
SUBSTITUTE SENATE BILL 5890

State of Washington

61st Legislature

2009 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators McDermott, McAuliffe, Oemig, and Hobbs)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to flexibility in the education system; amending
2 RCW 28A.185.030, 28A.215.010, 28A.220.020, 28A.220.030, 28A.230.158,
3 28A.230.160, 28A.230.205, 28A.300.405, 28A.300.410, 28A.300.455, and
4 28A.320.128; repealing RCW 28A.230.150, 28A.300.185, 28A.300.280, and
5 28A.320.185; providing an expiration date; and declaring an emergency.

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

7 **Sec. 1.** RCW 28A.185.030 and 1984 c 278 s 13 are each amended to
8 read as follows:

9 Local school districts may establish and operate, either separately
10 or jointly, programs for highly capable students. Such authority shall
11 include the right to employ and pay special instructors and to operate
12 such programs jointly with a public institution of higher education.
13 Local school districts which establish and operate programs for highly
14 capable students shall adopt identification procedures and provide
15 educational opportunities as follows, to the extent funds are
16 available:

17 (1) In accordance with rules (~~and regulations~~) adopted by the
18 superintendent of public instruction, school districts shall implement
19 procedures for nomination, assessment and selection of their most

1 highly capable students. Nominations shall be based upon data from
2 teachers, other staff, parents, students, and members of the community.
3 Assessment shall be based upon a review of each student's capability as
4 shown by multiple criteria intended to reveal, from a wide variety of
5 sources and data, each student's unique needs and capabilities.
6 Selection shall be made by a broadly based committee of professionals,
7 after consideration of the results of the multiple criteria assessment.

8 (2) Students selected pursuant to procedures outlined in this
9 section shall be provided, to the extent feasible, an educational
10 opportunity which takes into account each student's unique needs and
11 capabilities and the limits of the resources and program options
12 available to the district, including those options which can be
13 developed or provided by using funds allocated by the superintendent of
14 public instruction for that purpose.

15 **Sec. 2.** RCW 28A.215.010 and 2006 c 263 s 410 are each amended to
16 read as follows:

17 The board of directors of any school district shall have the power
18 to establish and maintain preschools and to provide before-and-after-
19 school and vacation care in connection with the common schools of said
20 district located at such points as the board shall deem most suitable
21 for the convenience of the public, for the care and instruction of
22 infants and children residing in said district. The board shall
23 establish such courses, activities, and rules(~~(, and regulations)~~)
24 governing preschools and before-and-after-school care as it may deem
25 best: PROVIDED, That these courses and activities (~~shall~~) are
26 encouraged to meet the minimum standard for such preschools as
27 established by the United States department of health, education and
28 welfare, or its successor agency, and the superintendent of public
29 instruction. Except as otherwise provided by state or federal law, the
30 board of directors may fix a reasonable charge for the care and
31 instruction of children attending such schools. The board may, if
32 necessary, supplement such funds as are received for the superintendent
33 of public instruction or any agency of the federal government, by an
34 appropriation from the general school fund of the district.

35 **Sec. 3.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to
36 read as follows:

1 The following words and phrases whenever used in chapter 28A.220
2 RCW shall have the following meaning:

3 (1) "Superintendent" or "state superintendent" shall mean the
4 superintendent of public instruction.

5 (2) "Traffic safety education course" (~~shall mean an accredited~~
6 ~~course of instruction in traffic safety education which shall consist~~
7 ~~of two phases, classroom instruction, and laboratory experience.~~
8 ~~"Laboratory experience" shall include on street, driving range, or~~
9 ~~simulator experience or some combination thereof. Each phase shall~~
10 ~~meet basic course requirements which shall be established by the~~
11 ~~superintendent of public instruction and each part of said course shall~~
12 ~~be taught by a qualified teacher of traffic safety education. Any~~
13 ~~portions of the course may be taught after regular school hours or on~~
14 ~~Saturdays as well as on regular school days or as a summer school~~
15 ~~course, at the option of the local school districts.)) includes any
16 course of instruction in traffic safety education approved by the local
17 school district.~~

18 (3) "Qualified teacher of traffic safety education" shall mean an
19 instructor certificated under the provisions of chapter 28A.410 RCW and
20 certificated by the superintendent of public instruction to teach
21 either the classroom phase or the laboratory phase of the traffic
22 safety education course, or both, under (~~regulations~~) rules
23 promulgated by the superintendent: PROVIDED, That the laboratory
24 experience phase of the traffic safety education course may be taught
25 by instructors certificated under rules promulgated by the
26 superintendent of public instruction, exclusive of any requirement that
27 the instructor be certificated under the provisions of chapter 28A.410
28 RCW. Professional instructors certificated under the provisions of
29 chapter 46.82 RCW, and participating in this program, shall be subject
30 to reasonable qualification requirements jointly adopted by the
31 superintendent of public instruction and the director of licensing.

32 (4) "Realistic level of effort" means the classroom and laboratory
33 student learning experiences considered acceptable to the
34 superintendent of public instruction that must be satisfactorily
35 accomplished by the student in order to successfully complete the
36 traffic safety education course.

1 **Sec. 4.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction is authorized to
4 establish a section of traffic safety education, and through such
5 section shall: Define a "realistic level of effort" required to
6 provide an effective traffic safety education course, establish a level
7 of driving competency required of each student to successfully complete
8 the course, and ensure that an effective statewide program is
9 implemented and sustained, administer, supervise, and develop the
10 traffic safety education program and shall assist local school
11 districts in the conduct of their traffic safety education programs.
12 The superintendent shall adopt necessary rules (~~and regulations~~)
13 governing the operation and scope of the traffic safety education
14 program; and each school district shall submit a report in even-
15 numbered years to the superintendent on the condition of its traffic
16 safety education program: PROVIDED, That the superintendent shall
17 monitor the quality of the program and carry out the purposes of this
18 chapter.

19 (2) The board of directors of any school district maintaining a
20 secondary school which includes any of the grades 10 to 12, inclusive,
21 may establish and maintain a traffic safety education course. If a
22 school district elects to offer a traffic safety education course and
23 has within its boundaries a private accredited secondary school which
24 includes any of the grades 10 to 12, inclusive, to the extent funds are
25 available, at least one class in traffic safety education shall be
26 given at times other than regular school hours if there is sufficient
27 demand therefor.

28 (3) The board of directors of a school district, or combination of
29 school districts, may contract with any drivers' school licensed under
30 the provisions of chapter 46.82 RCW to teach the laboratory phase of
31 the traffic safety education course. Instructors provided by any such
32 contracting drivers' school must be properly qualified teachers of
33 traffic safety education under the joint qualification requirements
34 adopted by the superintendent of public instruction and the director of
35 licensing.

36 (4) The superintendent shall establish a required minimum number of
37 hours of continuing traffic safety education for traffic safety

1 education instructors. The superintendent may phase in the requirement
2 over not more than five years.

3 (5) By January 1, 2010, the superintendent shall survey districts
4 regarding the impact of the rules and minimum hours of training
5 established under the authority of this section. The superintendent
6 shall revise the rules and minimum hours based on that survey in order
7 to reduce the burden on school districts.

8 **Sec. 5.** RCW 28A.230.158 and 2008 c 167 s 3 are each amended to
9 read as follows:

10 Annually, during the month of October, each public school shall
11 conduct or promote educational activities that provide instruction,
12 awareness, and understanding of disability history and people with
13 disabilities, to the extent funds are available. The activities may
14 include, but not be limited to, school assemblies or guest speaker
15 presentations.

16 **Sec. 6.** RCW 28A.230.160 and 1990 c 33 s 241 are each amended to
17 read as follows:

18 During the school week preceding the eleventh day of November of
19 each year, there shall be presented in each common school as defined in
20 RCW 28A.150.020 educational activities suitable to the observance of
21 Veterans' Day.

22 The responsibility for the preparation and presentation of the
23 activities ~~((approximating at least sixty minutes total))~~ for
24 observance throughout the week shall be with the principal or head
25 teacher of each school building and such program shall embrace topics
26 tending to instill a loyalty and devotion to the institutions and laws
27 of this state and nation.

28 The superintendent of public instruction and each educational
29 service district superintendent, by advice and suggestion, shall aid in
30 the preparation of these activities if such aid be solicited.

31 **Sec. 7.** RCW 28A.230.205 and 2007 c 459 s 3 are each amended to
32 read as follows:

33 (1) To the extent funds are appropriated or are available for this
34 purpose, the superintendent of public instruction and other members of
35 the partnership created in RCW 28A.300.455 shall make available to

1 school districts the list of identified financial literacy skills and
2 knowledge, instructional materials, assessments, and other relevant
3 information.

4 (2)(a) Each school district is encouraged to provide its students
5 with an opportunity to master the financial literacy skills and
6 knowledge developed under RCW 28A.300.460.

7 (b) This subsection is suspended until July 1, 2011.

8 (3) For the purposes of RCW 28A.300.455((~~τ~~)) and 28A.300.460((~~τ~~))
9 and this section, it is not necessary to evaluate and apply the office
10 of the superintendent of public instruction essential academic learning
11 requirements or to develop grade level expectations.

12 **Sec. 8.** RCW 28A.300.405 and 2000 c 210 s 4 are each amended to
13 read as follows:

14 (1) Consistent with the legislative findings in RCW 28A.300.390,
15 the legislature shall establish the Washington civil liberties public
16 education program. The program provides grants for the purpose of
17 establishing a legacy of remembrance as part of a continuing process of
18 recovery from the World War II exclusion and detention of individuals
19 of Japanese ancestry. The program is created to do one or both of the
20 following:

21 ((~~1~~)) (a) Educate the public regarding the history and the
22 lessons of the World War II exclusion, removal, and detention of
23 persons of Japanese ancestry through the development, coordination, and
24 distribution of new educational materials and the development of
25 curriculum materials to complement and augment resources currently
26 available on this subject matter; and

27 ((~~2~~)) (b) Develop videos, plays, presentations, speaker bureaus,
28 and exhibitions for presentation to elementary schools, secondary
29 schools, community colleges, and to other interested parties.

30 (2) This section is suspended until July 1, 2011.

31 **Sec. 9.** RCW 28A.300.410 and 2000 c 210 s 5 are each amended to
32 read as follows:

33 (1) The superintendent of public instruction shall allocate grants
34 under the program established in RCW 28A.300.390 through 28A.300.415
35 from private donations or within amounts appropriated for this specific
36 purpose. The grants shall be awarded on a competitive basis.

1 (2) The superintendent of public instruction may contract with
2 independent review panelists and establish an advisory panel to
3 evaluate and make recommendations to the superintendent of public
4 instruction based on grant applications.

5 (3) The superintendent of public instruction shall select grant
6 recipients from applicants who meet all of the following criteria:

7 (a) The capability to administer and complete the proposed project
8 within specified deadlines and within the specified budget;

9 (b) The experience, knowledge, and qualifications necessary to
10 conduct quality educational activities regarding the exclusion and
11 detention of Japanese-Americans during World War II;

12 (c) Projects that relate the Japanese-American exclusion and
13 detention experience with civil rights included in the Declaration of
14 Independence and the Constitution so that this event may be illuminated
15 and understood in order to prevent similar violations of civil rights
16 in the future;

17 (d) Projects that are designed to maximize the long-term
18 educational impact of this chapter;

19 (e) Projects that build upon, contribute to, and expand upon the
20 existing body of educational and research materials on the exclusion
21 and detention of Japanese-Americans during World War II; and

22 (f) Projects that include the variety of experiences regarding the
23 exclusion and detention of Japanese-Americans and its impact before,
24 during, and after World War II including those Japanese-Americans who
25 served in the military and those who were interned in department of
26 justice camps.

27 (4) Applicants for grants under the program are encouraged to do
28 each of the following:

29 (a) Involve former detainees, those excluded from the military
30 area, and their descendants in the development and implementation of
31 projects;

32 (b) Develop a strategy and plan for raising the level of awareness
33 and understanding among the American public regarding the exclusion and
34 detention of Japanese-Americans during World War II so that the causes
35 and circumstances of this and similar events may be illuminated and
36 understood;

37 (c) Develop a strategy and plan for reaching the broad,
38 multicultural population through project activities;

1 (d) Develop local and regional consortia of organizations and
2 individuals engaged in similar educational, research, and development
3 efforts;

4 (e) Coordinate and collaborate with organizations and individuals
5 engaging in similar educational, research, and development endeavors to
6 maximize the effect of grants;

7 (f) Utilize creative and innovative methods and approaches in the
8 research, development, and implementation of their projects;

9 (g) Seek matching funds, in-kind contributions, or other sources of
10 support to supplement their proposal;

11 (h) Use a variety of media, including new technology, and the arts
12 to creatively and strategically appeal to a broad audience while
13 enhancing and enriching community-based educational efforts;

14 (i) Include in the grant application, scholarly inquiry related to
15 the variety of experiences and impact of the exclusion and detention of
16 persons of Japanese ancestry during World War II; and

17 (j) Add relevant materials to or catalogue relevant materials in
18 libraries and other repositories for the creation, publication, and
19 distribution of bibliographies, curriculum guides, oral histories, and
20 other resource directories and supporting the continued development of
21 scholarly work on this subject by making a broad range of archival,
22 library, and research materials more accessible to the American public.

23 (5) The superintendent of public instruction may adopt other
24 criteria as it deems appropriate for its review of grant proposals. In
25 reviewing projects for funding, scoring shall be based on an evaluation
26 of all application materials including narratives, attachments, support
27 letters, supplementary materials, and other materials that may be
28 requested of applicants.

29 (6)(a) In the review process, the superintendent of public
30 instruction shall assign the following order of priority to the
31 criteria set forth in subsection (3) of this section:

32 (i) Subsection (3)(a) through (d) of this section, inclusive, shall
33 be given highest priority; and

34 (ii) Subsection (3)(e) (~~(through and)~~) and (f) of this section,
35 inclusive, shall be given second priority.

36 (b) The superintendent of public instruction shall consider the
37 overall breadth and variety of the field of applicants to determine the

1 projects that would best fulfill its program and mission. Final grant
2 awards may be for the full amount of the grant requests or for a
3 portion of the grant request.

4 (7) The superintendent of public instruction shall determine the
5 types of applicants eligible to apply for grants under this program.

6 (8) The office may accept gifts, grants, or endowments from public
7 or private sources for the program and may spend any gifts, grants, or
8 endowments or income from public or private sources according to their
9 terms.

10 (9) Except to the extent private funds are available, this section
11 is suspended until July 1, 2011.

12 **Sec. 10.** RCW 28A.300.455 and 2007 c 459 s 1 are each amended to
13 read as follows:

14 (1) By September 30, 2004, the financial literacy public-private
15 partnership shall adopt a definition of financial literacy to be used
16 in educational efforts.

17 (2) (~~By June 30, 2009,~~) Beginning July 1, 2011, the financial
18 literacy public-private partnership shall identify strategies to
19 increase the financial literacy of public school students in our state.
20 To the extent funds are available, strategies to be considered by the
21 partnership shall include, but not be limited to:

22 (a) Identifying and making available to school districts:

23 (i) Important financial literacy skills and knowledge;

24 (ii) Ways in which teachers at different grade levels may integrate
25 financial literacy in mathematics, social studies, and other course
26 content areas;

27 (iii) Instructional materials and programs, including schoolwide
28 programs, that include the important financial literacy skills and
29 knowledge;

30 (iv) Assessments and other outcome measures that schools and
31 communities may use to determine whether students are financially
32 literate; and

33 (v) Other strategies for expanding and increasing the quality of
34 financial literacy instruction in public schools, including
35 professional development for teachers;

36 (b) Developing a structure and set of operating principles for the
37 financial literacy public-private partnership to assist interested

1 school districts in improving the financial literacy of their students
2 by providing such things as financial literacy instructional materials
3 and professional development; and

4 (c) Providing a report to the governor, the house and senate
5 financial institutions and education committees of the legislature, the
6 superintendent of public instruction, the state board of education, and
7 education stakeholder groups, on the results of work of the financial
8 literacy public-private partnership. An interim report shall be
9 submitted to the same parties by June 30, 2007, with a final report by
10 June 30, ~~((2009))~~ 2013.

11 **Sec. 11.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to
12 read as follows:

13 (1) ~~((By September 1, 2003,))~~ Each school district board of
14 directors shall ~~((adopt a))~~ have a policy that addresses ~~((the~~
15 ~~following issues:~~

16 ~~(a))~~ procedures for providing notice of threats of violence or
17 harm to the student or school employee who is the subject of the
18 threat. The policy shall define "threats of violence or harm(~~"~~

19 ~~(b) Procedures for disclosing information that is provided to the~~
20 ~~school administrators about a student's conduct, including but not~~
21 ~~limited to the student's prior disciplinary records, official juvenile~~
22 ~~court records, and history of violence, to classroom teachers, school~~
23 ~~staff, and school security who, in the judgment of the principal,~~
24 ~~should be notified; and~~

25 ~~(c) Procedures for determining whether or not any threats or~~
26 ~~conduct established in the policy may be grounds for suspension or~~
27 ~~expulsion of the student.~~

28 ~~(2) The superintendent of public instruction, in consultation with~~
29 ~~educators and representatives of law enforcement, classified staff, and~~
30 ~~organizations with expertise in violence prevention and intervention,~~
31 ~~shall adopt a model policy that includes the issues listed in~~
32 ~~subsection (1) of this section by January 1, 2003. The model policy~~
33 ~~shall be posted on the superintendent of public instruction's web site.~~
34 ~~The school districts, in drafting their own policies, shall review the~~
35 ~~model policy))."~~

36 ~~((3))~~ (2) School districts, school district boards of directors,

1 school officials, and school employees providing notice in good faith
2 as required and consistent with the board's policies adopted under this
3 section are immune from any liability arising out of such notification.

4 ~~((4))~~ (3) A person who intentionally and in bad faith or
5 maliciously, knowingly makes a false notification of a threat under
6 this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

7 NEW SECTION. **Sec. 12.** The following acts or parts of acts, as now
8 existing or hereafter amended, are each repealed:

9 (1) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in
10 programming) and 1969 ex.s. c 223 s 28A.02.090;

11 (2) RCW 28A.300.185 (Family preservation education program) and
12 2005 c 491 s 3;

13 (3) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c
14 7 s 611; and

15 (4) RCW 28A.320.185 (School gardens or farms) and 2008 c 215 s 7.

16 NEW SECTION. **Sec. 13.** Sections 7 through 9 of this act expire
17 July 1, 2011.

18 NEW SECTION. **Sec. 14.** Sections 1 through 12 of this act are
19 necessary for the immediate preservation of the public peace, health,
20 or safety, or support of the state government and its existing public
21 institutions, and take effect immediately.

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