c 38 § 2.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

28A.320.1242 School safety and security staff—Agreements with law enforcement agencies or security guard companies. (1)(a) If a law enforcement agency or security guard company supplies safety and security staff to work on school property when students are expected to be present, the school district must annually review and adopt an agreement with the law enforcement agency or security guard

company that meets the requirements of this section. The agreement must:

(i) Meet the requirements described in RCW 28A.320.124(1);

(ii) Include a jointly determined hiring and placement process and a performance evaluation process; and

(iii) Either confirm that the safety and security staff have training series documentation provided under RCW 28A.310.515(4) or describe the plan for safety and security staff to complete the training series described in RCW 28A.400.345(2).

(b) The agreement review and adoption process must involve parents, students, and community members.

(2) For purposes of this section, "safety and security staff" has the same meaning as in RCW 28A.320.124. [2021 c 38 § 6.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

28A.320.125 Safe school plans—Requirements—Duties of school districts and schools—Drills—Rules—First responder agencies. (1) The legislature considers it to be a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law. The legislature further finds and intends, by requiring safe school plans to be in place, that school districts will become eligible for federal assistance. The legislature further finds that schools are in a position to serve the community in the event of an emergency resulting from natural disasters or human-induced disasters.

(2) Schools and school districts shall consider the guidance and resources provided by the state school safety center, established under RCW 28A.300.630, and the regional school safety centers, established under RCW 28A.310.510, when developing their own individual comprehensive safe school plans. Each school district shall adopt and implement a safe school plan. The plan shall:

(a) Include required school safety policies and procedures;

(b) Address emergency mitigation, preparedness, response, and recovery;

(c) Include provisions for assisting and communicating with students and staff, including those with special needs or disabilities;

(d) Include a family-student reunification plan, including procedures for communicating the reunification plan to staff, students, families, and emergency responders;

(e) Use the training guidance provided by the Washington emergency management division of the state military department in collaboration with the state school safety center in the office of the superintendent of public instruction, established under RCW 28A.300.630, and the school safety and student well-being advisory committee, established under RCW 28A.300.635;

(f) Require the building principal to be certified on the incident command system;

(g) Take into account the manner in which the school facilities may be used as a community asset in the event of a community-wide emergency; and

(h) Set guidelines for requesting city or county law enforcement agencies, local fire departments, emergency service providers, and county emergency management agencies

to meet with school districts and participate in safety-related drills.

(3) To the extent funds are available, school districts shall annually:

(a) Review and update safe school plans in collaboration with local emergency response agencies;

(b) Conduct an inventory of all hazardous materials;

(c) Update information to reflect current plans, including:

(i) Identifying all staff members who are trained on the national incident management system, trained on the incident command system, or are certified on the incident command system; and

(ii) Identifying school transportation procedures for evacuation, to include bus staging areas, evacuation routes, communication systems, parent-student reunification sites, and secondary transportation agreements; and

(d) Provide information to all staff on the use of emergency supplies and notification and alert procedures.

(4) School districts are encouraged to work with local emergency management agencies and other emergency responders to conduct one tabletop exercise, one functional exercise, and two full-scale exercises within a four-year period.

(5)(a) Due to geographic location, schools have unique safety challenges. It is the responsibility of school principals and administrators to assess the threats and hazards most likely to impact their school, and to practice three basic functional drills, shelter-in-place, lockdown, and evacuation, as these drills relate to those threats and hazards. Some threats or hazards may require the use of more than one basic functional drill.

(b) Schools shall conduct at least one safety-related drill per month, including summer months when school is in session with students. These drills must teach students three basic functional drill responses:

(i) "Shelter-in-place," used to limit the exposure of students and staff to hazardous materials, such as chemical, biological, or radiological contaminants, released into the environment by isolating the inside environment from the outside;

(ii) "Lockdown," used to isolate students and staff from threats of violence, such as suspicious trespassers or armed intruders, that may occur in a school or in the vicinity of a school; and

(iii) "Evacuation," used to move students and staff away from threats, such as fires, oil train spills, lahars, or tsunamis.

(c) The drills described in (b) of this subsection must incorporate the following requirements:

(i) A pedestrian evacuation drill for schools in mapped lahars or tsunami hazard zones; and

(ii) An earthquake drill using the state-approved earthquake safety technique "drop, cover, and hold."

(d) Schools shall document the date, time, and type (shelter-in-place, lockdown, or evacuate) of each drill required under this subsection (5), and maintain the documentation in the school office.

(e) This subsection (5) is intended to satisfy all federal requirements for comprehensive school emergency drills and evacuations.

(6) Educational service districts are encouraged to apply for federal emergency response and crisis management grants with the assistance of the superintendent of public instruction and the Washington emergency management division of the state military department.

(7) The superintendent of public instruction may adopt rules to implement provisions of this section. These rules may include, but are not limited to, provisions for evacuations, lockdowns, or other components of a comprehensive safe school plan.

(8)(a) Whenever a first responder agency notifies a school of a situation that may necessitate an evacuation or lockdown, the agency must determine if other known schools in the vicinity are similarly threatened. The first responder agency must notify every other known school in the vicinity for which an evacuation or lockdown appears reasonably necessary to the agency's incident commander unless the agency is unable to notify schools due to duties directly tied to responding to the incident occurring. For purposes of this subsection, "school" includes a private school under chapter 28A.195 RCW.

(b) A first responder agency and its officers, agents, and employees are not liable for any act, or failure to act, under this subsection unless a first responder agency and its officers, agents, and employees acted with willful disregard. [2021 c 223 § 1. Prior: 2019 c 333 § 10; 2019 c 84 § 1; 2017 c 165 § 1; 2013 c 14 § 1; 2009 c 578 § 10; 2007 c 406 § 1; 2002 c 205 § 2.]

Effective date—2021 c 223: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021." [2021 c 223 § 4.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

Findings—2002 c 205: "Following the tragic events of September 11, 2001, the government's primary role in protecting the health, safety, and well-being of its citizens has been underscored. The legislature recognizes that there is a need to focus on the development and implementation of comprehensive safe school plans for each public school. The legislature recognizes that comprehensive safe school plans for each public school are an integral part of rebuilding public confidence. In developing these plans, the legislature finds that a coordinated effort is essential to ensure the most effective response to any type of emergency. Further, the legislature recognizes that comprehensive safe school plans for each public school are of paramount importance and will help to assure students, parents, guardians, school employees, and school administrators that our schools provide the safest possible learning environment." [2002 c 205 § 1.]

Additional notes found at www.leg.wa.gov

28A.320.126 Emergency response system. School districts must work collaboratively with local law enforcement agencies and school security personnel to develop an emergency response system using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. School districts are encouraged to use the model policies developed by the school safety center in the office of the superintendent of public instruction as a resource. Each school district must submit a progress report on its implementation of an emergency response system as required under this section to the office of the superintendent of public instruction by December 1, 2014. [2019 c 333 § 16; 2013 c 233 § 1.]

(2021 Ed.)

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

28A.320.127 Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse. (1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

(a) Identification of training opportunities in recognition, screening, and referral that may be available for staff;

(b) How to use the expertise of district staff who have been trained in recognition, screening, and referral;

(c) How staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students;

(d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region;

(e) Protocols and procedures for communication with parents and guardians, including the notification requirements under RCW 28A.320.160;

(f) How staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others;

(g) How the district will provide support to students and staff after an incident of violence, youth suicide, or allegations of sexual abuse;

(h) How staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, including how staff should interact with parents, law enforcement, and child protective services; and

(i) How the district will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct required under RCW 28A.400.317.

(3) The plan under this section may be a separate plan or a component of another district plan or policy, such as the harassment, intimidation, and bullying prevention policy under RCW 28A.300.2851 or the comprehensive safe school plan required under RCW 28A.320.125. [2016 c 48 § 1; 2013 c 197 § 4.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.320.1271 Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students. The office of the superintendent of public instruction's school safety center, established in RCW 28A.300.630, shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not

limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including practices and protocols used in schools and school districts in other states. The model plan must be posted by February 1, 2014, on the school safety center web site, along with relevant resources and information to support school districts in developing and implementing the plan required under RCW 28A.320.127. [2019 c 333 § 17; 2013 c 197 § 5.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.320.128 Notice and disclosure policies—Threats of violence—Student conduct—Immunity for good faith notice—Penalty. (1) By September 1, 2020, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm"; and

(b) Procedures for complying with the notification provisions in RCW 28A.320.163.

(2) The Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section. The model policy shall be disseminated by the Washington state school directors' association and made available to the public on its web site. Each school district shall adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021. [2020 c 167 § 4; 2002 c 206 § 1.]

28A.320.130 Weapons incidents—Reporting. Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9A.1.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of

representatives, the senate, and the governor. [1993 c 347 § 2.]

28A.320.135 Telecommunication devices—Limits on possession—Policies. School district boards of directors may adopt policies that limit the possession of (1) paging telecommunication devices by students that emit audible signals, vibrate, display a message, or otherwise summons or delivers a communication to the possessor, and (2) portable or cellular telephones. [1997 c 266 § 10.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.320.140 Schools with special standards—Dress codes. (1) School district boards of directors may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are required to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district.

(2) School district boards of directors may establish schools or programs in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are regularly counseled and encouraged to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district. School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district.

(3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.

(4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.

(5) School district boards of directors may adopt dress and grooming code policies which prohibit students from wearing gang-related apparel. If a dress and grooming code policy contains this provision, the school board must also establish policies to notify students and parents of what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel.

(6) School district boards of directors may not adopt a dress and grooming code policy which precludes students who participate in nationally recognized youth organizations from wearing organization uniforms on days that the organization has a scheduled activity or prohibit students from wearing clothing in observance of their religion. [1997 c 266 § 14; 1994 sp.s. c 7 § 612.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.320.142 Unaccompanied and homeless youth—Building point of contact—Duty of district liaison for students experiencing homelessness. (1) Each K-12 public school in the state must establish a building point of contact in each elementary school, middle school, and high school. These points of contact must be appointed by the principal of the designated school and are responsible for identifying homeless and unaccompanied homeless youth and connecting them with the school district's liaison for students experiencing homelessness. The school district homeless student liaison is responsible for training building points of contact.

(2) The office of the superintendent of public instruction shall make available best practices for choosing and training building points of contact to each school district. [2019 c 412 § 3; 2016 c 157 § 5.]

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

28A.320.145 Homeless students—Support. (1) On an annual basis, each school district must strongly encourage:

(a) All school staff to annually review the video posted on the office of the superintendent of public instruction's web site on how to identify signs that indicate a student may be homeless, how to provide services and support to homeless students, and why this identification and support is critical to student success to ensure that homeless students are appropriately identified and supported; and

(b) Every district-designated homeless student liaison to attend trainings provided by the state to ensure that homeless children and youth are identified and served.

(2) Each school district shall include in existing materials that are shared with students at the beginning of the school year or at enrollment, information about services and support for homeless students, including the provisions of *RCW 28A.320.147. School districts may use the brochure posted on the web site of the office of the superintendent of public instruction as a resource. Schools are also strongly encouraged to use a variety of communications each year to notify students and families about services and support available to them if they experience homelessness, including but not limited to:

(a) Distributing and collecting an annual housing intake survey;

(b) Providing parent brochures directly to students and families;

(c) Announcing the information at school-wide assemblies; or

(d) Posting information on the district's web site or linking to the office of the superintendent of public instruction's web site. [2016 c 157 § 6; 2014 c 212 § 3.]

*Reviser's note: RCW 28A.320.147 was repealed by 2017 c 275 § 2.

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

Findings—Intent—2014 c 212: See note following RCW 28A.300.540.

28A.320.148 Foster care liaison—Building point of contact. (1) Each school district must designate a foster care liaison to facilitate district compliance with state and federal laws related to students who are dependent pursuant to chapter 13.34 RCW and to collaborate with the department of

(2021 Ed.)

children, youth, and families to address educational barriers for these students. The role and responsibilities of a foster care liaison may include:

(a) Coordinating with the department of children, youth, and families on the implementation of state and federal laws related to students who are dependent pursuant to chapter 13.34 RCW;

(b) Coordinating with foster care education program staff at the office of the superintendent of public instruction;

(c) Attending training and professional development opportunities to improve school district implementation efforts;

(d) Serving as the primary contact person for representatives of the department of children, youth, and families;

(e) Leading and documenting the development of a process for making best interest determinations in accordance with RCW 28A.225.350;

(f) Facilitating immediate enrollment in accordance with RCW 28A.225.330;

(g) Facilitating the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;

(h) Facilitating data sharing with child welfare agencies consistent with state and federal privacy laws and rules;

(i) Developing and coordinating local transportation procedures;

(j) Managing best interest determination and transportation cost disputes according to the best practices developed by the office of the superintendent of public instruction;

(k) Ensuring that students who are dependent pursuant to chapter 13.34 RCW are enrolled in and regularly attending school, consistent with RCW 28A.225.023; and

(l) Providing professional development and training to school staff on state and federal laws related to students who are dependent pursuant to chapter 13.34 RCW and their educational needs, as needed.

(2) Each K-12 public school in the state must establish a building point of contact in each elementary school, middle school, and high school. These points of contact must be appointed by the principal of the designated school, in consultation with the district foster care liaison, and are responsible for coordinating services and resources for students in foster care as outlined in subsection (1) of this section.

(3) The district foster care liaison is responsible for training building points of contact.

(4) The office of the superintendent of public instruction shall make available best practices for choosing and training building points of contact to each school district. [2021 c 95 § 2; 2018 c 139 § 3.]

Intent—2021 c 95: "The legislature acknowledges that students in foster care often face additional challenges, both academically and emotionally. When students are connected with a caring adult, are attending school regularly, and have the supports they need, they are more likely to be successful in school and in life. Schools, child welfare agencies, communities, and families must work together to provide the equitable opportunities, specialized services, and useful supports that are essential for students in foster care. By establishing a building point of contact, the legislature intends to further support coordination of resources and facilitation of compliance with state and federal laws related to students who are dependent pursuant to chapter 13.34 RCW." [2021 c 95 § 1.]

Effective date—2018 c 139: See note following RCW 28A.225.350.

28A.320.155 Criminal history record information—School volunteers. If a volunteer alerts a school district that

the volunteer has undergone a criminal records check in accordance with applicable state law, including RCW 10.97.050, 28A.400.303, 28A.410.010, or 43.43.830 through 43.43.845, within the two years before the time the volunteer is volunteering in the school, then the school may request that the volunteer furnish the school with a copy of the criminal history record information or sign a release to the business, school, organization, criminal justice agency, or juvenile justice or care agency, or other state agency that originally obtained the criminal history record information to permit the record information to be shared with the school. Once the school requests the information from the business, school, organization, or agency the information shall be furnished to the school. Any business, school, organization, agency, or its employee or official that shares the criminal history record information with the requesting school in accordance with this section is immune from criminal and civil liability for dissemination of the information.

If the criminal history record information is shared, the school must require the volunteer to sign a disclosure statement indicating that there has been no conviction since the completion date of the most recent criminal background inquiry. [1999 c 21 § 1.]

28A.320.160 Alleged sexual misconduct by school employee—Parental notification—Information on public records act. School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts shall provide parents with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis. [2005 c 274 § 244; 2004 c 29 § 3.]

Findings—2004 c 29: See note following RCW 28A.400.301.

28A.320.163 Notifications—Appeals. (1) A school district superintendent, a designee of the superintendent, or a principal of a school who receives information pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 shall comply with the notification provisions described in this section.

(2) Upon receipt of information described in subsection (1) of this section, a school district superintendent or a designee of the superintendent must provide the received information to the principal of the school where the student is enrolled or will enroll, or if not known, where the student was most recently enrolled.

(3)(a) Upon receipt of information about a sex offense as defined in RCW 9.94A.030, the principal must comply with the notification requirements in RCW 9A.44.138.

(b) Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under chapter 9.41 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW, or a school disciplinary action, the principal, subject to requirements of subsection (4) of this section, has discretion to share the information with a school district staff member if, in the principal's judgment, the information is necessary for:

- (i) The staff member to supervise the student;
- (ii) The staff member to provide or refer the student to therapeutic or behavioral health services; or
- (iii) Security purposes.

(4)(a) Upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance in violation of chapter 69.50 RCW, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a school district staff member.

(b) If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the school district in accordance with procedures adopted by the district.

(c) The superintendent shall have five business days after receiving an appeal under (b) of this subsection to make a written determination on the matter. Determinations by superintendents under this subsection are final and not subject to further appeal.

(d) A principal may not share adjudication information under this subsection with a school district staff member while an appeal is pending.

(5) Any information received by school district staff under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994 (20 U.S.C. Sec. 1232g et seq.). [2020 c 167 § 1.]

28A.320.165 Notice of pesticide use. Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian. [2009 c 556 § 12; 2001 c 333 § 4.]

Additional notes found at www.leg.wa.gov

28A.320.170 Curricula—Tribal history and culture. (1)(a) Beginning July 24, 2015, when a school district board of directors reviews or adopts its social studies curriculum, it shall incorporate curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes, so that students learn about the unique heritage and experience of their closest neighbors.

(b) School districts shall meet the requirements of this section by using curriculum developed and made available free of charge by the office of the superintendent of public instruction and may modify that curriculum in order to incorporate elements that have a regionally specific focus or to incorporate the curriculum into existing curricular materials.

(2) As they conduct regularly scheduled reviews and revisions of their social studies and history curricula, school districts shall collaborate with any federally recognized Indian tribe within their district, and with neighboring Indian tribes, to incorporate expanded and improved curricular materials about Indian tribes, and to create programs of classroom and community cultural exchanges.

(3) School districts shall collaborate with the office of the superintendent of public instruction on curricular areas

regarding tribal government and history that are statewide in nature, such as the concept of tribal sovereignty and the history of federal policy towards federally recognized Indian tribes. The program of Indian education within the office of the superintendent of public instruction shall help local school districts identify federally recognized Indian tribes whose reservations are in whole or in part within the boundaries of the district and/or those that are nearest to the school district. [2015 c 198 § 2; 2005 c 205 § 4.]

Findings—Intent—2015 c 198: "The legislature recognizes the need to reaffirm the state's commitment to educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian nations to the state of Washington. The legislature recognizes that this goal has yet to be achieved in most of our state's schools and districts. As a result, Indian students may not find the school curriculum, especially Washington state history curriculum, relevant to their lives or experiences. In addition, many students may remain uninformed about the experiences, contributions, and perspectives of their tribal neighbors, fellow citizens, and classmates. The legislature finds that more widespread use of the Since Time Immemorial curriculum developed by the office of the superintendent of public instruction and available free of charge to schools would contribute greatly towards helping improve school's history curriculum and improve the experiences Indian students have in our schools. Accordingly, the legislature finds that merely encouraging education regarding Washington's tribal history, culture, and government is not sufficient, and hereby declares its intent that such education be mandatory in Washington's common schools." [2015 c 198 § 1.]

Intent—Findings—2005 c 205: "It is the intent of the legislature to promote the full success of the centennial accord, which was signed by state and tribal government leaders in 1989. As those leaders declared in the subsequent millennial accord in 1999, this will require "educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian nations to the state of Washington." The legislature recognizes that this goal has yet to be achieved in most of our state's schools and districts. As a result, Indian students may not find the school curriculum, especially Washington state history curriculum, relevant to their lives or experiences. In addition, many students may remain uninformed about the experiences, contributions, and perspectives of their tribal neighbors, fellow citizens, and classmates. The legislature further finds that the lack of accurate and complete curricula may contribute to the persistent achievement gap between Indian and other students. The legislature finds there is a need to establish collaborative government-to-government relationships between elected school boards and tribal councils to create local and/or regional curricula about tribal history and culture, and to promote dialogue and cultural exchanges that can help tribal leaders and school leaders implement strategies to close the achievement gap." [2005 c 205 § 1.]

28A.320.173 Curricula—Outdoor-based activities.

(1) Public schools may develop curricula that:

(a) Links student learning with engagement in seasonal or nonseasonal outdoor-based activities, including activities related to academic requirements in science, health and fitness, and career and technical education;

(b) Aligns with the *essential academic learning requirements under RCW 28A.655.070 that are a component of the state's instructional program of basic education; and

(c) Includes locally administered competency based assessments that align with the Washington state learning standards.

(2) Public schools that develop curricula under this section may request authorization from the superintendent of public instruction as provided in RCW 28A.300.790 to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5). [2018 c 266 § 409.]

(2021 Ed.)

***Reviser's note:** The term "essential academic learning requirements" in RCW 28A.655.070 was changed to "state learning standards" by 2019 c 252 s 119.

28A.320.175 School data—Collection and submission to the office of the superintendent of public instruction. (1) No later than the beginning of the 2008-09 school year and thereafter, each school district shall collect and electronically submit to the office of the superintendent of public instruction, in a format and according to a schedule prescribed by the office, the following data for each class or course offered in each school:

(a) The certification number or other unique identifier associated with the teacher's certificate for each teacher assigned to teach the class or course, including reassignments that may occur during the school year; and

(b) The statewide student identifier for each student enrolled in or being provided services through the class or course.

(2) No later than the beginning of the 2014-15 school year, the data under subsection (1) of this section must also include dates of teacher assignments and reassignments. [2014 c 161 § 1; 2007 c 401 § 4.]

Findings—2007 c 401: See note following RCW 28A.300.500.

28A.320.180 Mathematics college readiness test—Costs. (1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under *RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test. [2007 c 396 § 11; (2009 c 556 § 13 expired July 1, 2011).]

***Reviser's note:** RCW 28B.10.679 was amended by 2015 c 55 § 206, removing the mathematics college readiness test.

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

Additional notes found at www.leg.wa.gov

28A.320.185 School gardens or farms. (1) School districts may operate school gardens or farms, as appropriate, for the purpose of growing fruits and vegetables to be used for educational purposes and, where appropriate, to be offered to students through the district nutrition services meal and snack programs. All such foods used in the district's meal and snack programs shall meet appropriate safety standards.

(2) If a school operates a school garden or farm, students representing various student organizations, including but not limited to vocational programs such as the FFA and 4-H, shall be given the opportunity to be involved in the operation of a school garden or farm.

(3) When school gardens or farms are used to educate students about agricultural practices, students shall be afforded the opportunity to learn about both organic and conventional growing methods. [2008 c 215 § 7.]

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

28A.320.190 Extended learning opportunities program. (1) The extended learning opportunities program is created for eligible ninth through twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

- (a) Individual or small group instruction;
- (b) Attendance in a public high school or public alternative school classes or at a skill center;
- (c) Inclusion in remediation programs, including summer school;
- (d) Language development instruction for English language learners;
- (e) Online curriculum and instructional support, including programs for credit retrieval and statewide student assessment preparatory classes; and

(f) Reading improvement specialists available at the educational service districts to serve eighth through twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills. [2021 c 111 § 11; 2019 c 252 § 113; 2009 c 578 § 2; 2008 c 321 § 3.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—2008 c 321: See note following RCW 28A.655.061.

28A.320.191 Program of early learning under RCW 43.216.555. For the program of early learning established in RCW 43.216.555, school districts:

(1) Shall work cooperatively with program providers to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(2) May contract with the department of children, youth, and families to deliver services under the program. [2017 3rd sp.s. c 6 § 219; 2010 c 231 § 5.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

28A.320.192 On-time grade level progression and graduation of students who are homeless, dependent, at-risk youth or children, or have been released from an institutional education facility—Rules. (1) In order to eliminate barriers and facilitate the on-time grade level progression and graduation of students who are homeless as described in RCW 28A.300.542, dependent pursuant to chapter 13.34 RCW, at-risk youth or children in need of services pursuant to chapter 13.32A RCW, or in or have been released from an institutional education facility, school districts must incorporate the procedures in this section.

(2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative means of acquiring required coursework so that graduation may occur on time.

(3) School districts must consolidate partial credit, unresolved, or incomplete coursework and provide opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.

(4) For students in or released from an institutional education facility, school districts must provide students with access to world language proficiency tests, American sign language proficiency tests, and general education development tests. Access to the tests may not be conditioned or otherwise dependent upon a student's request. School districts must award at least one high school credit to students upon meeting the standard established by the state board of education under subsection (9) of this section on a world language or American sign language proficiency test or a general education development test. Additional credits may be awarded by the district if a student has completed a course or courses of study to prepare for the test. If the school district has a local policy for awarding mastery-based credit on state or local assessments, the school district must apply this policy for students in or released from an institutional education facility.

(5) For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer and the receiving school must accept those credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the receiving school.

(6) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving dis-

districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

(7) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural obligations of school districts to implement these provisions.

(8) Should a student have enrolled in three or more school districts as a high school student and have met state requirements but be ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local requirements and ensure the receipt of a diploma.

(9) The state board of education, in consultation with the office of the superintendent of public instruction, shall identify the scores students must achieve in order to meet the standard on world language or American sign language proficiency tests and general education development tests in accordance with subsection (4) of this section.

(10) For purposes of this section, "institutional education facility" and "school district" have the same meaning as in RCW 28A.190.005. [2021 c 164 § 4. Prior: 2017 c 166 § 1; 2017 c 40 § 1; 2012 c 163 § 7.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

Findings—Effective date—2012 c 163: See notes following RCW 28B.117.010.

28A.320.193 Community service—Policy—Incentive. By September 1, 2013, each school district shall adopt a policy that is supportive of community service and provides an incentive, such as recognition or credit, for students who participate in community service. [2013 c 176 § 2.]

Finding—2013 c 176: "The legislature finds that volunteering connects students to their communities and provides an opportunity for students to practice and apply their academic and social skills in preparation for entering the workforce. Community service can better prepare and inspire students to continue their education beyond high school. Community service is also associated with increased civic awareness and participation by students." [2013 c 176 § 1.]

28A.320.195 Academic acceleration for high school students—Adoption of policy. (1) By the 2021-22 school year, each school district board of directors shall adopt an academic acceleration policy for high school students as provided under this section.

(2) Under an academic acceleration policy:

(a) The district shall automatically enroll any student who meets or exceeds the state standard on the eighth grade or high school English language arts or mathematics statewide student assessment in the next most rigorous level of advanced courses or program offered by the high school that aligns with the student's high school and beyond plan goals.

(b) Each school district may include additional eligibility criteria for students to participate in the academic acceleration policy so long as the district criteria does not create inequities among student groups in the advanced course or program.

(3)(a) The subject matter of the advanced courses or program in which a student is automatically enrolled depends on the content area or areas of the assessments where the student

(2021 Ed.)

has met or exceeded the state standard under subsection (2) of this section.

(b) Students who meet or exceed the state standard on the English language arts statewide student assessment are eligible for enrollment in advanced courses in English, social studies, humanities, and other related subjects.

(c) Students who meet or exceed the state standard on the mathematics statewide student assessment are eligible for enrollment in advanced courses in mathematics.

(d) Beginning in the 2021-22 school year, students who meet or exceed the state standard on the Washington comprehensive assessment of science are eligible for enrollment in advanced courses in science.

(4)(a) Students who successfully complete an advanced course in accordance with subsection (3) of this section are then enrolled in the next most rigorous level of advanced course that aligns with the student's high school and beyond plan.

(b) Students who successfully complete the advanced course in accordance with this subsection are then enrolled in the next most rigorous level of advanced course with the objective that students will eventually be automatically enrolled in courses that offer the opportunity to earn dual credit for high school and college.

(5) The district must notify students and parents or guardians regarding the academic acceleration policy and the advanced courses or programs available to students, including dual credit courses or programs.

(6) The district must provide a parent or guardian of a high school student with an opportunity to opt the student out of the academic acceleration policy and enroll the student in an alternative course or program that aligns with the student's high school and beyond plan goals. [2019 c 252 § 502; 2013 c 184 § 2.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—2013 c 184: "(1) The legislature finds that progress is being made in making dual high school and college credit courses available for students:

(a) Overall dual credit program enrollments increased by almost four percent between 2009 and 2012;

(b) The number of dual credit programs offered by Washington high schools increased by almost fifteen percent between the 2009-10 school year and the 2011-12 school year; and

(c) Dual credit program participation rates for low-income students increased more than fourteen percent between the 2009-10 school year and the 2011-12 school year.

(2) However, the legislature further finds that more can be done to promote academic acceleration for all students and eliminate barriers, real or perceived, that may prevent students from enrolling in rigorous advanced courses, including dual credit courses." [2013 c 184 § 1.]

28A.320.196 Academic acceleration incentive program—Dual credit courses—Allocation of funds—Reports. (1) Subject to funds appropriated specifically for this purpose, the academic acceleration incentive program is established as provided in this section. The intent of the legislature is that the funds awarded under the program be used to support teacher training, curriculum, technology, examination fees, textbook fees, and other costs associated with offering dual credit courses to high school students, including transportation for running start students to and from the institution of higher education as defined in RCW 28A.600.300.

(2) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section on a competitive basis to provide one-time grants for high schools to expand the availability of dual credit courses. To be eligible for a grant, a school district must have adopted an academic acceleration policy as provided under RCW 28A.320.195. In making grant awards, the office of the superintendent of public instruction must give priority to grants for high schools with a high proportion of low-income students and high schools seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity.

(3) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section to school districts as an incentive award for each student who earned dual high school and college credit, as described under subsection (4) of this section, for courses offered by the district's high schools during the previous school year. School districts must distribute the award to the high schools that generated the funds. The award amount for low-income students eligible to participate in the federal free and reduced-price meals program who earn dual credits must be set at one hundred twenty-five percent of the base award for other students. A student who earns more than one dual credit in the same school year counts only once for the purposes of the incentive award.

(4) For the purposes of this section, the following students are considered to have earned dual high school and college credit in a course offered by a high school:

(a) Students who achieve a score of three or higher on an AP examination;

(b) Students who achieve a score of four or higher on an examination of the international baccalaureate diploma programme;

(c) Students who successfully complete a Cambridge advanced international certificate of education examination;

(d) Students who successfully complete a course through the college in the high school program under RCW 28A.600.287 and are awarded credit by the partnering institution of higher education; and

(e) Students who satisfy the dual enrollment and class performance requirements to earn college credit through a tech prep course.

(5) If a high school provides access to online courses for students to earn dual high school and college credit at no cost to the student, such a course is considered to be offered by the high school.

(6) The office of the superintendent of public instruction shall report to the education policy committees and the fiscal committees of the legislature, by January 1st of each year, information about the demographics of the students earning dual credits in the schools receiving grants under this section for the prior school year. Demographic data shall be disaggregated pursuant to RCW 28A.300.042. [2021 c 71 § 4; 2015 c 202 § 2; 2013 c 184 § 3.]

Findings—Intent—2015 c 202: "The legislature finds that Washington has been a front-runner in dual credit innovation through the establishment of the running start and college in the high school programs, and has continued to expand student choices in dual credit programs.

In Washington, a range of dual credit or dual enrollment programs are available to students. Dual credit programs, such as running start, college in the high school, tech prep (course completion options), and AP and interna-

tional baccalaureate and Cambridge (standardized exam options) offer academically prepared students the opportunity to earn college credits while still in high school. Students who participate in these programs achieve improved high school graduation rates and are more likely to continue on to college and complete a degree. In addition, dual credit and dual enrollment programs support students' individual college and career pathways.

The legislature further finds that through the development and implementation of the 2013 road map the student achievement council has identified key barriers that limit access to dual credit programs, particularly for low-income students. Removing these barriers is a critical step toward achieving the state educational attainment goals outlined in the road map.

The legislature recognizes that the decision to enroll in a dual credit program should be made by the student and the student's parents or guardians, in consultation with counselors or academic advisors, and based on the academic, cultural, and developmental needs and college and career goals of the student. The decision to choose one dual credit option over another should not be based on the difference in the costs of one option over another.

In the college in the high school program, credit is awarded based on successful course completion and ability to pay tuition and fees. Under the current college in the high school system, some students may successfully complete the course but do not receive credit because they are unable to pay. Students in the running start program face a different but equally challenging situation. Students in the running start program do not receive funding for books and transportation costs. These financial barriers decrease opportunities for lower income students to benefit from dual credit programs.

Therefore, the legislature intends to increase opportunities for academically prepared high school students to earn up to two years of college credit through dual credit programs, and to reduce disparities in access to, and completion of, these programs. This act provides a new funding model to support tuition in the college in the high school program, and provides flexibility in the academic acceleration incentive program to assist students with transportation and book expenses associated with the running start program. It is the intent of the legislature, once this new funding model is enacted and operational, to establish a distinction between the college in the high school program as a program occurring in high schools and the running start program as a program occurring on a college campus.

The legislature finds that dual credit opportunities are a valuable means of supporting students on their way to successful completion of college and career pathways. The legislature seeks additional recommendations to mitigate financial and other barriers for students enrolled in the running start program, and dual credit programs based on standardized exams." [2015 c 202 § 1.]

Contingency—2013 c 184 § 3: "If specific funding for purposes of section 3 of this act, referencing section 3 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus operating appropriations act, section 3 of this act is null and void." [2013 c 184 § 5.] The omnibus appropriations act provided funding for "this act" by bill and chapter but not section number. See section 513(21), chapter 4, Laws of 2013 2nd sp. sess.

Findings—2013 c 184: See note following RCW 28A.320.195.

28A.320.202 Comprehensive system of instruction and services in reading and early literacy. School districts are responsible for providing a comprehensive system of instruction and services in reading and early literacy to kindergarten through fourth grade students that is based on the degree of student need for additional support. Reading and early literacy systems provided by school districts must include:

(1) Annual use of screening assessments and other tools to identify at-risk readers in kindergarten through fourth grade, such as the Washington kindergarten inventory of developing skills, the Washington state early learning and development guidelines for birth through third grade, the second grade reading assessment under RCW 28A.300.310, and locally used assessments and other tools; and

(2) Research-based family involvement and engagement strategies, including strategies to help families and guardians

assist in improving students' reading and early literacy skills at home. [2013 2nd sp.s. c 18 § 102.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.320.203 Reading skills—Report cards. (1) Each school district shall require that report cards for students in kindergarten through fourth grade include information regarding how the student is progressing on acquiring reading skills and whether the student is at grade level in reading.

(2) If a student is not reading at or above grade level, the teacher, with the support of other school personnel as appropriate, must explain to the parent or guardian which interventions and strategies will be used to help improve the student's reading skills and must provide strategies for parents or guardians to assist with improving the student's reading skills at home.

(3) Each school shall report to the school district the number of students in grades kindergarten through four who are reading below grade level and the interventions that are being provided to improve the reading skills of the students, with the information disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall submit a statewide report annually to the education committees of the legislature and the educational opportunity gap oversight and accountability committee. [2013 2nd sp.s. c 18 § 104.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.320.208 Notice to parents and guardians of student assessments, graduation requirements, and additional district graduation requirements. (1) At the beginning of each school year, school districts must notify parents and guardians of enrolled students from eighth through twelfth grade about each student assessment required by the state, the minimum state-level graduation requirements, and any additional school district graduation requirements. The information may be provided when the student is enrolled, contained in the student or parent handbook, or posted on the school district's web site. The notification must include the following:

- (a) When each assessment will be administered;
- (b) Whether the results of the assessment will be used for program placement or grade-level advancement;
- (c) When the assessment results will be released to parents or guardians and whether there will be an opportunity for parents and teachers to discuss strategic adjustments; and
- (d) Whether the assessment is required by the school district, state, federal government, or more than one of these entities.

(2) The office of the superintendent of public instruction shall provide information to the school districts to enable the districts to provide the information to the parents and guardians in accordance with subsection (1) of this section. [2019 c 252 § 114; 2013 2nd sp.s. c 22 § 8.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

(2021 Ed.)

28A.320.211 Discipline policies, procedures, and rules—Dissemination of information—Use of disaggregated data—Review. (1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures. [2016 c 72 § 102.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.320.230 Instructional materials—Instructional materials committee. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. The committee may include parents at the school board's discretion: PROVIDED, That parent members shall make up less than one-half of the total membership of the committee;

(d) Provide for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval or disapproval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase. [1989 c 371 § 1; 1979 ex.s. c 134 § 2; 1975 1st ex.s. c 275 § 109; 1971 c 48 § 29; 1969 ex.s. c 223 § 28A.58.103. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.103, 28.58.100 (8) and (9).]

Disposal of obsolete or surplus reading materials by school districts and libraries: RCW 39.33.070.

Surplus texts and other educational aids, notice of availability—Student priority as to texts: RCW 28A.335.180.

Additional notes found at www.leg.wa.gov

28A.320.240 School library information and technology programs—Resources and materials—Teacher-librarians. (1) The purpose of this section is to identify quality criteria for school library information and technology programs that support the student learning goals under RCW 28A.150.210, the *essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide resources and materials for the operation of school library information and technology programs as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule of the superintendent of public instruction.

(3) "Teacher-librarian" means a certificated teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School library information and technology program" means a school-based program that is staffed by a certificated teacher-librarian and provides a broad, flexible array of services, resources, and instruction that support student mastery of the *essential academic learning requirements and state standards in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school library information and technology program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing high school and beyond plans required for graduation.

(6) The teacher-librarian's duties may include, but are not limited to, collaborating with his or her schools to:

(a) Integrate information and technology into curriculum and instruction, including but not limited to instructing other certificated staff about using and integrating information and technology literacy into instruction through workshops, modeling lessons, and individual peer coaching;

(b) Provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as

in the appropriate use of computers and mobile devices in an educational setting;

(c) Help teachers and students efficiently and effectively access the highest quality information available while using information ethically;

(d) Instruct students in digital citizenship including how to be critical consumers of information and provide guidance about thoughtful and strategic use of online resources; and

(e) Create a culture of reading in the school community by developing a diverse, student-focused collection of materials that ensures all students can find something of quality to read and by facilitating school-wide reading initiatives along with providing individual support and guidance for students. [2015 c 27 § 1; 2014 c 217 § 205; 2006 c 263 § 914; 1969 ex.s. c 223 § 28A.58.104. Prior: (i) 1909 c 97 p 299 § 7; RRS § 4817. Formerly RCW 28.63.040. (ii) 1909 c 97 p 302 § 7; RRS § 4829. Formerly RCW 28A.58.104, 28.63.042.]

***Reviser's note:** The term "essential academic learning requirements" in RCW 28A.655.070 was changed to "state learning standards" by 2019 c 252 s 119.

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.320.242 Teacher hiring data—Reports. By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers hired in the previous school year and the district projects will be hired in the following school year, disaggregated by content area. [2016 c 233 § 13.]

Reviser's note: 2016 c 233 § 13 directed that this section be added to chapter 28A.330 RCW, but codification in chapter 28A.320 RCW appears to be more appropriate.

28A.320.245 Responses to audit findings on use of local revenues—Policies—Hearings—Disciplinary actions. Before the beginning of the 2019-20 school year, each school district board of directors must adopt a policy for responding to any audit findings resulting from the audits conducted by the state auditor on the use of local revenues by the school district in accordance with RCW 28A.150.276 and 43.09.2856. The policy must require a public hearing by the school district board of directors of the findings of the state auditor within thirty days of the issuance of the findings; and may include progressive disciplinary actions for the district superintendent, which may be implemented by the school district board of directors. [2017 3rd sp.s. c 13 § 504.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.320.250 Dyslexia definition. For the purposes of RCW 28A.300.700, 28A.300.710, 28A.300.720, 28A.320.260, and 28A.320.270, "dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities. In addition, the difficulties are not typically a result of ineffective classroom instruction. Secondary conse-

quences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. [2018 c 75 § 1.]

28A.320.260 Dyslexia interventions. (1) Beginning in the 2021-22 school year, and as provided in this section, each school district must use multitiered systems of support to provide interventions to students in kindergarten through second grade who display indications of, or areas of weakness associated with, dyslexia. In order to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level, school districts must screen students in kindergarten through second grade for indications of, or areas associated with, dyslexia as provided in this section.

(2)(a) School districts must use screening tools and resources that exemplify best practices, as described under RCW 28A.300.700.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with RCW 28A.300.700.

(3)(a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence-based multitiered systems of support, consistent with the recommendations of the dyslexia advisory council under RCW 28A.300.710 and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, a school district must begin by providing student supports in the general education classroom. If screening tools and resources indicate that, after receiving the initial tier of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further screening tools and resources indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be evaluated for dyslexia or a specific learning disability.

(4) For a student who shows indications of, or areas of weakness associated with, dyslexia, each school district must notify the student's parents and family of the identified indicators and areas of weakness, as well as the plan for using multitiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction. The school district must regularly update the student's parents and family of the student's progress.

(5) School districts may use state funds provided under chapter 28A.165 RCW to meet the requirements of this section. [2018 c 75 § 2.]

28A.320.270 Dyslexia reporting requirements. Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen stu-

dents for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under RCW 28A.300.710 must use this data when developing best practice recommendations in accordance with RCW 28A.300.710 and 28A.300.720. [2018 c 75 § 6.]

28A.320.280 School counselors, social workers, and psychologists—Priorities. The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other things. School social workers promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources. All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, social workers, and psychologists have the time available to prioritize these functions, in addition to other activities requiring direct student contact, responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible. [2018 c 200 § 2.]

Findings—Intent—Civil liability—2018 c 200: See notes following RCW 28A.320.290.

28A.320.290 School counselors, social workers, and psychologists—Professional collaboration. (1) Within existing resources, beginning in the 2019-20 school year, first-class school districts must provide a minimum of six hours of professional collaboration per year, preferably in person, for school counselors, social workers, and psychologists that focuses on the following: Recognizing signs of emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals. Teachers may also participate in this professional collaboration, as deemed appropriate and allowed by their building administrators. School districts that have mental health centers in their area shall collaborate with local licensed mental health service providers under chapter 71.24 RCW. Those districts without a mental health center in their area shall collaborate via telephone or other remote means that allow for dialogue and discussion. By collaborating with local providers in this manner, educational staff associates get to collaborate in short but regular segments, in their own schools or near school district facilities, and school districts are not put in a position that they must obtain substitutes or otherwise expend additional funds. This local connection will also help foster a connection between school personnel and the mental health professionals in the community to whom school personnel may make referrals, in

line with the legislative intent expressed throughout Engrossed Substitute House Bill No. 1336, chapter 197, Laws of 2013, to form partnerships with qualified health, mental health, and social services agencies in the community to coordinate and improve support for youth in need and the directive to the department of social and health services with respect to the provision of funds for mental health first-aid training targeted at teachers and educational staff.

(2) Second-class districts are encouraged, but not required, to collaborate and provide the professional collaboration as provided in subsection (1) of this section. [2018 c 200 § 4.]

Findings—Intent—2018 c 200: "(1) The legislature finds that students' unmet mental health needs pose barriers to learning and development, and ultimately student success in school. The legislature further finds that the need to identify and assist students struggling with emotional and mental health needs has reached a serious level statewide. In order to prioritize students' needs first, the legislature finds that the persons most qualified in the school setting to lead the effort in addressing this epidemic are the school counselor, school social worker, and school psychologist. The legislature further finds that the knowledge-levels and skill-levels of these nonacademic professionals must be increased in order to enhance mental health-related student support services.

(2) The legislature further finds that in chapter 175, Laws of 2007, appropriate acknowledgment was given to the fact that a professional school counselor is not just a course and career guidance professional, but a certificated educator with unique qualifications and skills to address all students' academic, personal, social, and career development needs, and that school counselors serve a vital role in maximizing student achievement by supporting a safe learning environment and addressing the needs of all students through prevention and intervention programs that are part of a comprehensive school counseling program. The legislature finds, however, that despite the language in RCW 28A.410.043 that appropriately recognizes that the role of the school counselor is multifaceted, with a focus upon students' mental health needs as well as career guidance needs, the reality in the schools is that counselor staffing levels are well below the national recommendations of one counselor to every two hundred fifty students. As a result, there are not enough counselors in the schools and many school counselors have been tasked primarily with course and career guidance responsibilities at the expense of the mental health side of school counseling. Similarly, school psychologist staffing levels are below the national recommendations of one psychologist to every five hundred to seven hundred students when providing comprehensive school psychological services, and school social worker staffing levels are below the national recommendations of one school social worker to every two hundred fifty students, or one to every fifty students with intensive needs.

(3) The legislature further finds that school counselors, social workers, and psychologists interact with students on a daily basis, thus putting them in a good position to recognize the signs of emotional or behavioral distress and make appropriate referrals. The legislature finds that individuals entering these professions need proper preparation to respond to the mental health and safety needs of students. The legislature further finds that they need ongoing professional development to address students' mental health needs and get students the help they need. The legislature further finds that Engrossed Substitute House Bill No. 1336, which became chapter 197, Laws of 2013, increased the capacity of school districts and their personnel to recognize and respond to youth in need through comprehensive planning and additional training, but that additional opportunities for collaboration on a regular and ongoing basis are in order. By providing professional collaboration opportunities with local mental health service providers at the school district level to school counselors, social workers, and psychologists, the legislature intends to take the next step toward enabling these professionals to recognize and respond with skill and confidence to the signs of emotional or behavioral distress that they observe in students and make the appropriate referrals to evidence-based behavioral health services." [2018 c 200 § 1.]

Civil liability—2018 c 200: "This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district." [2018 c 200 § 6.]

28A.320.294 Health and safety information on public school websites. (1)(a) Within existing resources, every

public school that maintains a website must publish onto the home page of that website the following information:

(i) The website address and phone number for one or more national suicide prevention organizations;

(ii) The website address and phone number for one or more local, state, or national organizations specializing in suicide prevention or crisis intervention;

(iii) The website address and phone number for one or more local, state, or national organizations specializing in depression, anxiety, or counseling for adolescents;

(iv) The website address and phone number for one or more local, state, or national organizations specializing in eating disorders for adolescents;

(v) The website address and phone number for one or more local, state, or national organizations specializing in substance abuse for adolescents; and

(vi) The website address and phone number for a mental health referral service for children and teens under chapter 126, Laws of 2021.

(b) A public school may meet the requirements of this subsection by publishing a prominent link on its home page to a behavioral and emotional health website that contains the required information.

(2) Public schools, in complying with the requirements of this section, must post information on social media websites used by the school district for the purpose of notifying students, families, and the public of the behavioral health resources available on websites as required by this section. The postings required by this subsection (2) must occur multiple times each year and no less than quarterly. [2021 c 167 § 2.]

Finding—Intent—2021 c 167: "(1) The legislature finds that student behavioral health issues have become a crisis in Washington state, necessitating the deployment of behavioral health resources in schools throughout the state. The legislature's concerns are based on the following facts:

(a) According to the healthy youth survey conducted by the office of the superintendent of public instruction in 2018, one in five students in eighth, 10th, and 12th grades considered attempting suicide in the past year while just half of those surveyed had an adult to turn to when feeling sad or hopeless;

(b) According to the national institute for mental health, more than one in 25 adolescents between 13 and 18 years of age are experiencing an eating disorder;

(c) According to the national institute of drug abuse, nearly half of 12th grade students have used illicit drugs, six in 10 have drunk alcohol, and four in 10 have used marijuana;

(d) The COVID-19 pandemic has increased the prevalence of and exacerbated existing behavioral health disorders for minors across the state; and

(e) A major barrier to behavioral health support for minors is lack of awareness and access to information about existing services.

(2) The legislature intends to require that contact information for a suicide prevention organization, depression or anxiety support organization, eating disorder support organization, substance abuse support organization, and a mental health referral service for children and teens be listed on the home page of each public school website for the following reasons:

(a) Immediate access to behavioral health services often prevents suicide, attempted suicide, and other self-harm; and

(b) Students in public schools often have access to and spend time on the website for their school." [2021 c 167 § 1.]

28A.320.296 Native American names, symbols, and images as school mascots, logos, or team names. (1) Except as provided otherwise by this section, beginning January 1, 2022, public schools may not use Native American names, symbols, or images as school mascots, logos, or team names.

(2) Subsection (1) of this section does not apply to public schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or public schools in a county that contains all or part of a tribal reservation or tribal trust lands, if the tribe or tribes having regulatory jurisdiction over the territory within that boundary have:

(a) Been consulted by the appropriate school, district, or both. Consultations under this subsection (2)(a) must include summaries of completed and ongoing district and school actions required by RCW 28A.320.170; and

(b) Authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

(3) A public school may use uniforms or other materials after January 1, 2022, bearing Native American names, symbols, or images as mascots, logos, or team names if the uniforms or materials were purchased before January 1, 2022, and if:

(a) The school selects a new mascot, logo, or team name by December 31, 2021, to take effect in the 2021-22 school year;

(b) Except as provided otherwise by this subsection (3)(b), the school does not purchase or acquire any uniforms or materials that include the discontinued Native American name, symbol, or image. However, a school using the discontinued Native American name, symbol, or image may, until January 1, 2023, purchase or acquire a number of uniforms equal to up to twenty percent of the total number of uniforms used by a team, band, or cheer squad at that school during the 2021-22 school year solely to replace damaged or lost uniforms;

(c) The school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued Native American name, symbol, or image; and

(d) The school does not purchase, construct, or acquire a marquee, sign, or other new or replacement fixture that includes or bears the discontinued Native American name, symbol, or image.

(4) A public school that does not meet the geographic requirements in subsection (2) of this section is exempt from subsection (1) of this section if:

(a) The school is located in a county that is adjacent to a county that contains all or part of a tribal reservation or tribal trust lands; and

(b) The tribe that is consulted with and determines to authorize the use of the name, symbol, or image as a school mascot, logo, or team name as provided in subsection (2) of this section is the nearest federally recognized Indian tribe. [2021 c 128 § 2.]

Findings—Intent—2021 c 128: "(1) The legislature finds that the use of racially derogatory or discriminatory school mascots, logos, or team names in public schools is antithetical to their mission of providing an equal education to all, and contrary to the goal of making schools safe and respectful learning environments.

(2) The legislature finds also that certain mascots, logos, or team names that are or have been used by schools and other entities are uniquely discriminatory in singling out the Native American community for derision and cultural appropriation.

(3) Although the inappropriate use of Native American names, symbols, or images may be premised on the promotion of unity or school spirit, their use fails to respect the cultural heritage of Native Americans and promote

(2021 Ed.)

productive relationships between sovereign governments. Furthermore, numerous individuals and organizations, including the United States commission on civil rights, have concluded that the use of Native American images and names in school sports is a barrier to equality and understanding, and that all residents of the United States would benefit from the discontinuance of their use.

(4) The legislature therefore, recognizing that no school has a cognizable interest in retaining a racially derogatory or discriminatory school mascot, logo, or team name, intends to prohibit the inappropriate use of Native American names, symbols, or images for those purposes." [2021 c 128 § 1.]

DEPOSIT, INVESTMENT, AND USE OF PROCEEDS

28A.320.300 Investment of funds, including funds received by ESD—Authority—Procedure. Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.320.310 and 28A.320.320 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.320.310, 28A.320.320, 36.29.020, 36.29.022, or 36.29.024 as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.310.220. [1999 c 18 § 1; 1990 c 33 § 335; 1982 c 191 § 5; 1975 c 47 § 1. Formerly RCW 28A.58.430.]

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.320.310 Investment of building funds—Restrictions. The board of directors of any school district of the state of Washington which now has, or hereafter shall have, funds in the capital projects fund of the district in the office of the county treasurer which in the judgment of said board are not required for the immediate necessities of the district, may invest and reinvest all, or any part, of such funds pursuant to RCW 35.39.030, 36.29.020, 36.29.022, 36.29.024, 39.59.020, *39.59.030, and 43.84.080: PROVIDED, That nothing herein authorized, or the type and character of the securities thus specified, shall have in itself the effect of delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the county treasurer to the credit and benefit of the capital projects fund of the district in the county treasurer's office. [1999 c 18 § 2; 1990 c 33 § 336; 1985 c 7 § 95; 1971 c 8 § 4. Prior: 1945 c 29 § 1. Formerly RCW 28A.58.435.]

*Reviser's note: RCW 39.59.030 was repealed by 2016 c 152 § 12.

School district funds: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.320.320 Investment of funds of district—Service fee. The county treasurer, or the trustee, guardian, or any other custodian of any school fund, when authorized to do so by the board of directors of any school district, shall invest or reinvest any school funds of such district in investment securities pursuant to RCW 36.29.020 and 36.29.022. The county treasurer shall have the power to select the particular investment in which said funds may be invested. All earnings and income from such investments shall inure to the benefit of any school fund designated by the board of directors of the school district which such board may lawfully designate: PROVIDED, That any interest or earnings being credited to a fund different from that which earned the interest or earnings shall only be expended for instructional supplies, equipment or capital outlay purposes. This section shall apply to all funds which may be lawfully so invested or reinvested which in the judgment of the school board are not required for the immediate necessities of the district.

Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the board of school directors shall be paid as an investment service fee to the office of county treasurer when the interest or earnings becomes available to the school district or an amount as determined pursuant to RCW 36.29.022 and 36.29.024. [1999 c 18 § 3; 1983 c 66 § 1; 1969 ex.s. c 223 § 28A.58.440. Prior: 1965 c 111 § 1; 1961 c 123 § 1. Formerly RCW 28A.58.440, 28.58.440.]

Investment of idle building funds—1945 act: 1945 c 29 § 1.

School district funds: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.320.330 School district funds. School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source

that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid on bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as

authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW. [2021 c 332 § 7045. Prior: 2019 c 411 § 3; 2019 c 410 § 3; 2018 c 266 § 302; 2017 3rd sp.s. c 13 § 601; 2009 c 460 § 1; prior: 2007 c 503 § 2; 2007 c 129 § 2; 2002 c 275 § 2; 1990 c 33 § 337; 1983 c 59 § 13; 1982 c 191 § 6; 1981 c 250 § 2. Formerly RCW 28A.58.441.]

Effective date—2021 c 332: See note following RCW 43.19.501.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Intent—2007 c 129: "The legislature recognizes that technology has become an integral part of the facilities and educational delivery systems in our schools. In order to prepare our state's students to participate fully in our state's economy, school districts are making substantial capital investments in their technology systems, facilities, and projects. Districts are implementing, applying, and modernizing their technology systems. Software companies are shifting from selling software as a one-time package to a license or an extended contractual relationship requiring a subscription and ongoing payments. School districts must be empowered to respond to the changing business models in the software industry and be given flexibility and authority to use capital projects funds to pay for licenses or online application fees. It is the intent of the legislature that these investments be deemed major capital purpose and are also permitted uses of the district's two to six-year levies authorized by RCW 84.52.053." [2007 c 129 § 1.]

Additional notes found at www.leg.wa.gov

ELECTORS—QUALIFICATIONS, VOTING PLACE, AND SPECIAL MEETINGS

28A.320.400 Elections—Qualifications of electors—Voting place. Qualifications of electors at all school elections shall be the same as at a general state or county election. Except as otherwise provided by law, only those electors residing within the district shall be entitled to vote, and an elector may vote only at the polling place designated by the proper election official. [1969 ex.s. c 223 § 28A.58.520. Prior: 1941 c 12 § 1; Rem. Supp. 1941 § 5025-1. Formerly RCW 28A.58.520, 28.58.520.]

28A.320.410 Elections—Elections to be conducted according to Title 29A RCW. All school district elections, regular or special, shall be conducted according to the election laws of the state as contained in Title 29A RCW, and in the event of a conflict as to the application of the laws of this title or Title 29A RCW, the latter shall prevail. [2015 c 53 § 7; 1969 ex.s. c 223 § 28A.58.521. Prior: 1965 c 123 § 8. Formerly RCW 28A.58.521, 28.58.521.]

28A.320.420 Special meetings of voters—Authorized—Purpose. Any board of directors at its discretion may, and, upon a petition of a majority of the legal voters of their district, shall call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of time prescribed by law that such school shall be maintained in the district during the year; to determine whether or not the district shall purchase any schoolhouse site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or more schoolhouses or school facilities; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money or establish and maintain a school district library. [1982 c 158 § 4; 1969 ex.s. c 223 § 28A.58.370. Prior: 1909 c 97 p 349 § 1; RRS § 5028; prior: 1901 c 177 § 18; 1897 c 118 § 156. Formerly RCW 28A.58.370, 28.58.370.]

Additional notes found at www.leg.wa.gov

28A.320.430 Special meetings of voters—Place, notice, procedure, record. All such special meetings shall be held at such schoolhouse or place as the board of directors may determine. The voting shall be by ballot, the ballots to be of white paper of uniform size and quality. At least ten days' notice of such special meeting shall be given by the school district superintendent, in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be transacted at such meeting than such as is specified in the notice. The school district superintendent shall be the secretary of the meeting, and the chair of the board of directors or, in his or her absence, the senior director present, shall be chair of the meeting; PROVIDED, That in the absence of one or all of said officials, the qualified electors present may elect a chair or secretary, or both chair and secretary, of said meeting as occasion may require, from among their number. The secretary of the meeting shall make a record of the proceedings of the meeting, and when the secretary of such meeting has been elected by the qualified voters present, he or she shall within ten days thereafter, file the record of the proceedings, duly certified, with the superintendent of the district, and said records shall become a part of the records of the district, and be preserved as other records. [2011 c 336 § 708; 1990 c 33 § 338; 1969 ex.s. c 223 § 28A.58.380. Prior: 1909 c 97 p 350 § 2; RRS § 5029; prior: 1897 c 118 § 157. Formerly RCW 28A.58.380, 28.58.380, 28.58.390, part.]

28A.320.440 Special meetings of voters—Directors to follow electors' decision. It shall be the duty of every board of directors to carry out the directions of the electors of their districts as expressed at any such meeting. [1969 ex.s. c 223

§ 28A.58.390. Prior: 1909 c 97 p 350 § 3; RRS § 5030; prior: 1897 c 118 § 158. Formerly RCW 28A.58.390, 28.58.390.]

SUMMER SCHOOL, NIGHT SCHOOL, EXTRACURRICULAR ACTIVITIES, AND ATHLETICS

28A.320.500 Summer and/or other student vacation period programs—Authorized—Tuition and fees. Every school district board of directors is authorized to establish and operate summer and/or other student vacation period programs and to assess such tuition and special fees as it deems necessary to offset the maintenance and operation costs of such programs in whole or part. A summer and/or other student vacation period program may consist of such courses and activities as the school district board shall determine to be appropriate: PROVIDED, That such courses and activities shall not conflict with the provisions of RCW 28A.305.130. Attendance shall be voluntary. [1990 c 33 § 339; 1974 ex.s. c 161 § 1. Formerly RCW 28A.58.080.]

28A.320.510 Night schools, summer schools, meetings, use of facilities for. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Authorize school facilities to be used for night schools and establish and maintain the same whenever deemed advisable;

(2) Authorize school facilities to be used for summer schools or for meetings, whether public, literary, scientific, religious, political, mechanical, agricultural or whatever, upon approval of the board under such rules or regulations as the board of directors may adopt, which rules or regulations may require a reasonable rental for the use of such facilities. [1969 ex.s. c 223 § 28A.58.105. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.105, 28.58.100 (10) and (12).]

28A.320.520 School credit for participation in youth court. Local school boards may provide for school credit for participation as a member of a youth court as defined in RCW 3.72.005 or 13.40.020 or a student court pursuant to RCW 28A.300.420. [2002 c 237 § 18.]

28A.320.530 Extracurricular activities—Definitions. The definitions in this section apply throughout RCW 28A.320.540 through 28A.320.580 and 28A.325.050 unless the context clearly requires otherwise.

(1) "Associated student body executive board" means the student leadership group responsible for decision making related to the associated student body at a public school.

(2) "Extracurricular activities" means school-based athletic programs. "Extracurricular activities" may also include optional noncredit school clubs.

(3) "High school student" means a public school student enrolled in any of grades nine through twelve.

(4) "Students who are low income" means students who are eligible to participate in the federal free and reduced-price meals program or, if this data is unavailable, the college

bound scholarship program under chapter 28B.118 RCW. [2020 c 13 § 2.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

28A.320.540 Extracurricular activities—Data collection, publishing, and reporting. (1) Beginning April 1, 2021, and by April 1st annually thereafter, school districts must collect and report to the associated student body executive board the data related to students in possession of associated student body cards and student participation in school-based athletic programs described in subsection (3) of this section. An associated student body executive board must be provided with data from its high school only, and not with data from other high schools in the district. This data must include at least two weeks of data from the beginning of spring athletics season.

(2) Beginning April 15, 2021, and by April 15th annually thereafter, school districts must collect the data related to student possession of an associated student body card and student participation in school-based athletic programs described in subsection (3) of this section and publish the data as required under RCW 28A.325.050.

(3) Student possession of an associated student body card and student participation in school-based athletic programs data must include:

(a) The total number of high school students and the total number of high school students who are low income;

(b) The purchase amount of an associated student body card for high school students;

(c) The discounted purchase amount of an associated student body card for high school students who are low income;

(d) Athletic program participation fees and any discounted fees for high school students who are low income;

(e) The number of high school students who possess an associated student body card and the number of high school students who are both low income and possess an associated student body card;

(f) The number of high school students participating in an athletic program and the number of high school students who are both low income and participate in an athletic program;

(g) The opportunity gap in student possession of an associated student body card, as calculated under RCW 28A.320.550;

(h) The opportunity gap in athletic program participation, as calculated under RCW 28A.320.550;

(i) Whether the school district has met the opportunity gap goals described in RCW 28A.320.560 and 28A.320.570; and

(j) The extracurricular activity opportunity gap reduction plan, as described in RCW 28A.320.580, as applicable.

(4) Data collected, reported, and published as required under this section must be from the current school year.

(5) Although data on student participation in school clubs is not required under this section, high schools may include it at their discretion.

(6) School districts that do not enroll high school students are exempt from this section.

(7) Upon request from the superintendent of public instruction, school districts must provide a summary report of the data in this section.

(2021 Ed.)

(8) The superintendent of public instruction may adopt rules in accordance with chapter 34.05 RCW as necessary to implement this section. [2020 c 13 § 3.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

28A.320.550 Extracurricular activities—Calculation of opportunity gaps. (1) A school district must calculate the opportunity gap in student possession of an associated student body card by subtracting the percentage of high school students who are low income and who possess an associated student body card from the percentage of high school students who are not low income and who possess an associated student body card.

(2)(a) A school district must calculate the opportunity gap in athletic program participation by subtracting the percentage of high school students who are low income and who participated in an athletic program from the percentage of high school students who are not low income and who participated in an athletic program.

(b) Although the calculation described in (a) of this subsection (2) is not required to use data on student participation in school clubs, high schools may include it at their discretion.

(3) School districts may elect to exclude the number of students who are low income and who are participating in the running start program, as defined in RCW 28A.600.300, when calculating opportunity gaps under this section. [2020 c 13 § 4.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

28A.320.560 Extracurricular activities—Goals for reducing the opportunity gap in possession of an associated student body card. (1) If a high school does not require an associated student body card for participation in any extracurricular activities or to receive any student discounts, the goals in this section do not apply.

(2)(a) For a high school that requires an associated student body card for participation in school clubs only, the goal is that fifty percent of high school students possess an associated student body card each school year.

(b) For a high school that requires an associated student body card for participation in school clubs and school-based athletics, the goal is that seventy percent of high school students possess an associated student body card each school year.

(3) For each high school, the opportunity gap in student possession of an associated student body card, as calculated under RCW 28A.320.550, may not exceed the following goals:

(a) During the 2020-21 school year, the opportunity gap must be twenty or fewer percentage points;

(b) During the 2021-22 school year, the opportunity gap must be sixteen or fewer percentage points;

(c) During the 2022-23 school year, the opportunity gap must be twelve or fewer percentage points;

(d) During the 2023-24 school year, the opportunity gap must be eight or fewer percentage points; and

(e) During the 2024-25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points. [2020 c 13 § 5.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

28A.320.570 Extracurricular activities—Goals for reducing the opportunity gap in participation. For each high school, the opportunity gap in extracurricular activity participation, as calculated under RCW 28A.320.550, must not exceed the following goals:

- (1) During the 2020-21 school year, the opportunity gap must be twenty or fewer percentage points;
- (2) During the 2021-22 school year, the opportunity gap must be sixteen or fewer percentage points;
- (3) During the 2022-23 school year, the opportunity gap must be twelve or fewer percentage points;
- (4) During the 2023-24 school year, the opportunity gap must be eight or fewer percentage points; and
- (5) During the 2024-25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points. [2020 c 13 § 6.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

28A.320.580 Extracurricular activities—Opportunity gap reduction plan. (1) Beginning June 1, 2021, and by June 1st annually thereafter, a school district with a high school that does not meet or beat one or more of the opportunity gap reduction goals described in RCW 28A.320.560 or 28A.320.570 must develop, submit, and implement an extracurricular activity opportunity gap reduction plan.

(2) The plan must be formatted and submitted as directed by the office of the superintendent of public instruction.

(3) The plan must be published as required under RCW 28A.325.050.

(4) When developing the plan, the school district shall review recommendations from the associated student body executive board.

(5) The office of the superintendent of public instruction may review the plans submitted under this section and provide feedback and technical assistance to help school districts meet the requirements of chapter 13, Laws of 2020. [2020 c 13 § 7.]

Findings—Intent—2020 c 13: "(1) The legislature finds that:

(a) Interscholastic athletics and activities are a vital part of enriching students' educational experiences and developing students into responsible adults;

(b) Research supports the theory that students who participate in extracurricular activities have:

- (i) Better grades and higher standardized test scores;
- (ii) Increased school attendance;
- (iii) Improved health and wellness; and
- (iv) Positively enhanced educational experience[s];

(c) Many school districts require associated student body cards to participate in extracurricular activities and many school districts charge a fee for associated student body cards;

(d) Many school districts require a participation fee for some extracurricular activities; and

(e) The fees associated with obtaining associated student body cards and with participating in extracurricular activities may create an obstacle to participation in extracurricular activities by students who are low income.

(2) The legislature intends to reduce the obstacle to participation in extracurricular activities caused by the fees charged to students who are low income by creating equitable access to opportunities that improve academic, social, and emotional outcomes, collecting and analyzing data, and addressing barriers to extracurricular activities." [2020 c 13 § 1.]

COMPREHENSIVE SCHOOL COUNSELING PROGRAMS

28A.320.600 Comprehensive school counseling programs—Written plan. By the beginning of the 2022-23 school year each school district shall develop and implement a written plan for a comprehensive school counseling program that is based on regularly updated standards developed by a national organization representing school counselors. The written plan must:

(1) Establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;

(2) Provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data, program results data, and data regarding communication with administrators, parents, students, and stakeholders;

(3) Explain how direct and indirect services will be delivered through the comprehensive school counseling program; and

(4) Establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders. [2021 c 174 § 2.]

Finding—2021 c 174: "(1) The legislature recognizes that certificated school counselors are uniquely qualified to address the developmental needs of all students through a comprehensive school counseling program. School counselors play a critical role in maximizing K-12 student outcomes, including those related to attendance, academic achievement, high school graduation, postsecondary readiness, and social-emotional development. The legislature finds that school counselors play an especially unique role in the lives of students from underserved backgrounds, particularly students of color, students with disabilities, English language learners, and students living in poverty, who, according to research, are more likely to seek out their school counselor for academic, mental health, or postsecondary planning needs.

(2) The legislature also recognizes research indicating that lower counselor to student ratios enable counselors to work more closely with students and address their unique needs, and that school counselors should be able to use their time to provide direct and indirect services to students as described in a comprehensive school counseling program grounded in research." [2021 c 174 § 1.]

28A.320.610 Comprehensive school counseling programs—Implementation. (1) The comprehensive school counseling program required by RCW 28A.320.600 must be implemented by school counselors or other educational staff associates for the purpose of guiding students in academic pursuits, career planning, and social-emotional learning.

(2) School counselors or other educational staff associates assigned to implement comprehensive school counseling programs must allocate at least 80 percent of their work time providing direct and indirect services to benefit students, as aligned with standards developed by a national organization representing school counselors. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other noncounseling staff are not direct or indirect services.

(3) For purposes of this section:

(a) "Direct services" are in-person interactions between school counselors or other educational staff associates assigned to implement comprehensive school counseling programs and students that help students improve achieve-

ment, attendance, and discipline. Examples include, but are not limited to, instruction, appraisal, advisement, and counseling.

(b) "Indirect services" are provided on behalf of students as a result of interactions with others by school counselors or educational staff associates assigned to implement comprehensive school counseling programs that allow school counselors or educational staff associates to enhance student achievement and promote equity and access for all students. Examples include, but are not limited to, collaboration, consultation, and referrals.

(c) "Work time" means the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other educational staff associate assignment. [2021 c 174 § 3.]

Finding—2021 c 174: See note following RCW 28A.320.600.

28A.320.620 Comprehensive school counseling programs—Guidance—Transition plan. (Expires June 30, 2023.) (1) By December 1, 2021, the office of the superintendent of public instruction must develop and distribute to school districts guidance for the implementation of RCW 28A.320.600 and 28A.320.610. In meeting the requirements of this subsection (1), the office of the superintendent of public instruction shall consult with small school districts and develop guidance for small districts that is appropriate for the staffing resources, school counselor to student ratios, and range of duties performed by school counselors and educational staff associates in small school districts.

(2) Prior to the 2022-23 school year, each school district board of directors must, within existing funds, adopt a transition plan for developing and implementing a comprehensive school counseling program plan.

(3) This section expires June 30, 2023. [2021 c 174 § 4.]

Finding—2021 c 174: See note following RCW 28A.320.600.

Chapter 28A.323 RCW

JOINT SCHOOL DISTRICTS—SCHOOL DISTRICTS IN TWO OR MORE EDUCATIONAL SERVICE DISTRICTS

Sections

28A.323.010	Joint school districts—Defined—Designation.
28A.323.040	Joint school districts—Designation of county to which joint school district belongs.
28A.323.050	Joint school districts—Elections for director.
28A.323.060	Joint school districts—Directors—Vacancies.
28A.323.070	Joint school districts—Powers and duties.
28A.323.080	Joint school districts—Assessed valuation—Certification.
28A.323.090	Joint school districts—Levy of tax.
28A.323.100	Joint school districts—Levy of tax—Remittance to district treasurer.
28A.323.110	Condensed compliance reports—Second-class districts.

28A.323.010 Joint school districts—Defined—Designation. Any school district composed of territory lying in more than one county shall be known as a joint school district, and shall be designated by number in accordance with rules and regulations promulgated under *RCW 28A.305.150. [1990 c 33 § 309; 1973 c 47 § 1; 1969 ex.s. c 223 § 28A.57.230. Prior: 1947 c 266 § 25; Rem. Supp. 1947 § 4693-44; prior: 1909 c 97 p 264 § 6; RRS § 4699; prior: (2021 Ed.)

1897 c 118 § 13. Formerly RCW 28A.315.350, 28A.57.230, 28.57.230.]

*Reviser's note: RCW 28A.305.150 was repealed by 1999 c 315 § 801. Later enactment, see RCW 28A.300.065.

Additional notes found at www.leg.wa.gov

28A.323.040 Joint school districts—Designation of county to which joint school district belongs. For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, the county in which a joint school district shall be considered as belonging shall be as designated by the superintendent of public instruction. Prior to making such designation, the superintendent of public instruction shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the superintendent shall consider the following prior to its designation:

- (1) Service needs of such district;
- (2) Availability of services;
- (3) Geographic location of district and servicing agencies; and
- (4) Relationship to contiguous school districts. [2006 c 263 § 613; 1973 c 47 § 3; 1969 ex.s. c 223 § 28A.57.250. Prior: 1947 c 266 § 27; Rem. Supp. 1947 § 4693-46. Formerly RCW 28A.315.380, 28A.57.250, 28.57.250.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.323.050 Joint school districts—Elections for director. The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district.

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.323.040.

At each general election, or upon approval of a request for a special election as provided for in RCW 29A.04.330, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by such auditor for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district. [2015 c 53 § 8; 1990 c 33 § 311; 1983 c 56 § 6; 1975 1st ex.s. c 275 § 97; 1973 c 47 § 4; 1969 ex.s. c 176 § 133; 1969 ex.s. c 223 § 28A.57.255. Prior: 1961 c 130 § 23. Formerly RCW 28A.315.390, 28A.57.255, 28.57.255.]

Additional notes found at www.leg.wa.gov

28A.323.060 Joint school districts—Directors—Vacancies. A vacancy in the office of director of a joint dis-

trict shall be filled in the manner provided by *RCW 28A.315.530 for filling vacancies, such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election. [1990 c 33 § 312; 1973 c 47 § 5; 1971 c 53 § 3; 1969 ex.s. c 176 § 134; 1969 ex.s. c 223 § 28A.57.260. Prior: 1947 c 266 § 28; Rem. Supp. 1947 § 4693-47. Formerly RCW 28A.315.400, 28A.57.260, 28.57.260.]

*Reviser's note: RCW 28A.315.530 was recodified as RCW 28A.343.370 pursuant to 1999 c 315 § 804.

Additional notes found at www.leg.wa.gov

28A.323.070 Joint school districts—Powers and duties. A joint school district and the officers thereof shall possess all the powers and be subject to all of the duties vested in or imposed upon other school districts of the same class and upon the officers thereof, except as otherwise provided by law. Whenever the laws relating to school districts shall provide for any action by a county officer, such action, if required to be performed in behalf of a joint school district, shall be performed by the proper officer of the county to which the joint district belongs, except as otherwise provided by law. [1969 ex.s. c 223 § 28A.57.270. Prior: 1947 c 266 § 29; Rem. Supp. 1947 § 4693-48. Formerly RCW 28A.315.410, 28A.57.270, 28.57.270.]

28A.323.080 Joint school districts—Assessed valuation—Certification. It shall be the duty of the assessor of each county, a part of which is included within a joint school district, to certify annually to the auditor of the assessor's county and to the auditor of the county to which the joint district belongs, for the board of county commissioners thereof, the aggregate assessed valuation of all taxable property in the assessor's county situated in such joint school district, as the same appears from the last assessment roll of the assessor's county. [1990 c 33 § 313; 1969 ex.s. c 223 § 28A.57.280. Prior: 1947 c 266 § 30; Rem. Supp. 1947 § 4693-49; prior: 1927 c 286 § 1; 1925 ex.s. c 77 § 8; RRS § 4753-8. Formerly RCW 28A.315.420, 28A.57.280, 28.57.280.]

28A.323.090 Joint school districts—Levy of tax. The amount of tax to be levied upon the taxable property of that part of a joint school district lying in one county shall be in such ratio to the whole amount levied upon the property in the entire joint district as the assessed valuation of the property lying in such county bears to the assessed valuation of the property in the entire joint district. [1983 c 56 § 7; 1975 1st ex.s. c 275 § 98; 1969 ex.s. c 176 § 135; 1969 ex.s. c 223 § 28A.57.290. Prior: 1947 c 266 § 31; Rem. Supp. 1947 § 4693-50; prior: (i) 1925 ex.s. c 77 § 10; RRS § 4753-10. (ii) 1927 c 286 § 2; RRS § 4753-11. Formerly RCW 28A.315.430, 28A.57.290, 28.57.290.]

Additional notes found at www.leg.wa.gov

28A.323.100 Joint school districts—Levy of tax—Remittance to district treasurer. Upon receipt of the aforesaid certificate, it shall be the duty of the county legislative authority of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of

the joint district, as shown by the certificate of the educational service district superintendent of the district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded monthly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district. [1994 c 301 § 3; 1975 1st ex.s. c 275 § 99; 1969 ex.s. c 176 § 136; 1969 ex.s. c 223 § 28A.57.300. Prior: 1947 c 266 § 32; Rem. Supp. 1947 § 4693-51. Formerly RCW 28A.315.440, 28A.57.300, 28.57.300.]

Additional notes found at www.leg.wa.gov

28A.323.110 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 24.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.325 RCW

ASSOCIATED STUDENT BODIES

Sections

- 28A.325.010 Fees for optional noncredit extracurricular events—Disposition.
- 28A.325.020 Associated student bodies—Powers and responsibilities affecting.
- 28A.325.030 Associated student body program fund—Fund-raising activities—Nonassociated student body program fund moneys.
- 28A.325.040 Condensed compliance reports—Second-class districts.
- 28A.325.050 Associated student body program fund—Publication of information on school district web site.

28A.325.010 Fees for optional noncredit extracurricular events—Disposition. The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at, or participation in, any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: PROVIDED, That in establishing such fee or fees, the district shall adopt a policy and regulations for waiving fees for students who are eligible to participate in the federal free or reduced-price meals program and for reducing fees for students' family members and other nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the activities and programs of associated student bodies. [2020 c 13 § 9; 1977

ex.s. c 170 § 1; 1975 1st ex.s. c 284 § 1. Formerly RCW 28A.58.113.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580. Additional notes found at www.leg.wa.gov

28A.325.020 Associated student bodies—Powers and responsibilities affecting. As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction: PROVIDED, That the board of directors of a school district may act or delegate the authority to an employee of the district to act as the associated student body for any school plant facility within the district containing no grade higher than the sixth grade.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public schools of the state. [1984 c 98 § 1; 1975 1st ex.s. c 284 § 3; 1973 c 52 § 1. Formerly RCW 28A.58.115.]

Additional notes found at www.leg.wa.gov

28A.325.030 Associated student body program fund—Fund-raising activities—Nonassociated student body program fund moneys. (1)(a) There is hereby created a fund on deposit with each county treasurer for each school district of the county having an associated student body as defined in RCW 28A.325.020. Such fund shall be known as the associated student body program fund. Rules adopted by the superintendent of public instruction under RCW 28A.325.020 shall require separate accounting for each associated student body's transactions in the school district's associated student body program fund.

(b) All moneys generated through the programs and activities of any associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW 28A.320.320 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be under the control and supervision, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in *chapter 28A.350 RCW: PROVIDED, That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of obligations, an imprest bank account or accounts may be created and replenished from the associated student body program fund.

(c) The associated student body program fund shall be budgeted by the associated student body, subject to approval by the board of directors of the school district. All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Notwithstanding the provisions of RCW 43.09.210, it shall not be mandatory that

(2021 Ed.)

expenditures from the district's general fund in support of associated student body programs and activities be reimbursed by payments from the associated student body program fund.

(2) Subject to applicable school board policies, student groups may conduct fund-raising activities, including but not limited to soliciting donations, in their private capacities for the purpose of generating nonassociated student body fund moneys. The school board policy shall include provisions to ensure appropriate accountability for these funds. Nonassociated student body program fund moneys generated and received by students for private purposes to use for scholarship, student exchange, and/or charitable purposes shall be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes as the student group conducting the fund-raising activity shall determine: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its direct costs in providing the service or otherwise be compensated for its cost for such service. Non-associated student body program fund moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution. Notice shall be given identifying the intended use of the proceeds. The notice shall also state that the proceeds are nonassociated student body funds to be held in trust by the school district exclusively for the intended purpose. "Charitable purpose" under this section does not include any activity related to assisting a campaign for election of a person to an office or for the promotion or opposition to a ballot proposition. [2000 c 157 § 2; 1990 c 33 § 340; 1984 c 98 § 2; 1982 c 231 § 1; 1977 ex.s. c 160 § 1; 1975 1st ex.s. c 284 § 2. Formerly RCW 28A.58.120.]

***Reviser's note:** Chapter 28A.350 RCW was repealed in its entirety by 2009 c 337 § 15.

Findings—Intent—2000 c 157: "The legislature finds that current law permits associated student bodies to conduct fund-raising activities, including but not limited to soliciting donations, to raise money for school sports programs and school clubs. However, students also want to conduct fund-raising activities for charitable causes, such as to fund scholarships and student exchange programs, assist families whose homes have been destroyed, to fund community projects, and to rebuild the Statue of Liberty.

The legislature further finds that current law is not clear how student groups may raise funds for charitable purposes, whether proceeds from any fund-raising activities can be used for charitable purposes or only donations may be used for charitable purposes, and whether recipients must be "poor or infirm." This has resulted in considerable confusion on the part of students regarding what type of fund-raising is permissible when funds are raised for charitable purposes by student groups.

It is the intent of the legislature to allow students to broaden the types of fund-raisers that they may conduct for charitable purposes in their private nonassociated student body capacities, and ensure that these funds will be separate from student body funds to avoid constitutional issues pertaining to the gifting of public funds." [2000 c 157 § 1.]

School district funds: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.325.040 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 25.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.325.050 Associated student body program fund—Publication of information on school district web site. (1) Each school district that has an associated student body program fund must publish the following information about the fund on its web site:

- (a) The fund balance at the beginning of the school year;
 - (b) Summary data about expenditures and revenues occurring over the course of the school year; and
 - (c) The fund balance at the end of the school year.
- (2) Beginning in the 2020-21 school year, each school district that has an associated student body must publish the following information on its web site:
- (a) Data related to high school student possession of an associated student body card and high school student participation in school-based extracurricular activities collected under RCW 28A.320.540;
 - (b) The school district's extracurricular activity opportunity gap reduction plan if required under RCW 28A.320.580; and
 - (c) A list of optional noncredit extracurricular event attendance and participation fees and the school district policy for waiving and reducing these fees as described under RCW 28A.325.010.
- (3) The information under this section must be published for each associated student body of the district and each account within the associated student body program fund.
- (4) If the school district web site contains separate web sites for schools in the district, the information under this section must be published on the web site of the applicable school of the associated student body.
- (5) School districts must add updated annual information to their web sites by each August 31st, except that school districts are only required to maintain the information on the web site from the previous five years.

(6) For purposes of this section, the definitions in RCW 28A.320.530 apply. [2020 c 13 § 10; 2014 c 211 § 3.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.
Intent—2014 c 211: See note following RCW 28A.320.055.

**Chapter 28A.330 RCW
PROVISIONS APPLICABLE TO SCHOOL
DISTRICTS**

Sections

PROVISIONS APPLICABLE ONLY
TO FIRST-CLASS DISTRICTS

- 28A.330.010 Board president, vice president or president pro tempore—Secretary.
- 28A.330.020 Certain board elections, manner and vote required—Selection of personnel, manner.
- 28A.330.030 Duties of president.
- 28A.330.040 Duties of vice president.
- 28A.330.050 Duties of superintendent as secretary of the board.
- 28A.330.060 Superintendent's bond and oath.
- 28A.330.070 Office of board—Records available for public inspection.
- 28A.330.080 Payment of claims—Signing of warrants.
- 28A.330.090 Auditing committee and expenditures.
- 28A.330.100 Additional powers of board.
- 28A.330.110 Insurance reserve—Funds.

PROVISIONS APPLICABLE ONLY
TO SECOND-CLASS DISTRICTS

- 28A.330.200 Organization of board—Assumption of superintendent's duties by board member, when.
- 28A.330.210 Notice to ESD superintendent of change of chairman or superintendent.

- 28A.330.220 Attorney may be employed.
- 28A.330.230 Drawing and issuance of warrants.
- 28A.330.240 Employment contracts.
- 28A.330.250 Condensed compliance reports.
- 28A.330.251 Condensed compliance reports—Second-class districts.

Missing children, participation by local school districts in providing information: RCW 13.60.030.

**PROVISIONS APPLICABLE ONLY TO FIRST-CLASS
DISTRICTS**

28A.330.010 Board president, vice president or president pro tempore—Secretary. At the first meeting of the members of the board they shall elect a president and vice president from among their number who shall serve for a term of one year or until their successors are elected. In the event of the temporary absence or disability of both the president and vice president, the board of directors may elect a president pro tempore who shall discharge all the duties of president during such temporary absence or disability.

The superintendent of such school district shall act as secretary to the board in accordance with the provisions of RCW 28A.400.030. [1990 c 33 § 341; 1969 ex.s. c 223 § 28A.59.030. Prior: 1953 c 111 § 6; prior: 1909 c 97 p 290 § 3, part; RRS § 4792, part. Formerly RCW 28A.59.030, 28.62.030.]

28A.330.020 Certain board elections, manner and vote required—Selection of personnel, manner. The election of the officers of the board of directors or to fill any vacancy as provided in *RCW 28A.315.530, and the selection of the school district superintendent shall be by oral call of the roll of all the members, and no person shall be declared elected or selected unless he or she receives a majority vote of all the members of the board. Selection of other certificated and classified personnel shall be made in such manner as the board shall determine. [1997 c 13 § 8; 1990 c 33 § 342; 1969 ex.s. c 223 § 28A.59.040. Prior: 1909 c 97 p 290 § 4; RRS § 4793. Formerly RCW 28A.59.040, 28.62.040.]

*Reviser's note: RCW 28A.315.530 was recodified as RCW 28A.343.370 pursuant to 1999 c 315 § 804.

28A.330.030 Duties of president. It shall be the duty of the president to preside at all meetings of the board, and to perform such other duties as the board may prescribe. [1969 ex.s. c 223 § 28A.59.050. Prior: 1909 c 97 p 290 § 5; RRS § 4794. Formerly RCW 28A.59.050, 28.62.050.]

28A.330.040 Duties of vice president. It shall be the duty of the vice president to perform all the duties of president in case of the president's absence or disability. [1990 c 33 § 343; 1969 ex.s. c 223 § 28A.59.060. Prior: 1909 c 97 p 291 § 6; RRS § 4795. Formerly RCW 28A.59.060, 28.62.060.]

28A.330.050 Duties of superintendent as secretary of the board. In addition to the duties as prescribed in RCW 28A.400.030, the school district superintendent, as secretary of the board, may be authorized by the board to act as business manager, purchasing agent, and/or superintendent of buildings and janitors, and charged with the special care of school buildings and other property of the district, and he or she shall perform other duties as the board may direct. [1990

c 33 § 344; 1969 ex.s. c 223 § 28A.59.070. Prior: 1919 c 90 § 8; 1909 c 97 p 291 § 7; RRS § 4796. Formerly RCW 28A.59.070, 28.62.070.]

28A.330.060 Superintendent's bond and oath. Before entering upon the discharge of the superintendent's duties, the superintendent as secretary of the board shall give bond in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars, with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer that he or she will support the Constitution of the United States and of the state of Washington and faithfully perform the duties of the office, a copy of which oath or affirmation shall be filed with the educational service district superintendent. [1990 c 33 § 345; 1975 1st ex.s. c 275 § 117; 1971 c 48 § 33; 1969 ex.s. c 223 § 28A.59.080. Prior: 1909 c 97 p 291 § 8; RRS § 4797. Formerly RCW 28A.59.080, 28.62.080.]

Additional notes found at www.leg.wa.gov

28A.330.070 Office of board—Records available for public inspection. The board of directors shall maintain an office where all records, vouchers and other important papers belonging to the board may be preserved. Such records, vouchers, and other important papers at all reasonable times shall be available for public inspection. The regular meetings shall be held within the district boundaries. [1989 c 232 § 1; 1969 ex.s. c 223 § 28A.59.100. Prior: 1909 c 97 p 291 § 10; RRS § 4799; prior: 1897 c 118 § 87; 1890 p 389 § 14. Formerly RCW 28A.59.100, 28.62.100.]

28A.330.080 Payment of claims—Signing of warrants. Moneys of such school districts shall be paid out only upon orders for warrants signed by the president, or a majority of the board of directors and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by RCW 28A.330.090, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW. [2012 c 209 § 1; 1990 c 33 § 346; 1969 ex.s. c 223 § 28A.59.110. Prior: 1909 c 97 p 292 § 11; RRS § 4800. Formerly RCW 28A.59.110, 28.62.110.]

28A.330.090 Auditing committee and expenditures. All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative

vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.335.190. [1990 c 33 § 347; 1983 c 56 § 9; 1975 1st ex.s. c 275 § 118; 1971 c 48 § 34; 1969 ex.s. c 223 § 28A.59.150. Prior: 1909 c 97 p 292 § 14; RRS § 4803. Formerly RCW 28A.59.150, 28.62.150, 28.62.160.]

Additional notes found at www.leg.wa.gov

28A.330.100 Additional powers of board. Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her, and to fix his or her duties and compensation;

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation;

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation;

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation;

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the superintendent of public instruction for the use of the common schools of this state;

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of youth with disabilities, as in the judgment of the board, best shall promote the interests of education in the district;

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools;

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof;

(9) To provide free textbooks and supplies for all children attending school;

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to

exceed two percent of the officer's or employee's annual salary;

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts; and

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian. [2006 c 263 § 417. Prior: 1995 c 335 § 503; 1995 c 77 § 22; 1991 c 116 § 17; 1990 c 33 § 348; 1983 c 2 § 7; prior: 1982 c 191 § 11; 1982 c 158 § 6; 1969 ex.s. c 223 § 28A.59.180; prior: 1919 c 90 § 9; 1909 c 97 p 293 § 16; RRS § 4805. Formerly RCW 28A.59.180, 28.62.180, 28.31.070.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.330.110 Insurance reserve—Funds. School districts of the first class, when in the judgment of the board of directors it be deemed expedient, shall have power to create and maintain an insurance reserve for said districts, to be used to meet losses specified by the board of directors of the school districts.

Funds required for maintenance of such an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district. [1983 c 59 § 16; 1982 c 191 § 12; 1969 ex.s. c 223 § 28A.59.185. Prior: (i) 1911 c 79 § 1; RRS § 4707. Formerly RCW 28.59.010. (ii) 1911 c 79 § 2; RRS § 4708. Formerly RCW 28.59.020. (iii) 1941 c 187 § 1; 1911 c 79 § 3; Rem. Supp. 1941 § 4709. Formerly RCW 28A.59.185, 28.59.030.]

Additional notes found at www.leg.wa.gov

PROVISIONS APPLICABLE ONLY TO SECOND-CLASS DISTRICTS

28A.330.200 Organization of board—Assumption of superintendent's duties by board member, when. The term of office of directors of districts of the second class shall begin, and the board shall organize, as provided in *RCW 28A.315.500. At the first meeting of the members of the board they shall elect a chair from among their number who shall serve for a term of one year or until his or her successor is elected. The school district superintendent as defined in RCW 28A.150.080 shall serve as secretary to the board. Whenever a district shall be without the services of such a superintendent and the business of the district necessitates action thereby, the board shall appoint any member thereof to carry out the superintendent's powers and duties for the district. [1990 c 33 § 349; 1988 c 187 § 2; 1975 c 43 § 14; 1969 ex.s. c 223 § 28A.60.010. Prior: 1953 c 111 § 1; prior: (i) 1909 c 97 p 298 § 5; RRS § 4815. (ii) 1909 c 97 p 301 § 5; RRS § 4827. Formerly RCW 28A.60.010, 28.63.010.]

*Reviser's note: RCW 28A.315.500 was recodified as RCW 28A.343.360 pursuant to 1999 c 315 § 804.

Additional notes found at www.leg.wa.gov

28A.330.210 Notice to ESD superintendent of change of chairman or superintendent. Every school district superintendent in districts of the second class shall within ten days after any change in the office of chair or superintendent, notify the educational service district superintendent of such change. [1990 c 33 § 350; 1975-'76 2nd ex.s. c 15 § 11. Prior: 1975 1st ex.s. c 275 § 119; 1975 c 43 § 15; 1971 c 48 § 35; 1969 ex.s. c 223 § 28A.60.070; prior: 1909 c 97 p 304 § 1; RRS § 4841; prior: 1903 c 104 § 19. Formerly RCW 28A.60.070, 28.63.070.]

Additional notes found at www.leg.wa.gov

28A.330.220 Attorney may be employed. The board of directors of every second-class district in addition to their other powers are authorized to employ an attorney and to prescribe the attorney's duties and fix the attorney's compensation. [1990 c 33 § 351; 1975 c 43 § 19; 1971 c 8 § 5. Prior: 1967 c 220 § 1. Formerly RCW 28A.60.310, 28.63.340.]

Additional notes found at www.leg.wa.gov

28A.330.230 Drawing and issuance of warrants. Second-class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chair of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chair of the board personally imposes too great a task on the chair, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chair of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW. [2012 c 209 § 2; 1990 c 33 § 352; 1983 c 56 § 10; 1975 c 43 § 21; 1973 c 111 § 1. Formerly RCW 28A.60.328.]

Additional notes found at www.leg.wa.gov

28A.330.240 Employment contracts. The board of directors of each second-class school district shall adopt a written policy governing procedures for the letting of any employment contract authorized under RCW 42.23.030. This policy shall include provisions to ensure fairness and the appearance of fairness in all matters pertaining to employment contracts so authorized. [1989 c 263 § 2. Formerly RCW 28A.60.360.]

Additional notes found at www.leg.wa.gov

28A.330.250 Condensed compliance reports. (1) Beginning September 1, 2011, second-class districts may annually submit a condensed compliance report to the superintendent of public instruction.

(2) The boards of directors of second-class districts that choose to submit a condensed compliance report must:

- (a) Dedicate a public meeting for reviewing the report and receiving public testimony;
- (b) Adopt the report at a public meeting; and
- (c) Require the report to be signed by the school district superintendent and chair of the board and acknowledged before a notary public.

(3) Compliance requests from the superintendent of public instruction not tied to funding are voluntary for second-class districts submitting a condensed compliance report.

(4) For the purposes of this section, compliance requests do not include data requests required to be submitted in accordance with federal or state law or for purposes of program evaluation or accountability, including data for a comprehensive K-12 education data improvement system. [2011 c 45 § 1.]

Conflict with federal requirements—2011 c 45: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2011 c 45 § 51.]

28A.330.251 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 26.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

**Chapter 28A.335 RCW
SCHOOL DISTRICTS' PROPERTY**

Sections

- 28A.335.010 School buildings, maintenance, furnishing, and insuring—School building security.
- 28A.335.020 School closures—Policy of citizen involvement required—Summary of effects—Hearings—Notice.
- 28A.335.030 Emergency school closures exempt from RCW 28A.335.020.
- 28A.335.040 Surplus school property, rental, lease, or use of—Authorized—Limitations.
- 28A.335.050 Surplus school property, rental, lease, or use of—Joint use—Compensation—Conditions generally.
- 28A.335.060 Surplus school property—Rental, lease, or use of—Disposition of moneys received from.
- 28A.335.070 Surplus school property, rental, lease, or use of—Existing contracts not impaired.
- 28A.335.080 Surplus school property, rental, lease, or use of—Community use not impaired.
- 28A.335.090 Conveyance and acquisition of property—Management—Appraisal.
- 28A.335.100 School district associations' right to mortgage or convey money security interest in association property—Limitations.
- 28A.335.110 Real property—Annexation to city or town.
- 28A.335.120 Real property—Sale—Notice and hearing—Appraisal—Broker or real estate appraiser services—Real estate sales contracts—Limitation.
- 28A.335.130 Real property—Sale—Use of proceeds.
- 28A.335.140 Expenditure of funds on county, city building authorized—Conditions.
- 28A.335.150 Permitting use and rental of playgrounds, athletic fields or athletic facilities.
- 28A.335.155 Use of buildings for youth programs—Limited immunity.
- 28A.335.160 Joint educational facilities—Rules.
- 28A.335.170 Contracts to lease building space and portable buildings, rent or have maintained security systems, computers, and other equipment, and provide pupil transportation services.
- 28A.335.180 Surplus texts and other educational aids, notice of availability—Student priority as to texts.

(2021 Ed.)

- 28A.335.190 Advertising for bids—Competitive bid procedures—Purchases from inmate work programs—Telephone or written quotation solicitation, limitations—Emergencies.
- 28A.335.200 Conditional sales contracts for acquisition of property or property rights.
- 28A.335.205 Assistive devices—Transfer for benefit of children with disabilities—Record, inventory.
- 28A.335.210 Purchase of works of art—Procedure.
- 28A.335.220 Eminent domain.
- 28A.335.230 Vacant school plant facilities—Lease by contiguous district—Eligibility for funding assistance.
- 28A.335.240 Schoolhouses, teachers' cottages—Purchase of realty for district purposes.
- 28A.335.250 School property used for public purposes.
- 28A.335.260 School property used for public purposes—Community buildings.
- 28A.335.270 School property used for public purposes—Special state commission to pass on plans.
- 28A.335.280 School property used for public purposes—Limit on expenditures.
- 28A.335.290 Housing for superintendent—Authorized—Limitation.
- 28A.335.300 Playground matting.
- 28A.335.320 Enhanced 911 service—Common and public school service required.
- 28A.335.330 Chapter not applicable to certain transfers of property.
- 28A.335.340 Condensed compliance reports—Second-class districts.

Chapter not to apply to certain materials printed in school districts: RCW 82.04.600.

Contracts with community service organizations for public improvements: RCW 35.21.278.

Determination if lands purchased or leased by school districts are used as school sites—Reversion: RCW 79.17.140.

Dissolution of inactive port districts, assets to school districts: RCW 53.47.040.

Interlocal cooperation act: Chapter 39.34 RCW.

School districts, purchase of leased lands with improvements: RCW 79.17.110 through 79.17.130.

Subcontractors to be identified by bidder, when: RCW 39.30.060.

28A.335.010 School buildings, maintenance, furnishing, and insuring—School building security. (1) Every board of directors, unless otherwise specifically provided by law, shall:

(a) Cause all school buildings to be properly heated, lighted, and ventilated and maintained in a clean and sanitary condition; and

(b) Maintain and repair, furnish, and insure such school buildings.

(2) Every board of directors, unless otherwise specifically provided by law, shall also:

(a) Consider installing a perimeter security control mechanism or system on all school campuses, as appropriate to the design of the campus; and

(b) For new school construction projects or remodeling projects of more than forty percent of an existing school building that are initiated after July 28, 2013, consider school building plans and designs that promote:

(i) An optimal level of security for the specific school site that incorporates evolving technology and best practices to protect students and staff in the event of a threat during school hours;

(ii) Direct control and observation of the public entering school grounds; and

(iii) The public entering school grounds through as few entrances as possible, such as through the main entrance of a school's administrative offices.

(3) The purpose of subsection (2) of this section is to promote generally the safety of all students and staff in Washing-

ton public schools. Nothing in subsection (2) of this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state. [2013 c 233 § 2; 1969 ex.s. c 223 § 28A.58.102. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.102, 28.58.100(3), part, and (4) part.]

School district funds: RCW 28A.320.330.

28A.335.020 School closures—Policy of citizen involvement required—Summary of effects—Hearings—Notice. Before any school closure, a school district board of directors shall adopt a policy regarding school closures which provides for citizen involvement before the school district board of directors considers the closure of any school for instructional purposes. The policy adopted shall include provisions for the development of a written summary containing an analysis as to the effects of the proposed school closure. The policy shall also include a requirement that during the ninety days before a school district's final decision upon any school closure, the school board of directors shall conduct hearings to receive testimony from the public on any issues related to the closure of any school for instructional purposes. The policy shall require separate hearings for each school which is proposed to be closed.

The policy adopted shall provide for reasonable notice to the residents affected by the proposed school closure. At a minimum, the notice of any hearing pertaining to a proposed school closure shall contain the date, time, place, and purpose of the hearing. Notice of each hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area where the school, subject to closure, is located. The last notice of hearing shall be published not later than seven days immediately before the final hearing. [1983 c 109 § 2. Formerly RCW 28A.58.031.]

Application of RCW 43.21C.030(2)(c) to school closures: RCW 43.21C.038.

28A.335.030 Emergency school closures exempt from RCW 28A.335.020. A school district may close a school for emergency reasons, as set forth in RCW 28A.150.290(2) (a) and (b), without complying with the requirements of RCW 28A.335.020. [1990 c 33 § 353; 1983 c 109 § 3. Formerly RCW 28A.58.032.]

28A.335.040 Surplus school property, rental, lease, or use of—Authorized—Limitations. (1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or non-profit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district

should such property be needed for school purposes in the future except in such cases where:

(a) Due to proximity to an international airport, land use has been so permanently altered as to preclude the possible use of the property for a school housing students and the school property has been heavily impacted by surrounding land uses so that a school housing students would no longer be appropriate in that area; or

(b) The property is leased or rented for affordable housing purposes under RCW 39.33.015.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.335.050 and 28A.335.090 is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall publish a written notice in a newspaper of general circulation in the school district for rentals or leases totaling ten thousand dollars or more in value. School districts shall not rent or lease the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies. [2020 c 40 § 1; 1991 c 116 § 12. Prior: 1990 c 96 § 1; 1990 c 33 § 354; 1981 c 306 § 2; 1980 c 115 § 2. Formerly RCW 28A.58.033.]

Retroactive application—2020 c 40: "Section 1 of this act is remedial and curative in nature and applies retroactively to any lease or rental agreement entered into on or after January 1, 2018." [2020 c 40 § 2.]

Additional notes found at www.leg.wa.gov

28A.335.050 Surplus school property, rental, lease, or use of—Joint use—Compensation—Conditions generally. (1) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW 28A.335.040 may include the joint use of school district property, which is in part used for school purposes, by any combination of persons, corporations or government entities for other than common school purposes: PROVIDED, That any such joint use shall comply with existing local zoning ordinances.

(2) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW 28A.335.040 shall be conditioned on the payment by all users, lessees or tenants, assessed on a basis that is nondiscriminatory within classes of users, of such reasonable compensation and under such terms as regulations adopted by the board of directors shall provide.

(3) Nothing in RCW 28A.335.040 and 28A.335.090 shall prohibit a school board of directors and a lessee or tenant from agreeing to conditions to the lease otherwise lawful, including conditions of reimbursement or partial reimbursement of costs associated with the lease or rental of the property. [1990 c 33 § 355; 1980 c 115 § 3. Formerly RCW 28A.58.034.]

Additional notes found at www.leg.wa.gov

28A.335.060 Surplus school property—Rental, lease, or use of—Disposition of moneys received from. Each school district's board of directors shall deposit moneys derived from the lease, rental, or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund, except for:

(a) Moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund; or

(b) At the option of the board of directors, after evaluating the sufficiency of the school district's capital projects fund for purposes of meeting demands for new construction and improvements, moneys derived from the lease or rental of real property may be deposited into the district's general fund to be used exclusively for nonrecurring costs related to operating school facilities, including but not limited to expenses for maintenance;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund. [2004 c 45 § 1; 1989 c 86 § 2; 1983 c 59 § 15; 1982 c 191 § 4; 1981 c 250 § 4; 1980 c 115 § 4. Formerly RCW 28A.58.035.]

School district funds: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.335.070 Surplus school property, rental, lease, or use of—Existing contracts not impaired. The provisions of contracts for the use, rental or lease of school district real property executed prior to June 12, 1980, which were lawful at the time of execution shall not be impaired by such new terms and conditions to the rental, lease or occasional use of school property as may now be established by RCW 28A.335.040, 28A.335.050, and 28A.335.090. [1990 c 33 § 356; 1980 c 115 § 5. Formerly RCW 28A.58.036.]

Additional notes found at www.leg.wa.gov

28A.335.080 Surplus school property, rental, lease, or use of—Community use not impaired. Nothing in RCW 28A.335.040 through 28A.335.070 shall preclude school district boards of directors from making available school property for community use in accordance with the provisions of RCW 28A.335.150, 28A.320.510, or 28A.335.250, and school district administrative policy governing such use. [1990 c 33 § 357; 1980 c 115 § 6. Formerly RCW 28A.58.037.]

Additional notes found at www.leg.wa.gov

28A.335.090 Conveyance and acquisition of property—Management—Appraisal. (1) The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.335.120, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.335.120, the board of directors of each school district may purchase, lease,

(2021 Ed.)

receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

(2) Any purchase of real property by a school district shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in *RCW 74.46.020 or by a general real estate appraiser certified under chapter 18.140 RCW who was selected by the board of directors. [2001 c 183 § 1; 1995 c 358 § 1; 1990 c 33 § 358; 1981 c 306 § 3; 1980 c 115 § 1; 1969 ex.s. c 223 § 28A.58.040. Prior: (i) 1947 c 266 § 6, part; Rem. Supp. 1947 § 4693-25, part; prior: 1909 p 265 § 2, part. Formerly RCW 28.57.135, part. (ii) 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28.58.100(3) and (5), part. (iii) 1909 c 97 p 287 § 7, part; RRS § 4782, part; prior: 1897 c 118 § 44, part; 1891 c 127 § 11, part; 1890 p 366 § 30, part. Formerly RCW 28A.58.040, 28.58.040.]

*Reviser's note: RCW 74.46.020 was amended by 2010 1st sp.s. c 34 § 2, deleting the definition of "professionally designated real estate appraiser."

Additional notes found at www.leg.wa.gov

28A.335.100 School district associations' right to mortgage or convey money security interest in association property—Limitations. Any association established by school districts pursuant to the interlocal cooperation act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is authorized to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association. [2006 c 263 § 912; 1975-'76 2nd ex.s. c 23 § 1. Formerly RCW 28A.58.0401.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.335.110 Real property—Annexation to city or town. In addition to other powers and duties as provided by law, every board of directors, if seeking to have school property annexed to a city or town and if such school property constitutes the whole of such property in the annexation petition, shall be allowed to petition therefor under RCW 35.13.125 and 35.13.130. [1971 c 69 § 3. Formerly RCW 28A.58.044.]

Additional notes found at www.leg.wa.gov

28A.335.120 Real property—Sale—Notice and hearing—Appraisal—Broker or real estate appraiser services—Real estate sales contracts—Limitation. (1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in *RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in *RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the

school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer. [2006 c 263 § 913; 2001 c 183 § 2; 1995 c 358 § 2; 1991 c 116 § 13; 1984 c 103 § 1; 1981 c 306 § 4; 1979 ex.s. c 16 § 1; 1975 1st ex.s. c 243 § 1; 1969 ex.s. c 223 § 28A.58.045. Prior: 1963 c 67 § 1; 1953 c 225 § 1. Formerly RCW 28A.58.045, 28.58.045.]

*Reviser's note: RCW 74.46.020 was amended by 2010 1st sp.s. c 34 § 2, deleting the definition of "professionally designated real estate appraiser."

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.335.130 Real property—Sale—Use of proceeds.

Except as provided in RCW 28A.335.240(1), the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred. [2004 c 6 § 2; 1983 c 59 § 14; 1981 c 250 § 3; 1975-'76 2nd ex.s. c 80 § 1; 1975 1st ex.s. c 243 § 2. Formerly RCW 28A.58.0461.]

School district funds: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.335.140 Expenditure of funds on county, city building authorized—Conditions.

Notwithstanding any other provision of law, every school district board of directors may expend local funds held for capital projects or improvements for improvements on any building owned by a city or county in which the district or any part thereof is located if an agreement is entered into with such city or county whereby the school district receives a beneficial use of such building commensurate to the amount of funds expended thereon by the district. [1971 ex.s. c 238 § 3. Formerly RCW 28A.58.047.]

28A.335.150 Permitting use and rental of playgrounds, athletic fields or athletic facilities.

Boards of directors of school districts are hereby authorized to permit the use of, and to rent school playgrounds, athletic fields, or athletic facilities, by, or to, any person or corporation for any athletic contests or athletic purposes.

Permission to use and/or rent said school playgrounds, athletic fields, or athletic facilities shall be for such compensation and under such terms as regulations of the board of directors adopted from time to time so provide. [1969 ex.s. c 223 § 28A.58.048. Prior: (i) 1935 c 99 § 1; Rem. Supp. §4776-1. Formerly RCW 28.58.048. (ii) 1935 c 99 § 2; RRS § 4776-2. Formerly RCW 28A.58.048, 28.58.050.]

28A.335.155 Use of buildings for youth programs—

Limited immunity. In order to facilitate school districts permitting the use of school buildings for use by private non-profit groups operating youth programs, school districts shall

have a limited immunity in accordance with RCW 4.24.660. Nothing in RCW 4.24.660, including a school district's failure to require a private nonprofit group to have liability insurance, broadens the scope of a school district's liability. [1999 c 316 § 2.]

Intent—1999 c 316: "The legislature intends to expand the opportunities of children to take advantage of services of private nonprofit groups by encouraging the groups' use of public school district facilities to provide programs to serve youth in the facilities. The legislature intends the very limited grant of immunity provided in this act to encourage such use, but only under the circumstances set forth in this act." [1999 c 316 § 1.]

Additional notes found at www.leg.wa.gov

28A.335.160 Joint educational facilities—Rules. Any school district may cooperate with one or more school districts in the joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, pursuant to such rules adopted relating to state approval of school construction. [2006 c 263 § 323; 1995 c 335 § 604; 1990 c 33 § 359; 1969 c 130 § 12. Formerly RCW 28A.58.075.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Conditional sales contracts for acquisition of property or property rights: RCW 28A.335.200.

Education of children with disabilities: RCW 28A.155.040.

Additional notes found at www.leg.wa.gov

28A.335.170 Contracts to lease building space and portable buildings, rent or have maintained security systems, computers, and other equipment, and provide pupil transportation services. The board of directors of any school district may enter into contracts for their respective districts with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space and portable buildings for periods not exceeding ten years in duration;

(2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and

(3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210. [1999 c 386 §

(2021 Ed.)

1; 1990 c 33 § 360; 1987 c 141 § 1; 1985 c 7 § 93; 1982 c 191 § 3; 1977 ex.s. c 210 § 1. Formerly RCW 28A.58.131.]

Additional notes found at www.leg.wa.gov

28A.335.180 Surplus texts and other educational aids, notice of availability—Student priority as to texts.

(1) Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing in a newspaper of general circulation in the school district and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or approved private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to such texts. The notice requirement in this section does not apply to the sale or transfer of assistive devices under RCW 28A.335.205 or chapter 72.40 RCW. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least thirty days following publication of notice in a newspaper of general circulation in the school district.

(2) In lieu of complying with subsection (1) of this section, school districts and educational service districts may elect to grant surplus personal property to a federal, state, or local governmental entity, or to indigent persons, at no cost on the condition the property be used for preschool through twelfth grade educational purposes, or elect to loan surplus personal property to a nonreligious, nonsectarian private entity on the condition the property be used for the preschool through twelfth grade education of members of the public on a nondiscriminatory basis. [1997 c 264 § 1; 1997 c 104 § 1; 1991 c 116 § 1; 1990 c 33 § 361; 1981 c 306 § 1; 1977 ex.s. c 303 § 1. Formerly RCW 28A.02.110.]

Reviser's note: This section was amended by 1997 c 104 § 1 and by 1997 c 264 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Disposal of obsolete or surplus reading materials by school districts and libraries: RCW 39.33.070.

Additional notes found at www.leg.wa.gov

28A.335.190 Advertising for bids—Competitive bid procedures—Purchases from inmate work programs—Telephone or written quotation solicitation, limitations—Emergencies.

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location. The cost of any public work,

improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment, or supplies, except books, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from forty thousand dollars up to seventy-five thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) The board may make improvements or repairs to the property of the district through a department within the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of seventy-five thousand dollars. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical

injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195.

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in RCW 15.64.060.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food. [2013 c 223 § 1; 2008 c 215 § 6. Prior: 2005 c 346 § 2; 2005 c 286 § 1; 2000 c 138 § 201; 1995 1st sp.s. c 10 § 3; 1994 c 212 § 1; 1990 c 33 § 362; 1985 c 324 § 1; 1980 c 61 § 1; 1975-'76 2nd ex.s. c 26 § 1; 1969 ex.s. c 49 § 2; 1969 ex.s. c 223 § 28A.58.135; prior: 1961 c 224 § 1. Formerly RCW 28A.58.135, 28.58.135.]

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

Alternative public works contracting procedures: Chapter 39.10 RCW.

28A.335.200 Conditional sales contracts for acquisition of property or property rights. Any school district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters: PROVIDED, That if such a proposed contract would result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: PROVIDED FURTHER, That any school district may jointly with another school district execute contracts authorized by this section. [1970 ex.s. c 42 § 11; 1969 ex.s. c 223 § 28A.58.550. Prior: 1965 c 62 § 1. Formerly RCW 28A.58.550, 28.58.550.]

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.335.205 Assistive devices—Transfer for benefit of children with disabilities—Record, inventory. Notwithstanding any other provision of law, the office of the superintendent of public instruction, the Washington state school for the blind, the Washington center for deaf and hard of hearing youth, school districts, educational service districts, and all other state or local governmental agencies concerned with education may loan, lease, sell, or transfer assistive devices for the use and benefit of children with disabilities to children with disabilities or their parents or to any other public or private nonprofit agency providing services to or on behalf of individuals with disabilities including but not limited to any agency providing educational, health, or rehabilitation services. The notice requirement in RCW 28A.335.180 does not apply to the loan, lease, sale, or transfer of such assistive devices. The sale or transfer of such devices is authorized under this section regardless of whether or not the devices have been declared surplus. The sale or transfer shall be recorded in an agreement between the parties and based upon the item's depreciated value.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

For the purpose of implementing this section, each educational agency shall establish and maintain an inventory of assistive technology devices in its possession that exceed one hundred dollars and, for each such device, shall establish a value, which shall be adjusted annually to reflect depreciation.

This section shall not enhance or diminish the obligation of school districts to provide assistive technology to children with disabilities where needed to achieve a free and appropriate public education and equal opportunity in accessing academic and extracurricular activities. [2019 c 266 § 18; 2009 c 381 § 28; 1997 c 104 § 2.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

28A.335.210 Purchase of works of art—Procedure. The superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission

(2021 Ed.)

in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

- (1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;
- (2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;
- (3) Reject the results of the selection process;
- (4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors' association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section. [2006 c 263 § 327; 2005 c 36 § 1; 1983 c 204 § 7; 1982 c 191 § 2; 1974 ex.s. c 176 § 5. Formerly RCW 28A.58.055.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Acquisition of works of art for public buildings and lands—Visual arts program established: RCW 43.46.090.

Allocation of moneys for acquisition of works of art—Expenditure by arts commission—Conditions: RCW 43.17.200.

Purchase of works of art—Interagency reimbursement for expenditure by visual arts program: RCW 43.17.205.

State art collection: RCW 43.46.095.

Additional notes found at www.leg.wa.gov

28A.335.220 Eminent domain. The board of directors of any school district may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more than forty acres for any senior high school purpose; except as otherwise provided by law, not more than seventy-five acres for any vocational technical school purpose; and not more than fifteen acres for any other school district purpose. Such condemnation proceedings shall be in accordance with chapters 8.16 and 8.25 RCW and such other laws of this state providing for appropriating private property for public use by school districts. [1969 ex.s. c 223 § 28A.58.070. Prior: 1963 c 41 § 1; 1957 c 155 §

1; 1949 c 54 § 1; 1909 c 97 p 289 § 13; Rem. Supp. 1949 § 4788. Formerly RCW 28A.58.070, 28.58.070.]

28A.335.230 Vacant school plant facilities—Lease by contiguous district—Eligibility for funding assistance. School districts shall be required to lease for a reasonable fee vacant school plant facilities from a contiguous school district wherever possible.

No school district with unhoused students may be eligible for state funding assistance for the construction of school plant facilities if:

(1) The school district contiguous to the school district applying for the state funding assistance percentage has vacant school plant facilities;

(2) The superintendent of public instruction has determined the vacant school plant facilities available in the contiguous district will fulfill the needs of the applicant district in housing unhoused students. In determining whether the contiguous district school plant facilities meet the needs of the applicant district, consideration shall be given, but not limited to the geographic location of the vacant facilities as they relate to the applicant district; and

(3) A lease of the vacant school plant facilities can be negotiated. [2009 c 129 § 2; 2006 c 263 § 328; 1987 c 112 § 1. Formerly RCW 28A.47.105.]

Intent—2009 c 129: "The intent of this act is to adopt more accurate and descriptive names for the components of the state funding formula for the allotment of appropriations for school plant facilities, as recommended by the joint legislative task force on school construction funding, to promote clarity and transparency in the funding formula. It is not the intent of this act to make substantive changes to the funding formula or policies." [2009 c 129 § 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Surplus school property: RCW 28A.335.040 through 28A.335.080.

28A.335.240 Schoolhouses, teachers' cottages—Purchase of realty for district purposes. (1) The board of directors of a second-class school district shall build schoolhouses and teachers' cottages when directed by a vote of the district to do so and may purchase real property for any school district purpose.

(2) The board of directors of a second-class nonhigh school district that is totally surrounded by water and serves fewer than forty students also may authorize the construction of teachers' cottages without a vote of the district using funds from the district's capital projects fund or general fund. Rental and other income from the cottages, including sale of the cottages, may be deposited, in whole or in part, into the school district's general fund, debt service fund, or capital projects fund as determined by the board of directors. [2004 c 6 § 1; 1969 ex.s. c 223 § 28A.60.181. Prior: 1963 c 61 § 1; 1959 c 169 § 1. Formerly RCW 28A.60.181, 28.63.181.]

Borrowing money, issuing bonds, for schoolhouse sites, playgrounds, erecting buildings and equipping same: RCW 28A.530.010.

Real property—Sale—Purchase to relocate and sell buildings: RCW 28A.335.120.

28A.335.250 School property used for public purposes. School boards in each district of the second class may provide for the free, comfortable and convenient use of the school property to promote and facilitate frequent meetings

and association of the people in discussion, study, improvement, recreation and other community purposes, and may acquire, assemble and house material for the dissemination of information of use and interest to the farm, the home and the community, and facilities for experiment and study, especially in matters pertaining to the growing of crops, the improvement and handling of livestock, the marketing of farm products, the planning and construction of farm buildings, the subjects of household economies, home industries, good roads, and community vocations and industries; and may call meetings for the consideration and discussion of any such matters, employ a special supervisor, or leader, if need be, and provide suitable dwellings and accommodations for teachers, supervisors and necessary assistants. [1975 c 43 § 16; 1969 ex.s. c 223 § 28A.60.190. Prior: 1913 c 129 § 1; RRS § 4837. Formerly RCW 28A.60.190, 28.63.190.]

Additional notes found at www.leg.wa.gov

28A.335.260 School property used for public purposes—Community buildings. Each school district of the second class, by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to reconstruct, remodel, or build schoolhouses, and to erect, purchase, lease or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in RCW 28A.335.250. [1990 c 33 § 363; 1975 c 43 § 17; 1969 ex.s. c 223 § 28A.60.200. Prior: 1913 c 129 § 2; RRS § 4838. Formerly RCW 28A.60.200, 28.63.200.]

Additional notes found at www.leg.wa.gov

28A.335.270 School property used for public purposes—Special state commission to pass on plans. Plans of any second-class district or combination of districts for the carrying out of the powers granted by RCW 28A.335.250 through 28A.335.280 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the educational service district superintendent; these to choose one member from such county in which the facilities are proposed to be located, and two members, from the district or districts concerned. [1990 c 33 § 364; 1975-'76 2nd ex.s. c 15 § 12. Prior: 1975 1st ex.s. c 275 § 121; 1975 c 43 § 18; 1973 1st ex.s. c 154 § 46; 1971 c 48 § 37; 1969 ex.s. c 223 § 28A.60.210; prior: 1913 c 129 § 3; RRS § 4839. Formerly RCW 28A.60.210, 28.63.210.]

Additional notes found at www.leg.wa.gov

28A.335.280 School property used for public purposes—Limit on expenditures. No real or personal property or improvements shall be purchased, leased, exchanged, acquired or sold, nor any schoolhouses built, remodeled or removed, nor any indebtedness incurred or money expended for any of the purposes of RCW 28A.335.250 through 28A.335.280 except in the manner otherwise provided by law for the purchase, lease, exchange, acquisition and sale of school property, the building, remodeling and removing of

schoolhouses and the incurring of indebtedness and expenditure of money for school purposes. [1990 c 33 § 365; 1969 ex.s. c 223 § 28A.60.220. Prior: 1913 c 129 § 4; RRS § 4840. Formerly RCW 28A.60.220, 28.63.220.]

28A.335.290 Housing for superintendent—Authorized—Limitation. Notwithstanding any other provision of law, any second-class school district with an enrollment of three hundred students or less may provide housing for the superintendent of the school district, or any person acting in the capacity of superintendent, by such means and with such moneys as the school district shall determine: PROVIDED, That any second-class school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That if such housing is exempt from real property taxation by virtue of school district ownership, the school district shall charge for such housing, rent at least equal to the amount of real property tax for which such housing would be liable were it not so owned. [1984 c 40 § 10; 1975 1st ex.s. c 41 § 1. Formerly RCW 28A.60.350.]

Additional notes found at www.leg.wa.gov

28A.335.300 Playground matting. Every school board of directors shall consider the purchase of playground matting manufactured from shredded waste tires in undertaking construction or maintenance of playgrounds. The department of enterprise services shall upon request assist in the development of product specifications and vendor identification. [2015 c 225 § 27; 1991 c 297 § 18.]

28A.335.320 Enhanced 911 service—Common and public school service required. By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, all common and public schools located in counties that provide enhanced 911 service shall provide persons using school facilities direct access to telephones that are connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing and planned county enhanced 911 system during all times that the facility is in use. Any school district acquiring a private telecommunications system that allows connection to the public switched network after January 1, 1997, shall assure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing or planned county enhanced 911 system. [1995 c 243 § 4.]

Findings—Severability—1995 c 243: See notes following RCW 80.36.555.

28A.335.330 Chapter not applicable to certain transfers of property. This chapter does not apply to transfers of property under *sections 1 and 2 of this act. [2006 c 35 § 6.]

***Reviser's note:** The reference to "sections 1 and 2 of this act" appears to be erroneous. Reference to "sections 2 and 3 of this act" codified as RCW 43.99C.070 and 43.83D.120 was apparently intended. RCW 43.99C.070 and 43.83D.120 were recodified as RCW 43.83.400 and 43.83.410, respectively, by the code reviser September 2015.

(2021 Ed.)

Findings—2006 c 35: See note following RCW 43.83.400.

28A.335.340 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 27.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.340 RCW

SMALL HIGH SCHOOL COOPERATIVE PROJECTS

Sections

- 28A.340.010 Increased curriculum programs and opportunities.
- 28A.340.020 Eligibility—Participation.
- 28A.340.030 Application—Review by the superintendent of public instruction.
- 28A.340.040 Adoption of salary schedules—Computation of fringe benefits.
- 28A.340.060 Rules.
- 28A.340.070 Allocation of state funds for technical assistance—Contracting with agencies for technical assistance.
- 28A.340.080 Innovation academy cooperatives—Formation—Student enrollment.
- 28A.340.085 Innovation academy cooperatives—Characteristics—Cooperation with institutions of higher education.
- 28A.340.090 Innovation academy cooperatives—Review and approval of agreement and plans by the office of the superintendent of public instruction.
- 28A.340.100 Condensed compliance reports—Second-class districts.

28A.340.010 Increased curriculum programs and opportunities. Eligible school districts as defined under RCW 28A.340.020 are encouraged to establish cooperative projects with a primary purpose to increase curriculum programs and opportunities among the participating districts, by expanding the opportunity for students in the participating districts to take vocational and academic courses as may be generally more available in larger school districts, and to enhance student learning. [1990 c 33 § 366; 1988 c 268 § 2. Formerly RCW 28A.100.080.]

Findings—1988 c 268: "The legislature finds that partnerships among school districts can: Increase curriculum offerings for students, encourage creative educational programming and staffing, and result in the cost-effective delivery of educational programs. It is the intent of the legislature to establish a program to facilitate and encourage such partnerships among small school districts." [1988 c 268 § 1.]

Additional notes found at www.leg.wa.gov

28A.340.020 Eligibility—Participation. School districts eligible for funding as a small high school district pursuant to the state operating appropriations act shall be eligible to participate in a cooperative project: PROVIDED, That the superintendent of public instruction may adopt rules permitting second-class school districts that are not eligible for funding as a small high school district in the state operating appropriations act to participate in a cooperative project.

Two or more school districts may participate in a cooperative project pursuant to RCW 28A.340.020 through 28A.340.070. [1990 c 33 § 367; 1988 c 268 § 3. Formerly RCW 28A.100.082.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.030 Application—Review by the superintendent of public instruction. (1) Eligible school districts desiring to form a cooperative project pursuant to RCW 28A.340.020 through 28A.340.070 shall submit to the superintendent of public instruction an application for review as a cooperative project. The application shall include, but not be limited to, the following information:

(a) A description of the cooperative project, including the programs, services, and administrative activities that will be operated jointly;

(b) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the proposed cooperative project;

(c) A list of any statutory requirements or administrative rules which are considered financial disincentives to the establishment of cooperative projects and which would impede the operation of the proposed cooperative project; and the financial impact to the school districts and the state expected to result by the granting of a waiver from such statutory requirements or administrative rules;

(d) An assessment of community support for the proposed cooperative project, which assessment shall include each community affected by the proposed cooperative project; and

(e) A plan for evaluating the educational and cost-effectiveness of the proposed cooperative project, including curriculum offerings and staffing patterns.

(2) The superintendent of public instruction shall review the application before the applicant school districts may commence the proposed cooperative project.

In reviewing applications, the superintendent shall be limited to: (a) The granting of waivers from statutory requirements, for which the superintendent of public instruction has the express power to implement pursuant to the adoption of rules, or administrative rules that need to be waived in order for the proposed cooperative project to be implemented: PROVIDED, That no statutory requirement or administrative rule dealing with health, safety, or civil rights may be waived; and (b) ensuring the technical accuracy of the application.

Any waiver granted by the superintendent of public instruction shall be reviewed and may be renewed by the superintendent every five years subject to the participating districts submitting a new application pursuant to this section.

(3) If additional eligible school districts wish to participate in an existing cooperative project the cooperative project as a whole shall reapply for review by the superintendent of public instruction. [1990 c 33 § 368; 1988 c 268 § 4. Formerly RCW 28A.100.084.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.040 Adoption of salary schedules—Computation of fringe benefits. (1) School districts participating in a cooperative project pursuant to RCW 28A.340.030 may adopt identical salary schedules following compliance with chapter 41.59 RCW: PROVIDED, That if the districts participating in a cooperative project adopt identical salary schedules, the participating districts shall be considered a single school district for purposes of establishing compliance with

the salary limitations of RCW 28A.400.200(3) but not for the purposes of allocation of state funds.

(2) For purposes of computing fringe benefit contributions for purposes of establishing compliance with RCW 28A.400.200(3)(b), the districts participating in a cooperative project pursuant to RCW 28A.340.030 may use the greater of: (a) The highest amount provided in the 1986-87 school year by a district participating in the cooperative project; or (b) the amount authorized for such purposes in the state operating appropriations act in effect at the time. [1990 c 33 § 369; 1988 c 268 § 5. Formerly RCW 28A.100.086.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.060 Rules. (1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of RCW 28A.340.010 through 28A.340.070.

(2) When the joint operation of programs or services includes the teaching of all or substantially all of the curriculum for a particular grade or grades in only one local school district, the rules shall provide that the affected students are attending school in the district in which they reside for the purposes of RCW 28A.150.250 and 28A.150.260 and chapter 28A.545 RCW. [1990 c 33 § 371; 1988 c 268 § 8. Formerly RCW 28A.100.090.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.070 Allocation of state funds for technical assistance—Contracting with agencies for technical assistance. (1) The superintendent of public instruction may allocate state funds, as may be appropriated, to provide technical assistance to eligible school districts interested in developing and implementing a cooperative project.

(2) The superintendent of public instruction may contract with other agencies to provide some or all of the technical assistance under subsection (1) of this section. [1988 c 268 § 9. Formerly RCW 28A.100.092.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.080 Innovation academy cooperatives—Formation—Student enrollment. (1) Two or more non-high school districts may form an interdistrict cooperative to offer an innovation academy cooperative, as defined in RCW 28A.340.085 and subject to the approval of the office of the superintendent of public instruction under RCW 28A.340.090, for high school students residing in the participating nonhigh school districts or for high school students residing in other school districts who enroll in the cooperative's reporting district under RCW 28A.225.220 through 28A.225.230. However, a high school student residing in a school district that is not a participating member of the cooperative may not enroll exclusively in alternative learning experience courses or programs as defined by *RCW 28A.150.325. Nothing in this section is intended to affect or otherwise modify the superintendent of public instruction's duty to approve and monitor online providers pursuant to RCW 28A.250.020.

(2) Enrollment in an innovation academy cooperative is optional for students. For students residing in a participating nonhigh school district who enroll in a high school district rather than the innovation academy cooperative, the provisions of RCW 28A.540.110 and chapter 28A.545 RCW apply to the nonhigh school district.

(3) Each innovation academy cooperative shall designate one of the participating nonhigh school districts to report enrolled students for funding purposes. The reporting district shall claim the monthly full-time equivalent students enrolled in the innovation academy cooperative and receive state funding allocations, including basic education allocations that are based on the small high school allocation under the appropriations act to the extent the number of students enrolled in the innovation academy cooperative meets the criteria for a small high school. [2013 c 192 § 1; 2010 c 99 § 2.]

***Reviser's note:** RCW 28A.150.325 was recodified as RCW 28A.232.010 pursuant to 2013 2nd sp.s. c 18 § 517.

Findings—Intent—2010 c 99: "The legislature finds that the availability of technology, online learning, and field and project-based curricula offer new opportunities for school districts to design innovative programs for high school students. However, the legislature also finds that while small, rural school districts desire to offer innovative learning options for students in their communities, they are constrained by state laws and rules that appear to prohibit nonhigh school districts from creating options for their high school students in cooperation with other nonhigh school districts. Therefore, the legislature intends to authorize and encourage innovative, cooperative high school programs for students from very small school districts." [2010 c 99 § 1.]

28A.340.085 Innovation academy cooperatives—Characteristics—Cooperation with institutions of higher education. (1) For the purposes of RCW 28A.340.080 through 28A.340.090, an innovation academy cooperative is a high school program with one or more of the following characteristics:

(a) Interdisciplinary curriculum and instruction organized into subject-focused themes or academies. Programs are encouraged to provide an initial focus on academies in science, technology, engineering, and mathematics;

(b) A combination of instructional service delivery models, including alternative learning experiences, online learning, work-based learning, experiential and field-based learning, and direct classroom instruction at multiple and varying locations;

(c) Intensive and accelerated learning to enable students to complete high school credits in a short time period; and

(d) Creative scheduling and use of existing school or community facilities in innovative ways to minimize facility and transportation costs and maximize access for students who may be geographically dispersed.

(2) Participating nonhigh school districts shall work with local community and technical colleges and four-year institutions of higher education to expand the learning options available for students in an innovation academy cooperative. [2010 c 99 § 3.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

28A.340.090 Innovation academy cooperatives—Review and approval of agreement and plans by the office of the superintendent of public instruction. Nonhigh school districts proposing to enter an interdistrict agreement to offer an innovation academy cooperative shall submit a

copy of the proposed agreement and operating and instructional plans for the cooperative to the office of the superintendent of public instruction for technical review. The purpose of the review is for the office to provide technical assistance and advice to assure that the cooperative addresses issues identified under RCW 28A.225.250 and to assure that the proposed instructional program will offer courses and learning experiences that enable students to earn high school credit and complete a high school diploma. The office of the superintendent of public instruction must approve agreements and plans before an innovation academy cooperative begins operation. [2010 c 99 § 4.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

28A.340.100 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 28.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.343 RCW SCHOOL DIRECTOR DISTRICTS

Sections

28A.343.010	Director candidates in undivided districts—Indication of term sought—How elected.
28A.343.020	Certain school districts—Election for formation of new school district.
28A.343.030	Certain school districts—Election to authorize division in school districts not already divided into directors' districts.
28A.343.040	Division or redivision of district into director districts.
28A.343.050	Dissolution of directors' districts.
28A.343.060	District boundary changes—Submission to county auditor.
28A.343.070	Map of directors' districts.
28A.343.080	Condensed compliance reports—Second-class districts.
28A.343.090	Voluntary change to electoral system.
28A.343.100	Governance training program.

ELECTIONS

28A.343.300	Directors—Terms—Number.
28A.343.310	Terms for directors in divided districts.
28A.343.320	Declarations of candidacy—Positions as separate offices.
28A.343.330	Ballots—Form.
28A.343.340	When elected—Eligibility.
28A.343.350	Residency.
28A.343.360	Oath of office.
28A.343.370	Vacancies.
28A.343.380	Meetings.
28A.343.390	Quorum—Failure to attend meetings.
28A.343.400	Compensation—Waiver.

PROVISIONS RELATING TO CERTAIN DISTRICTS

28A.343.600	Certain first-class districts—Staggered terms.
28A.343.610	First-class districts having city with population of 400,000 people or more—Directors' terms.
28A.343.620	First-class districts containing no former first-class district—Number and terms of directors.
28A.343.630	First-class districts containing only one former first-class district—Number and terms of directors.
28A.343.640	First-class districts containing more than one former first-class district—Number and terms of directors.
28A.343.650	New first-class district having city with population of 400,000 people or more—Number and terms of directors.
28A.343.660	First-class districts having city with population of 400,000 people or more—Boundaries of director districts—Candidate eligibility—Declaration of candidacy—Primary limited to district voters—Terms of directors.
28A.343.670	First-class districts having city with population of 400,000 people or more—Initial director district boundaries—Appointments to fill vacancies for new director districts—Director district numbers.

28A.343.680 New second-class districts—Number and terms of directors.

Reviser's note: 1999 c 315 §§ 804, 805, and 806 directed that numerous sections in chapter 28A.315 RCW be recodified in three new chapters in Title 28A RCW. These sections have been recodified in chapter 28A.343 RCW with subheadings.

28A.343.010 Director candidates in undivided districts—Indication of term sought—How elected. Whenever the directors to be elected in a school district that is not divided into directors' districts are not all to be elected for the same term of years, the county auditor shall distinguish them and designate the same as provided for in RCW 29A.24.020, and assign position numbers thereto as provided in RCW 28A.343.320 and each candidate shall indicate on his or her declaration of candidacy the term for which he or she seeks to be elected and position number for which he or she is filing. The candidate receiving the largest number of votes for each position shall be deemed elected. [2015 c 53 § 9; 1990 c 33 § 317; 1969 ex.s. c 223 § 28A.57.334. Prior: 1959 c 268 § 12. Formerly RCW 28A.315.560, 28A.57.334, 28.57.420.]

28A.343.020 Certain school districts—Election for formation of new school district. Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the board of directors to divide the school district, if formed, into five directors' districts in first-class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second-class school districts. Such director districts in second-class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in *RCW 28A.315.550. Such director districts in first-class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in *RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district. [1991 c 363 § 22; 1991 c 288 § 3. Prior: 1990 c 161 § 5; 1990 c 33 § 319; 1985 c 385 § 27; 1979 ex.s. c 183 § 2; 1975 c 43 § 8; 1973 2nd ex.s. c 21 § 2; 1971 c 67 § 2; 1969 ex.s. c 223 § 28A.57.342; prior: 1959 c 268 § 4. Formerly RCW 28A.315.580, 28A.57.342, 28.57.342.]

Reviser's note: *(1) RCW 28A.315.550, 28A.315.600, 28A.315.610, and 28A.315.620 were recodified as RCW 28A.343.680, 28A.343.620, 28A.343.630, and 28A.343.640, respectively, pursuant to 1999 c 315 § 805.

(2) This section was amended by 1991 c 288 § 3 and by 1991 c 363 § 22, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Additional notes found at www.leg.wa.gov

28A.343.030 Certain school districts—Election to authorize division in school districts not already divided into directors' districts. The board of directors of every first-class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the board of directors to divide the district into directors' districts or for second-class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition is affirmative, the board of directors shall proceed to divide the district into directors' districts following the procedure established in RCW 29A.76.010. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years. [2015 c 53 § 10. Prior: 1991 c 363 § 23; 1991 c 288 § 4; 1990 c 161 § 6; 1985 c 385 § 28; 1979 ex.s. c 183 § 3; 1975 c 43 § 9; 1973 2nd ex.s. c 21 § 3; 1971 c 67 § 8; 1969 ex.s. c 223 § 28A.57.344; prior: 1959 c 268 § 3. Formerly RCW 28A.315.590, 28A.57.344, 28.57.344.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Additional notes found at www.leg.wa.gov

28A.343.040 Division or redivision of district into director districts. (1) It is the responsibility of each school district board of directors to prepare for the division or redivision of the district into director districts no later than eight months after any of the following:

(a) Receipt of federal decennial census data from the redistricting commission established in RCW 44.05.030;

(b) Consolidation of two or more districts into one district under RCW 28A.315.195;

(c) Transfer of territory to or from the district or dissolution and annexation of a district under RCW 28A.315.215; or

(d) Approval by a majority of the registered voters voting on a proposition authorizing the division of the district into director districts pursuant to RCW 28A.343.030.

(2) The districting or redistricting plan shall be consistent with the criteria and adopted according to the procedure established under RCW 29A.76.010. [2012 c 186 § 16; 1991 c 288 § 1. Formerly RCW 28A.315.593.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

28A.343.050 Dissolution of directors' districts. Upon receipt by the educational service district superintendent of a resolution adopted by the board of directors or a written petition from a first-class or second-class school district signed by at least twenty percent of the registered voters of a school district previously divided into directors' districts, which res-

olution or petition shall request dissolution of the existing directors' districts and reapportionment of the district into no fewer than three directors' districts and with no more than two directors at large, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected in the manner approved. [2008 c 9 § 1. Prior: 1990 c 161 § 3; 1990 c 33 § 326; 1975-'76 2nd ex.s. c 15 § 9; prior: 1975 1st ex.s. c 275 § 107; 1975 c 43 § 13; 1971 c 48 § 27; 1969 ex.s. c 223 § 28A.57.415. Formerly RCW 28A.315.660, 28A.57.415.]

Additional notes found at www.leg.wa.gov

28A.343.060 District boundary changes—Submission to county auditor. (1) Any district boundary changes, including changes in director district boundaries, shall be submitted to the county auditor by the school district board of directors within thirty days after the changes have been approved by the board. The board shall submit both legal descriptions and maps.

(2) Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years shall not take effect until the following year. [1991 c 288 § 9. Formerly RCW 28A.315.597.]

28A.343.070 Map of directors' districts. Each educational service district superintendent shall prepare and keep in his or her office a map showing the boundaries of the directors' districts of all school districts in or belonging to his or her educational service district that are so divided. [2008 c 159 § 9; 1990 c 33 § 324; 1985 c 385 § 29; 1975 1st ex.s. c 275 § 106; 1969 ex.s. c 176 § 140; 1969 ex.s. c 223 § 28A.57.390. Prior: 1947 c 266 § 38; Rem. Supp. 1947 § 4693-57. Formerly RCW 28A.315.640, 28A.57.390, 28.57.390.]

Additional notes found at www.leg.wa.gov

28A.343.080 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 29.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.343.090 Voluntary change to electoral system. The school board of directors may authorize a change to its electoral system pursuant to RCW 29A.92.040. Any staggering of directors' terms shall be accomplished as provided in RCW 28A.343.030 and 28A.343.600 through 28A.343.650. [2018 c 113 § 203.]

Findings—Intent—Short title—2018 c 113: See RCW 29A.92.005 and 29A.92.900.

(2021 Ed.)

28A.343.100 Governance training program. (1) Except as provided otherwise by this subsection (1), beginning with the 2022 calendar year, each member of a board of directors shall complete a governance training program once per term of elected office. If the director is appointed or elected to a first term of office, the director must complete a governance training required by this subsection (1) within two years of appointment or certification of the election in which they were elected.

(2) Governance training programs completed by directors in accordance with subsection (1) of this section must be aligned with the cultural competency, diversity, equity, and inclusion standards for school director governance developed under RCW 28A.345.115 and provided by the Washington state school directors' association.

(3) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in RCW 28A.415.443. [2021 c 197 § 7.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

ELECTIONS

28A.343.300 Directors—Terms—Number. The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29A.04.340, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members. [2009 c 107 § 1; 1991 c 363 § 20; 1980 c 35 § 1; 1980 c 47 § 1. Prior: 1979 ex.s. c 183 § 1; 1979 ex.s. c 126 § 4; 1975 c 43 § 5; 1973 2nd ex.s. c 21 § 1; 1969 c 131 § 8; 1969 ex.s. c 223 § 28A.57.312; prior: 1957 c 67 § 1; 1955 c 55 § 11; 1947 c 266 § 10; Rem. Supp. 1947 § 4693-29; prior: 1909 pp 289, 290 §§ 1,2; RRS §§ 4790, 4791. Formerly RCW 28A.315.450, 28A.57.312, 28.57.338, 28.58.080.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.310 Terms for directors in divided districts. Whenever all directors to be elected in a school district that is divided into directors' districts are not all to be elected for the same term of years, the county auditor, prior to the date set by law for filing a declaration of candidacy for the office of director, shall determine by lot the directors' districts from which directors shall be elected for a term of two years and

the directors' districts from which directors shall be elected for a term of four years. In districts with a combination of directors' districts and directors at large, the county auditor shall determine the terms of office in such a manner that two-year terms and four-year terms are distributed evenly to the extent possible between the director district and at large positions. Each candidate shall indicate on his or her declaration of candidacy the directors' district from which he or she seeks to be elected or whether the candidate is seeking election as a director at large. [1990 c 161 § 7; 1990 c 33 § 325; 1969 ex.s. c 223 § 28A.57.410. Prior: 1959 c 268 § 11. Formerly RCW 28A.315.650, 28A.57.410, 28.57.410.]

Reviser's note: This section was amended by 1990 c 33 § 325 and by 1990 c 161 § 7, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

28A.343.320 Declarations of candidacy—Positions as separate offices. Candidates for the position of school director shall file their declarations of candidacy as provided in Title 29A RCW.

The positions of school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated: PROVIDED, That in school districts containing director districts, or a combination of director districts and director at large positions, candidates shall file for such director districts or at large positions. Position numbers shall be assigned to correspond to director district numbers to the extent possible. [2015 c 53 § 11. Prior: 1990 c 161 § 4; 1990 c 59 § 98; 1969 ex.s. c 223 § 28A.57.314; prior: 1963 c 223 § 1. Formerly RCW 28A.315.470, 28A.57.314, 28.58.082.]

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Commencement of terms of office: RCW 29A.04.330, 29A.60.270.

Nonpartisan primaries and elections: Chapter 29A.52 RCW.

School district elections

in counties with a population of less than two hundred ten thousand, times for holding: RCW 29A.04.330.

in counties with a population of two hundred ten thousand or more, times for holding: RCW 29A.04.330.

Terms of office: RCW 29A.04.330, 29A.60.270.

28A.343.330 Ballots—Form. Except as provided in RCW 29A.52.210, the positions of school directors and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

District No.

Date

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

School District Directors
Position No. 1
Vote for One

-
-
-

Position No. 2
Vote for One

-
-
-

To Fill Unexpired Term
Position No. 3
2 (or 4) year term
Vote for One

-
-
-

The names of candidates shall appear upon the ballot in order of filing for each position. There shall be no rotation of names in the printing of such ballots. [2015 c 53 § 12; 1969 ex.s. c 223 § 28A.57.316. Prior: 1963 c 223 § 2. Formerly RCW 28A.315.480, 28A.57.316, 28.58.083.]

28A.343.340 When elected—Eligibility. Directors of school districts shall be elected at regular school elections. No person shall be eligible to the office of school director who is not a citizen of the United States and the state of Washington and a registered voter of either the school district or director district, as the case may be. [1969 ex.s. c 223 § 28A.57.318. Prior: 1909 c 97 p 285 § 1; RRS § 4775; prior: 1903 c 104 § 16; 1901 c 41 § 2; 1899 c 142 § 7; 1897 c 118 § 39; 1893 c 107 § 2; 1890 p 364 § 25. Formerly RCW 28A.315.490, 28A.57.318, 28.58.090.]

28A.343.350 Residency. Notwithstanding RCW 42.12.010(4), a school director elected from a director district may continue to serve as a director from the district even though the director no longer resides in the director district, but continues to reside in the school district, under the following conditions:

(1) If, as a result of redrawing the director district boundaries, the director no longer resides in the director district, the director shall retain his or her position for the remainder of his or her term of office; and

(2) If, as a result of the director changing his or her place of residence the director no longer resides in the director district, the director shall retain his or her position until a successor is elected and assumes office as follows: (a) If the change in residency occurs after the opening of the regular filing period provided under RCW 29A.24.050, in the year two years after the director was elected to office, the director shall remain in office for the remainder of his or her term of office; or (b) if the change in residency occurs prior to the opening of the regular filing period provided under RCW 29A.24.050, in the year two years after the director was elected to office, the director shall remain in office until a successor assumes office who has been elected to serve the remainder of the unexpired term of office at the school district general election held in that year. [2015 c 53 § 13; 1999 c 194 § 1.]

28A.343.360 Oath of office. Every person elected or appointed to the office of school director, before entering

upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of his or her ability. In case any official has a written appointment or commission, the official's oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the county auditor. Every person elected to the office of school director shall begin his or her term of office at the first official meeting of the board of directors following certification of the election results. [1990 c 33 § 314; 1988 c 187 § 1; 1986 c 167 § 16; 1969 ex.s. c 223 § 28A.57.322. Prior: 1909 c 97 p 288 § 11; RRS § 4786; prior: 1897 c 118 § 61; 1890 p 380 § 70. Formerly RCW 28A.315.500, 28A.57.322, 28.58.095, 28.63.015, 28.63.017, 42.04.030.]

Additional notes found at www.leg.wa.gov

28A.343.370 Vacancies. (1) In case of a vacancy from any cause on the board of directors of a school district other than a reconstituted board resulting from reorganized school districts, a majority of the legally established number of board members shall fill such vacancy by appointment: PROVIDED, That should there exist fewer board members on the board of directors of a school district than constitutes a majority of the legally established number of board members, the educational service district board members of the district in which the school district is located by the vote of a majority of its legally established number of board members shall appoint a sufficient number of board members to constitute a legal majority on the board of directors of such school district; and the remaining vacancies on such board of directors shall be filled by such board of directors in accordance with the provisions of this section: PROVIDED FURTHER, That should any board of directors for whatever reason fail to fill a vacancy within ninety days from the creation of such vacancy, the members of the educational service district board of the district in which the school district is located by majority vote shall fill such vacancy.

(2) Appointees to fill vacancies on boards of directors of school districts shall meet the requirements provided by law for school directors and shall serve until the next regular school district election, at which time a successor shall be elected for the unexpired term.

(3) If a vacancy will be created by a board member who has submitted a resignation, that board member may not vote on the selection of his or her replacement. [1991 c 60 § 1; 1975 1st ex.s. c 275 § 100; 1971 c 53 § 2; 1969 ex.s. c 176 § 156; 1969 ex.s. c 223 § 28A.57.326. Prior: (i) 1909 c 97 p 292 § 12; RRS 4801; prior: 1907 c 31 § 3; 1897 c 118 § 89; 1890 p 390 § 16. Formerly RCW 28.62.120. (ii) 1909 c 97 p 298 § 3; RRS § 4813. Formerly RCW 28.63.020. (iii) 1909 c 97 p 301 § 3; RRS § 4825. Formerly RCW 28.63.022. (iv) 1959 c 216 § 7, part; 1955 c 157 § 14, part; prior: 1909 p 281 § 4, part; 1903 c 104 § 14, part; 1899 c 142 § 6, part; 1897 c 118 § 33, part; 1891 c 127 § 3, part; 1890 p 355 § 11, part; RRS § 4770, part. Formerly RCW 28A.315.530, 28A.57.326, 28.19.060, part.]

(2021 Ed.)

Additional notes found at www.leg.wa.gov

28A.343.380 Meetings. Regular meetings of the board of directors of any school district shall be held monthly or more often at such a time as the board of directors by resolution shall determine or the bylaws of the board may prescribe. Special or deferred meetings may be held from time to time as circumstances may demand, at the call of the president, if a first-class district, or the chair of the board, if a second-class district, or on petition of a majority of the members of the board. All meetings shall be open to the public unless the board shall otherwise order an executive session as provided in RCW 42.30.110. [1990 c 33 § 315; 1983 c 3 § 35; 1975 c 43 § 6; 1969 ex.s. c 223 § 28A.57.324. Prior: (i) 1909 c 97 p 291 § 9; RRS § 4798; prior: 1897 c 118 § 86; 1890 p 389 § 13. Formerly RCW 28.62.090. (ii) 1965 ex.s. c 87 § 1; 1909 c 97 p 299 § 6; RRS § 4816. Formerly RCW 28.63.030. (iii) 1965 ex.s. c 87 § 2; 1909 c 97 p 302 § 6; RRS § 4828. Formerly RCW 28A.315.510, 28A.57.324, 28.63.032.]

Additional notes found at www.leg.wa.gov

28A.343.390 Quorum—Failure to attend meetings. A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall be sufficient cause for the remaining members of the board to declare by resolution that such board member position is vacated. In addition, vacancies shall occur as provided in RCW 42.12.010. [1994 c 223 § 5; 1971 c 53 § 4. Formerly RCW 28A.315.520, 28A.57.325.]

Additional notes found at www.leg.wa.gov

28A.343.400 Compensation—Waiver. Each member of the board of directors of a school district may receive compensation of fifty dollars per day or portion thereof for attending board meetings and for performing other services on behalf of the school district, not to exceed four thousand eight hundred dollars per year, if the district board of directors has authorized by board resolution, at a regularly scheduled meeting, the provision of such compensation. A board of directors of a school district may authorize such compensation only from locally collected excess levy funds available for that purpose, and compensation for board members shall not cause the state to incur any present or future funding obligation.

Any director may waive all or any portion of his or her compensation under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the director's election and before the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The compensation provided in this section shall be in addition to any reimbursement for expenses paid to such directors by the school district. [1987 c 307 § 2. Formerly RCW 28A.315.540, 28A.57.327.]

Intent—1987 c 307: "The legislature declares it is the policy of the state to:

(1) Ensure, for the sake of educational excellence, that the electorate has the broadest possible field in which to choose qualified candidates for its school boards;

(2) Ensure that the opportunity to serve on school boards be open to all, regardless of financial circumstances; and

(3) Ensure that the time-consuming and demanding service as directors not be limited to those able or willing to make substantial personal and financial sacrifices." [1987 c 307 § 1.]

Additional notes found at www.leg.wa.gov

PROVISIONS RELATING TO CERTAIN DISTRICTS

28A.343.600 Certain first-class districts—Staggered terms. Any first-class school district having a board of directors of five members as provided in RCW 28A.343.300 and which elects directors for a term of six years under the provisions of RCW 29A.04.340 shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held hereafter and, except as provided in RCW 28A.343.670, any first-class school district having a board of directors of seven members as provided in RCW 28A.343.300 shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter. [2009 c 107 § 2; 1990 c 33 § 318; 1969 c 131 § 11; 1969 ex.s. c 223 § 28A.57.336. Prior: 1959 c 268 § 13. Formerly RCW 28A.315.570, 28A.57.336, 28.57.430.]

Additional notes found at www.leg.wa.gov

28A.343.610 First-class districts having city with population of 400,000 people or more—Directors' terms. After July 1, 1979, the election of directors of any first-class school district having within its boundaries a city with a population of four hundred thousand people or more, shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in chapter 183, Laws of 1979 ex. sess. shall affect the term of office of any incumbent director of any such first-class school district. [1991 c 363 § 21; 1979 ex.s. c 183 § 10. Formerly RCW 28A.315.460, 28A.57.313.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Directors—Number and terms of in new first-class district having city with population of 400,000 people or more: RCW 28A.343.650.

Additional notes found at www.leg.wa.gov

28A.343.620 First-class districts containing no former first-class district—Number and terms of directors. Upon the establishment of a new school district of the first class as provided for in *RCW 28A.315.580 containing no former first-class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

[Title 28A RCW—page 264]

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first-class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first-class district is in a county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years. [1991 c 363 § 24; 1990 c 33 § 320; 1980 c 35 § 3; 1979 ex.s. c 126 § 6; 1975 1st ex.s. c 275 § 102; 1971 c 67 § 3. Formerly RCW 28A.315.600, 28A.57.355.]

***Reviser's note:** RCW 28A.315.580 was recodified as RCW 28A.343.020 pursuant to 1999 c 315 § 806.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.630 First-class districts containing only one former first-class district—Number and terms of directors. Upon the establishment of a new school district of the first class as provided for in *RCW 28A.315.580 containing only one former first-class district, the directors of the former first-class district and two directors representative of former second-class districts selected by a majority of the board members of former second-class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first-class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first-class district is in a county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years. [1991 c 363 § 25; 1990 c 33 § 321; 1980 c 35 § 4; 1979 ex.s. c 126 § 7; 1975-'76 2nd ex.s. c 15 § 6. Prior: 1975 1st ex.s. c 275 § 103; 1975 c 43 § 10; 1971 c 67 § 4. Formerly RCW 28A.315.610, 28A.57.356.]

***Reviser's note:** RCW 28A.315.580 was recodified as RCW 28A.343.020 pursuant to 1999 c 315 § 806.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.640 First-class districts containing more than one former first-class district—Number and terms of directors. Upon the establishment of a new school district of the first class as provided for in RCW 28A.343.020 containing more than one former first-class district, the directors of the largest former first-class district and three directors representative of the other former first-class districts selected by a majority of the board members of the former first-class districts and two directors representative of former second-class districts selected by a majority of the board members of former second-class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first-class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29A.04.340, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years. [2009 c 107 § 3; 1991 c 363 § 26; 1990 c 33 § 322; 1980 c 35 § 5; 1980 c 47 § 2. Prior: 1979 ex.s. c 183 § 4; 1979 ex.s. c 126 § 8; 1975-'76 2nd ex.s. c 15 § 7; prior: 1975 1st ex.s. c 275 § 104; 1975 c 43 § 11; 1973 2nd ex.s. c 21 § 10; 1973 c 19 § 1; 1971 c 67 § 5. Formerly RCW 28A.315.620, 28A.57.357.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.650 New first-class district having city with population of 400,000 people or more—Number and terms of directors. Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more, the directors of the largest former first-class district and three directors representative of the other former first-class districts selected by a majority of the board members of the former first-class districts and two directors representative of former second-class districts selected by a majority of the board members of former second-class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first-class districts, until the next regular school election

and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in *RCW 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in *RCW 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law. [1991 c 363 § 27; 1990 c 33 § 323; 1980 c 35 § 6; 1980 c 47 § 3. Prior: 1979 ex.s. c 183 § 5; 1979 ex.s. c 126 § 9; 1975-'76 2nd ex.s. c 15 § 8; prior: 1975 1st ex.s. c 275 § 105; 1975 c 43 § 12; 1973 2nd ex.s. c 21 § 4; 1971 c 67 § 6. Formerly RCW 28A.315.630, 28A.57.358.]

***Reviser's note:** RCW 28A.315.670 and 28A.315.460 were recodified as RCW 28A.343.660 and 28A.343.610, respectively, pursuant to 1999 c 315 § 805.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Directors—First-class districts having city with population of 400,000 people or more—Terms: RCW 28A.343.610.

Additional notes found at www.leg.wa.gov

28A.343.660 First-class districts having city with population of 400,000 people or more—Boundaries of director districts—Candidate eligibility—Declaration of candidacy—Primary limited to district voters—Terms of directors. Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board, such boundaries to be established so that each such district shall comply, as nearly as practicable, with the criteria established in RCW 29A.76.010. Boundaries of such director districts shall be adjusted by the school board following the procedure established in RCW 29A.76.010 after each federal decennial census if population change shows the need thereof to comply with the criteria of RCW 29A.76.010. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29A RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29A RCW. Except as provided in RCW 28A.343.670, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.343.610. [2015 c 53 § 14. Prior: 1991 c 363 § 28; 1991 c 288 §§ 5, 6; prior: 1990 c 59 § 99; 1990 c 33 § 327; 1979

ex.s. c 183 § 6; 1973 2nd ex.s. c 21 § 5; 1969 c 131 § 9. Formerly RCW 28A.315.670, 28A.57.425.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Additional notes found at www.leg.wa.gov

28A.343.670 First-class districts having city with population of 400,000 people or more—Initial director district boundaries—Appointments to fill vacancies for new director districts—Director district numbers. The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more shall establish the director district boundaries. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.660, and this section. If the district is changing its director district boundaries under RCW 29A.92.040 or 29A.92.110, all director positions are subject to election at the next regular election. [2019 c 454 § 3; 2015 c 53 § 15; 1995 c 335 § 106. Prior: 1991 c 363 § 29; 1991 c 288 §§ 7, 8; prior: 1990 c 59 § 72; 1990 c 33 § 328; 1983 c 3 § 36; 1979 ex.s. c 183 § 7; 1973 2nd ex.s. c 21 § 6; 1969 c 131 § 10. Formerly RCW 28A.315.680, 28A.57.435.]

Retroactive application—Effective date—2019 c 454: See notes following RCW 29A.92.050.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Additional notes found at www.leg.wa.gov

28A.343.680 New second-class districts—Number and terms of directors. Upon the establishment of a new school district of the second class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new second-class school district, they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new second-class district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than five in a second-class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and there-

after shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class. Each initial director shall hold office until his or her successor is elected and qualified: PROVIDED, That the election of the successor shall be held during the second district general election after the initial directors have assumed office. At such election, no more than five directors shall be elected either at large or by director districts, as the case may be, for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in *RCW 28A.315.450. [1990 c 33 § 316; 1980 c 35 § 2; 1979 ex.s. c 126 § 5; 1975-'76 2nd ex.s. c 15 § 5. Prior: 1975 1st ex.s. c 275 § 101; 1975 c 43 § 7; 1971 c 67 § 1; 1969 ex.s. c 176 § 137; 1969 ex.s. c 223 § 28A.57.328; prior: 1959 c 268 § 7, part; 1947 c 266 § 24, part; Rem. Supp. 1947 § 4693-43, part. Formerly RCW 28A.315.550, 28A.57.328, 28.57.350, part.]

***Reviser's note:** RCW 28A.315.450 was recodified as RCW 28A.343.300 pursuant to 1999 c 315 § 804.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

Chapter 28A.345 RCW WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION

Sections

28A.345.010	Association created.
28A.345.020	Membership.
28A.345.030	Powers of association.
28A.345.040	Coordination of policies—Report.
28A.345.050	Association dues—Payment.
28A.345.070	Tribal relationships—Achievement gap—Curriculum—Reports to the legislature.
28A.345.075	School districts and tribes—Education data-sharing agreements.
28A.345.080	Model policy and procedure for granting waivers of credit for high school graduation.
28A.345.085	Model policy and procedure for nurturing a positive social and emotional school and classroom climate—Adoption by school districts.
28A.345.090	Model school district discipline policies—Adoption and enforcement by school districts.
28A.345.110	Model policy and procedure for students with epilepsy or other seizure disorders.
28A.345.115	School director governance—Cultural competency, diversity, equity, and inclusion—Report.
28A.345.120	School director governance—Cultural competency, diversity, equity, and inclusion—Training programs.
28A.345.902	Effective date—1983 c 187.

Motor vehicle transportation services—Washington state school directors' association defined as state agency for purposes of: RCW 43.19.560.

28A.345.010 Association created. The public necessity for the coordination of programs and procedures pertaining to policymaking and to control and management among the school districts of the state is hereby recognized, and in the furtherance of such coordination there is hereby created for said purpose an agency of the state to be known as the Washington state school directors' association, hereinafter designated as the school directors' association. [1969 ex.s. c 223 § 28A.61.010. Prior: 1947 c 169 § 1; Rem. Supp. 1947 § 4709-20. Formerly RCW 28A.61.010, 28.58.320.]

28A.345.020 Membership. The membership of the school directors' association shall comprise the members of the boards of directors of the school districts of the state.

[1969 ex.s. c 223 § 28A.61.020. Prior: 1947 c 169 § 2; Rem. Supp. 1947 § 4709-21. Formerly RCW 28A.61.020, 28.58.330.]

28A.345.030 Powers of association. The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules and regulations, and bylaws for its own organization including county or regional units and for its government and guidance: PROVIDED, That action taken with respect thereto is consistent with the provisions of this chapter or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the compensation of members of the board of directors in accordance with RCW 43.03.240, and for payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW 28A.320.050;

(4) To employ an executive director and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration;

(6) To buy, lease, sell, or exchange such personal and real property as necessary for the efficient operation of the association and to borrow money, issue deeds of trust or other evidence of indebtedness, or enter into contracts for the purchase, lease, remodeling, or equipping of office facilities or the acquisition of sites for such facilities;

(7) To purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors;

(8) To provide advice and assistance to local boards to promote their primary duty of representing the public interest;

(9) Upon request by a local school district board(s) of directors, to make available on a cost reimbursable contract basis (a) specialized services, (b) research information, and (c) consultants to advise and assist district board(s) in particular problem areas: PROVIDED, That such services, information, and consultants are not already available from other state agencies, educational service districts, or from the information and research services authorized by RCW 28A.320.110. [1991 c 66 § 1; 1990 c 33 § 372; 1989 c 325 § 1; 1983 c 187 § 1; 1979 c 151 § 13; 1974 ex.s. c 101 § 1; 1969 ex.s. c 184 § 4; 1969 ex.s. c 223 § 28A.61.030. Prior: 1947 c 169 § 3; Rem. Supp. 1947 § 4709-22. Formerly RCW 28A.61.030, 28.58.340.]

Additional notes found at www.leg.wa.gov

28A.345.040 Coordination of policies—Report. It shall be the duty of the school directors' association (1) to take such action as the association deems advisable to effect a coordination of policymaking, control, and management of

the school districts of the state; and (2) to prepare and submit to the superintendent of public instruction annually, and oftener if deemed advisable by the association, reports and recommendations respecting the aforesaid matters and any other matters which in the judgment of the association pertain to an increase in the efficiency of the common school system. [1969 ex.s. c 223 § 28A.61.040. Prior: 1947 c 169 § 4; Rem. Supp. 1947 § 4709-23. Formerly RCW 28A.61.040, 28.58.350.]

28A.345.050 Association dues—Payment. The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-seven cents for each one thousand dollars of the statewide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year. [1983 c 187 § 2; 1969 c 125 § 2; 1969 ex.s. c 223 § 28A.61.050. Prior: 1967 ex.s. c 8 § 76; 1965 c 103 § 1; 1957 c 281 § 1; 1953 c 226 § 1; 1947 c 169 § 5; Rem. Supp. 1947 § 4709-24. Formerly RCW 28A.61.050, 28.58.360.]

28A.345.070 Tribal relationships—Achievement gap—Curriculum—Reports to the legislature. (1) Beginning in 2006, and at least once annually through 2010, the Washington state school directors' association is encouraged to convene regional meetings and invite the tribal councils from the region for the purpose of establishing government-to-government relationships and dialogue between tribal councils and school district boards of directors. Participants in these meetings should discuss issues of mutual concern, and should work to:

(a) Identify the extent and nature of the achievement gap and strategies necessary to close it;

(b) Increase mutual awareness and understanding of the importance of accurate, high quality curriculum materials about the history, culture, and government of local tribes; and

(c) Encourage school boards to identify and adopt curriculum that includes tribal experiences and perspectives, so that Indian students are more engaged and learn more successfully, and so that all students learn about the history, culture, government, and experiences of their Indian peers and neighbors.

(2) By December 1, 2008, and every two years thereafter through 2012, the school directors' association shall report to the education committees of the legislature regarding the progress made in the development of effective government-to-government relations, the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government. The report shall include information about any obstacles encountered, and any strategies under development to overcome them. [2005 c 205 § 2.]

Intent—Findings—2005 c 205: See note following RCW 28A.320.170.

28A.345.075 School districts and tribes—Education data-sharing agreements. (1) The Washington state school directors' association, in consultation and collaboration with tribes, shall develop a model policy and procedure to establish data-sharing agreements between school districts and local tribes by January 1, 2021.

(2) In developing the model policy and procedure, the Washington state school directors' association must:

(a) Consult with the office of the superintendent of public instruction, the office of native education, the tribal leaders congress on education, and local tribes;

(b) Consider model agreements developed by the bureau of Indian education and model data-sharing agreements and procedures developed by national native educational organizations; and

(c) Consider standards for the identification of native students for data-sharing purposes.

(3) The model policy and procedure developed under this section must safeguard students' personally identifiable information consistent with the requirements of the federal family educational rights and privacy act (20 U.S.C. Sec. 1232g). [2020 c 206 § 1.]

28A.345.080 Model policy and procedure for granting waivers of credit for high school graduation. The Washington state school directors' association shall adopt a model policy and procedure that school districts may use for granting waivers to individual students of up to two credits required for high school graduation based on unusual circumstances. The purpose of the model policy and procedure is to assist school districts in providing all students the opportunity to complete graduation requirements without discrimination and without disparate impact on groups of students. The model policy must take into consideration the unique limitations of a student that may be associated with such circumstances as homelessness, limited English proficiency, medical conditions that impair a student's opportunity to learn, or disabilities, regardless of whether the student has an individualized education program or a plan under section 504 of the federal rehabilitation act of 1973. The model policy must also address waivers if the student has not been provided with an opportunity to retake classes or enroll in remedial classes free of charge during the first four years of high school. The Washington state school directors' association must distribute the model policy and procedure to all school districts in the state that grant high school diplomas by June 30, 2015. [2014 c 217 § 203.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

28A.345.085 Model policy and procedure for nurturing a positive social and emotional school and classroom climate—Adoption by school districts. (1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and

positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must include the following elements:

(a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;

(b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;

(c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and

(d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3)(a) The model policy and procedure must also protect the integrity of learning environments with the following elements:

(i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.

(ii) School districts must provide meaningful access to this information for families with limited English proficiency.

(b) The elements described in this subsection (3) may be included in a separate model policy and procedure.

(4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:

(a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021.

Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(6)(a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy. [2020 c 235 § 2.]

Finding—Intent—2020 c 235: "The legislature finds that each school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally, and intellectually safe, respectful, and positive school environments, and should have the opportunity to experience high quality relationships. The legislature recognizes that schools have the responsibility to promote conditions designed to create, maintain, and nurture a positive social and emotional school and classroom climate. Therefore, the legislature intends to require the Washington state school directors' association to develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate for all students. The legislature intends to require school districts to adopt elements of the model policy and procedure that protect the integrity of learning environments and allow school districts to adopt other elements of the model." [2020 c 235 § 1.]

28A.345.090 Model school district discipline policies—Adoption and enforcement by school districts. (1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year. [2016 c 72 § 103.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.345.110 Model policy and procedure for students with epilepsy or other seizure disorders. By December 15, 2021, the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, shall adopt a model policy and procedure that school districts may use to implement the requirements of RCW 28A.210.355. The model policy and procedure must be periodically reviewed by the Washington state school directors' association and may be revised as necessary. [2021 c 29 § 4.]

Reviser's note: This section was directed to be codified in chapter 28A.235 RCW, but placement in chapter 28A.345 RCW appears to be more appropriate.

28A.345.115 School director governance—Cultural competency, diversity, equity, and inclusion—Report. (1) The Washington state school directors' association shall:

(a) Develop cultural competency, diversity, equity, and inclusion standards for school director governance;

(2021 Ed.)

(b) Collaborate with the Washington professional educator standards board to compare and align the standards for school director governance developed under (a) of this subsection with the standards of practice developed under RCW 28A.410.260. The review must include the educational opportunity gap oversight and accountability committee and may include the office of equity established under RCW 43.06D.020; and

(c) Maintain the final cultural competency, diversity, equity, and inclusion standards for school director governance on its website at no cost to school districts.

(2) By November 1, 2030, and every 10 years thereafter, the Washington state school directors' association shall review the definitions in RCW 28A.415.443 and the cultural competency, diversity, equity, and inclusion standards for school director governance developed under subsection (1) of this section and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with any recommendations for revising the definitions in RCW 28A.415.443.

(3) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in RCW 28A.415.443. [2021 c 197 § 3.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

28A.345.120 School director governance—Cultural competency, diversity, equity, and inclusion—Training programs. (1) The Washington state school directors' association shall identify or develop and periodically update governance training programs that align with the cultural competency, diversity, equity, and inclusion standards for school director governance developed under RCW 28A.345.115. The governance training programs must also include building government-to-government relationships with federally recognized tribes, multicultural education, and principles of English language acquisition. Governance training programs may be developed in collaboration with other entities.

(2) Beginning with the 2022 calendar year, the Washington state school directors' association shall provide a governance training program identified or developed under subsection (1) of this section at the frequency necessary for school directors to meet the requirement in RCW 28A.343.100.

(3) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in RCW 28A.415.443. [2021 c 197 § 5.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

28A.345.902 Effective date—1983 c 187. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983. [1983 c 187 § 8. Formerly RCW 28A.61.910.]

[Title 28A RCW—page 269]