
SUBSTITUTE SENATE BILL 6426

State of Washington

60th Legislature

2008 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Hobbs, Shin, Swecker, Rasmussen, Fairley, Berkey, Rockefeller, Eide, Schoesler, Fraser, Kauffman, Kohl-Welles, and McAuliffe)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to an interstate compact on educational opportunity
2 for military children; amending RCW 28A.210.080, 28A.210.320,
3 28A.225.015, 28A.225.160, 28A.225.210, 28A.225.225, 28A.225.280,
4 28A.225.330, 28A.230.040, 28A.230.050, 28A.230.060, and 28A.230.090;
5 reenacting and amending RCW 28A.655.061; and adding a new chapter to
6 Title 28A RCW.

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

8 NEW SECTION. **Sec. 1.** The interstate compact on educational
9 opportunity for military children is enacted and entered into by this
10 state with all other states legally joining the compact in the form
11 substantially as follows:

12 ARTICLE I
13 PURPOSE

14 It is the purpose of this compact to remove barriers to educational
15 success imposed on children of military families because of frequent
16 moves and deployment of their parents by:

- 17 (1) Facilitating the timely enrollment of children of military

1 families and ensuring that they are not placed at a disadvantage due to
2 difficulty in the transfer of educational records from the previous
3 school district or variations in entrance or age requirements;

4 (2) Facilitating the student placement process through which
5 children of military families are not disadvantaged by variations in
6 attendance requirements, scheduling, sequencing, grading, course
7 content, or assessment;

8 (3) Facilitating the qualification and eligibility for enrollment,
9 educational programs, and participation in extracurricular academic,
10 athletic, and social activities;

11 (4) Facilitating the on-time graduation of children of military
12 families;

13 (5) Providing for the adoption and enforcement of administrative
14 rules implementing the provisions of this compact;

15 (6) Providing for the uniform collection and sharing of information
16 between and among member states, schools, and military families under
17 this compact;

18 (7) Promoting coordination between this compact and other compacts
19 affecting military children; and

20 (8) Promoting flexibility and cooperation between the educational
21 system, parents, and the student in order to achieve educational
22 success for the student.

23 ARTICLE II
24 DEFINITIONS

25 As used in this compact, unless the context clearly requires a
26 different construction:

27 (1) "Active duty" means full-time duty status in the active
28 uniformed service of the United States, including members of the
29 National Guard and Reserve on active duty orders pursuant to 10 U.S.C.
30 Secs. 1209 and 1211.

31 (2) "Children of military families" means school-aged children,
32 enrolled in kindergarten through twelfth grade, in the household of an
33 active duty member.

34 (3) "Compact commissioner" means the voting representative of each
35 compacting state appointed pursuant to article VIII of this compact.

36 (4) "Deployment" means the period one month before the service
37 members' departure from their home station on military orders through
38 six months after return to their home station.

1 (5) "Educational records" means those official records, files, and
2 data directly related to a student and maintained by the school or
3 local education agency, including but not limited to records
4 encompassing all the material kept in the student's cumulative folder
5 such as general identifying data, records of attendance and of academic
6 work completed, records of achievement and results of evaluative tests,
7 health data, disciplinary status, test protocols, and individualized
8 education programs.

9 (6) "Extracurricular activities" means voluntary activities
10 sponsored by the school or local education agency or an organization
11 sanctioned by the local education agency. Extracurricular activities
12 include, but are not limited to, preparation for and involvement in
13 public performances, contests, athletic competitions, demonstrations,
14 displays, and club activities.

15 (7) "Interstate commission on educational opportunity for military
16 children" or "interstate commission" means the commission that is
17 created under article IX of this compact.

18 (8) "Local education agency" means a public authority legally
19 constituted by the state as an administrative agency to provide control
20 of and direction for kindergarten through twelfth grade public
21 educational institutions.

22 (9) "Member state" means a state that has enacted this compact.

23 (10) "Military installation" means a base, camp, post, station,
24 yard, center, homeport facility for any ship, or other activity under
25 the jurisdiction of the United States department of defense, including
26 any leased facility that is located within any of the several states,
27 the District of Columbia, the Commonwealth of Puerto Rico, the United
28 States Virgin Islands, Guam, American Samoa, the Northern Marianas
29 Islands, and any other United States territory. The term does not
30 include any facility used primarily for civil works, rivers and harbors
31 projects, or flood control projects.

32 (11) "Nonmember state" means a state that has not enacted this
33 compact.

34 (12) "Receiving state" means the state to which a child of a
35 military family is sent, brought, or caused to be sent or brought.

36 (13) "Rule" means a written statement by the interstate commission
37 adopted pursuant to article XII of this compact that is of general
38 applicability, implements, interprets, or prescribes a policy or

1 provision of the compact, or an organizational, procedural, or practice
2 requirement of the interstate commission, and has the force and effect
3 of statutory law in a member state, and includes the amendment, repeal,
4 or suspension of an existing rule.

5 (14) "Sending state" means the state from which a child of a
6 military family is sent, brought, or caused to be sent or brought.

7 (15) "State" means a state of the United States, the District of
8 Columbia, the Commonwealth of Puerto Rico, the United States Virgin
9 Islands, Guam, American Samoa, the Northern Marianas Islands, and any
10 other United States Territory.

11 (16) "Student" means the child of a military family for whom the
12 local education agency receives public funding and who is formally
13 enrolled in kindergarten through twelfth grade.

14 (17) "Transition" means (a) the formal and physical process of
15 transferring from school to school or (b) the period of time in which
16 a student moves from one school in the sending state to another school
17 in the receiving state.

18 (18) "Uniformed services" means the army, navy, air force, marine
19 corps, and coast guard, as well as the commissioned corps of the
20 national oceanic and atmospheric administration, and public health
21 services.

22 (19) "Veteran" means a person who served in the uniformed services
23 and who was discharged or released therefrom under conditions other
24 than dishonorable.

25 ARTICLE III
26 APPLICABILITY

27 (1) Except as otherwise provided in this article, this compact
28 shall apply to the children of:

29 (a) Active duty members of the uniformed services as defined in
30 this compact, including members of the national guard and reserve on
31 active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;

32 (b) Members or veterans of the uniformed services who are severely
33 injured and medically discharged or retired for a period of one year
34 after medical discharge or retirement; and

35 (c) Members of the uniformed services who die on active duty or as
36 a result of injuries sustained on active duty for a period of one year
37 after death.

1 (2) The provisions of this interstate compact shall only apply to
2 local education agencies as defined in this compact.

3 (3) The provisions of this compact shall not apply to the children
4 of:

5 (a) Inactive members of the national guard and military reserves;

6 (b) Members of the uniformed services now retired, except as
7 provided in subsection (1) of this article;

8 (c) Veterans of the uniformed services, except as provided in
9 subsection (1) of this article; and

10 (d) Other United States department of defense personnel and other
11 federal agency civilian and contract employees not defined as active
12 duty members of the uniformed services.

13 ARTICLE IV

14 EDUCATIONAL RECORDS AND ENROLLMENT

15 (1) Unofficial or hand-carried education records. In the event
16 that official educational records cannot be released to the parents for
17 the purpose of transfer, the custodian of the records in the sending
18 state shall prepare and furnish to the parent a complete set of
19 unofficial educational records containing uniform information as
20 determined by the interstate commission. Upon receipt of the
21 unofficial educational records by a school in the receiving state, the
22 school shall enroll and appropriately place the student based on the
23 information provided in the unofficial records pending validation by
24 the official records, as quickly as possible.

25 (2) Official educational records and transcripts. Simultaneous
26 with the enrollment and conditional placement of the student, the
27 school in the receiving state shall request the student's official
28 educational record from the school in the sending state. Upon receipt
29 of this request, the school in the sending state must process and
30 furnish the official educational records to the school in the receiving
31 state within ten days or within such time as is reasonably determined
32 under the rules adopted by the interstate commission.

33 (3) Immunizations. Compacting states shall give thirty days from
34 the date of enrollment or within such time as is reasonably determined
35 under the rules adopted by the interstate commission for students to
36 obtain any immunizations required by the receiving state. For a series
37 of immunizations, initial vaccinations must be obtained within thirty

1 days or within such time as is reasonably determined under the rules
2 adopted by the interstate commission.

3 (4) Kindergarten and first grade entrance age. Students shall be
4 allowed to continue their enrollment at grade level in the receiving
5 state commensurate with their grade level, including kindergarten, from
6 a local education agency in the sending state at the time of
7 transition, regardless of age. A student who has satisfactorily
8 completed the prerequisite grade level in the local education agency in
9 the sending state shall be eligible for enrollment in the next highest
10 grade level in the receiving state, regardless of age. A student
11 transferring after the start of the school year in the receiving state
12 shall enter the school in the receiving state on his or her validated
13 level from an accredited school in the sending state.

14 ARTICLE V
15 PLACEMENT AND ATTENDANCE

16 (1) Course placement. When the student transfers before or during
17 the school year, the receiving state school shall initially honor
18 placement of the student in educational courses based on the student's
19 enrollment in the sending state school and educational assessments
20 conducted at the school in the sending state if the courses are
21 offered. Course placement includes but is not limited to honors,
22 international baccalaureate, advanced placement, vocational, technical,
23 and career pathways courses. Continuing the student's academic program
24 from the previous school and promoting placement in academically and
25 career challenging courses should be paramount when considering
26 placement. Schools shall conduct immediate and subsequent evaluations
27 to ensure appropriate placement in the best interest of the child's
28 educational advancement.

29 (2) Educational program placement. The receiving state school
30 shall initially honor placement of the student in educational programs
31 based on current educational assessments conducted at the school in the
32 sending state or participation and placement in like programs in the
33 sending state. Such programs include, but are not limited to: (a)
34 Gifted and talented programs; and (b) English as a second language
35 (ESL). Schools shall conduct immediate and subsequent evaluations to
36 ensure appropriate placement in the best interest of the child's
37 educational advancement.

1 (3) Special education services. (a) In compliance with the federal
2 requirements of the individuals with disabilities education act (IDEA),
3 20 U.S.C.A. Sec. 1400 et seq., the receiving state shall initially
4 provide comparable services to a student with disabilities based on his
5 or her current individualized education program (IEP); and (b) in
6 compliance with the requirements of section 504 of the federal
7 rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the
8 Americans with disabilities act, 42 U.S.C. Secs. 12131 through 12165,
9 the receiving state shall make reasonable accommodations and
10 modifications to address the needs of incoming students with
11 disabilities, subject to an existing 504 or Title II plan, to provide
12 the student with equal access to education. Schools shall conduct
13 immediate and subsequent evaluations to ensure appropriate placement in
14 the best interest of the child's educational advancement.

15 (4) Placement flexibility. Local education agency administrative
16 officials shall have flexibility in waiving course and program
17 prerequisites, or other preconditions for placement in courses and
18 programs offered under the jurisdiction of the local education agency.

19 (5) Absence as related to deployment activities. A student whose
20 parent or legal guardian is an active duty member of the uniformed
21 services, as defined by this compact, and has been called to duty for,
22 is on leave from, or immediately returned from deployment to a combat
23 zone or combat support posting, shall be granted additional excused
24 absences at the discretion of the local education agency superintendent
25 to visit with his or her parent or legal guardian relative to such
26 leave or deployment of the parent or guardian.

27 ARTICLE VI
28 ELIGIBILITY

29 (1) Eligibility for enrollment.

30 (a) Special power of attorney, relative to the guardianship of a
31 child of a military family and executed under applicable law, shall be
32 sufficient for the purposes of enrollment and all other actions
33 requiring parental participation and consent.

34 (b) A local education agency shall be prohibited from charging
35 local tuition to a transitioning military child placed in the care of
36 a noncustodial parent or other person standing in loco parentis who
37 lives in a jurisdiction other than that of the custodial parent.

1 (c) A transitioning military child, placed in the care of a
2 noncustodial parent or other person standing in loco parentis who lives
3 in a jurisdiction other than that of the custodial parent, may continue
4 to attend the school in which he or she was enrolled while residing
5 with the custodial parent.

6 (2) Eligibility for extracurricular participation. State and local
7 education agencies shall facilitate the opportunity for transitioning
8 military children's inclusion in extracurricular activities, regardless
9 of application deadlines, to the extent they are otherwise qualified.

10 ARTICLE VII

11 GRADUATION

12 In order to facilitate the on-time graduation of children of
13 military families, states and local education agencies shall
14 incorporate the following procedures:

15 (1) Waiver requirements. Local education agency administrative
16 officials shall waive specific courses required for graduation if
17 similar coursework has been satisfactorily completed in another local
18 education agency or shall provide reasonable justification for denial.
19 Should a waiver not be granted to a student who would qualify to
20 graduate from the sending school, the local education agency shall
21 provide an alternative means of acquiring required coursework so that
22 graduation may occur on time.

23 (2) Exit exams. States shall accept: (a) Exit or end-of-course
24 exams required for graduation from the sending state; or (b) national
25 norm-referenced achievement tests; or (c) alternative testing, in lieu
26 of testing requirements for graduation in the receiving state. In the
27 event the alternatives in this subsection (2) cannot be accommodated by
28 the receiving state for a student transferring in his or her senior
29 year, then the provisions of subsection (3) of this article shall
30 apply.

31 (3) Transfers during senior year. Should a military student
32 transferring at the beginning or during his or her senior year be
33 ineligible to graduate from the receiving local education agency after
34 all alternatives have been considered, the sending and receiving local
35 education agencies shall ensure the receipt of a diploma from the
36 sending local education agency, if the student meets the graduation
37 requirements of the sending local education agency. In the event that
38 one of the states in question is not a member of this compact, the

1 member state shall use best efforts to facilitate the on-time
2 graduation of the student in accordance with subsections (1) and (2) of
3 this article.

4 ARTICLE VIII

5 STATE COORDINATION

6 (1) Each member state shall, through the creation of a state
7 council or use of an existing body or board, provide for the
8 coordination among its agencies of government, local education
9 agencies, and military installations concerning the state's
10 participation in, and compliance with, this compact and interstate
11 commission activities. While each member state may determine the
12 membership of its own state council, its membership must include at
13 least: The superintendent of public instruction, the superintendent of
14 a school district with a high concentration of military children, a
15 representative from a military installation, one representative from
16 each of the two major caucuses of the senate, one representative from
17 each of the two major caucuses of the house of representatives, one
18 representative from the executive branch of government, and other
19 offices and stakeholder groups the state council deems appropriate. A
20 member state that does not have a school district deemed to contain a
21 high concentration of military children may appoint a superintendent
22 from another school district to represent local education agencies on
23 the state council.

24 (2) The state council of each member state shall appoint or
25 designate a military family education liaison to assist military
26 families and the state in facilitating the implementation of this
27 compact.

28 (3) The compact commissioner responsible for the administration and
29 management of the state's participation in this compact shall be
30 appointed by the governor or as otherwise determined by each member
31 state.

32 (4) The compact commissioner and the military family education
33 liaison designated under this article shall be ex officio members of
34 the state council, unless either is already a full voting member of the
35 state council.

36 ARTICLE IX

37 INTERSTATE COMMISSION ON EDUCATIONAL

1 OPPORTUNITY FOR MILITARY CHILDREN

2 The member states hereby create the "interstate commission on
3 educational opportunity for military children." The activities of the
4 interstate commission are the formation of public policy and are a
5 discretionary state function. The interstate commission shall be as
6 provided in this article.

7 (1) The interstate commission shall be a body corporate and joint
8 agency of the member states and shall have all the responsibilities,
9 powers, and duties set forth in this article, and such additional
10 powers as may be conferred upon it by a subsequent concurrent action of
11 the respective legislatures of the member states in accordance with the
12 terms of this compact.

13 (2) The interstate commission shall consist of one interstate
14 commission voting representative from each member state who shall be
15 that state's compact commissioner.

16 (a) Each member state represented at a meeting of the interstate
17 commission is entitled to one vote.

18 (b) A majority of the total member states shall constitute a quorum
19 for the transaction of business, unless a larger quorum is required by
20 the bylaws of the interstate commission.

21 (c) A representative shall not delegate a vote to another member
22 state. In the event the compact commissioner is unable to attend a
23 meeting of the interstate commission, the governor or state council may
24 delegate voting authority to another person from their state for a
25 specified meeting.

26 (d) The bylaws may provide for meetings of the interstate
27 commission to be conducted by telecommunication or electronic
28 communication.

29 (3) The interstate commission shall consist of ex officio,
30 nonvoting representatives who are members of interested organizations.
31 Such ex officio members, as defined in the bylaws, may include, but not
32 be limited to, members of the representative organizations of military
33 family advocates, local education agency officials, parent and teacher
34 groups, the United States department of defense, the education
35 commission of the states, the interstate agreement on the qualification
36 of educational personnel, and other interstate compacts affecting the
37 education of children of military members.

1 (4) The interstate commission shall meet at least once each
2 calendar year. The chairperson may call additional meetings and, upon
3 the request of a simple majority of the member states, shall call
4 additional meetings.

5 (5) The interstate commission shall establish an executive
6 committee, whose members shall include the officers of the interstate
7 commission and such other members of the interstate commission as
8 determined by the bylaws. Members of the executive committee shall
9 serve a one-year term. Members of the executive committee shall be
10 entitled to one vote each. The executive committee shall have the
11 power to act on behalf of the interstate commission, with the exception
12 of rule making, during periods when the interstate commission is not in
13 session. The executive committee shall oversee the day-to-day
14 activities of the administration of the compact including enforcement
15 and compliance with the provisions of the compact, its bylaws and
16 rules, and other such duties as deemed necessary. The United States
17 department of defense shall serve as an ex officio, nonvoting member of
18 the executive committee.

19 (6) The interstate commission shall establish bylaws and rules that
20 provide for conditions and procedures under which the interstate
21 commission shall make its information and official records available to
22 the public for inspection or copying. The interstate commission may
23 exempt from disclosure information or official records to the extent
24 they would adversely affect personal privacy rights or proprietary
25 interests.

26 (7) Public notice shall be given by the interstate commission of
27 all meetings and all meetings shall be open to the public, except as
28 set forth in the rules or as otherwise provided in this compact. The
29 interstate commission and its committees may close a meeting, or
30 portion thereof, where it determines by two-thirds vote that an open
31 meeting would be likely to:

32 (a) Relate solely to the interstate commission's internal personnel
33 practices and procedures;

34 (b) Disclose matters specifically exempted from disclosure by
35 federal and state statute;

36 (c) Disclose trade secrets or commercial or financial information
37 that is privileged or confidential;

1 (d) Involve accusing a person of a crime, or formally censuring a
2 person;

3 (e) Disclose information of a personal nature where disclosure
4 would constitute a clearly unwarranted invasion of personal privacy;

5 (f) Disclose investigative records compiled for law enforcement
6 purposes; or

7 (g) Specifically relate to the interstate commission's
8 participation in a civil action or other legal proceeding.

9 (8) For a meeting, or portion of a meeting, closed pursuant to
10 subsection (7) of this article, the interstate commission's legal
11 counsel or designee shall certify that the meeting may be closed and
12 shall reference each relevant exemptible provision. The interstate
13 commission shall keep minutes that shall fully and clearly describe all
14 matters discussed in a meeting and shall provide a full and accurate
15 summary of actions taken, and the reasons therefore, including a
16 description of the views expressed and the record of a roll call vote.
17 All documents considered in connection with an action shall be
18 identified in such minutes. All minutes and documents of a closed
19 meeting shall remain under seal, subject to release by a majority vote
20 of the interstate commission.

21 (9) The interstate commission shall collect standardized data
22 concerning the educational transition of the children of military
23 families under this compact as directed through its rules that shall
24 specify the data to be collected, the means of collection, and data
25 exchange and reporting requirements. Such methods of data collection,
26 exchange, and reporting shall, insofar as is reasonably possible,
27 conform to current technology and coordinate its information functions
28 with the appropriate custodian of records as identified in the bylaws
29 and rules.

30 (10) The interstate commission shall create a process that permits
31 military officials, education officials, and parents to inform the
32 interstate commission if and when there are alleged violations of this
33 compact or its rules or when issues subject to the jurisdiction of this
34 compact or its rules are not addressed by the state or local education
35 agency. This subsection shall not be construed to create a private
36 right of action against the interstate commission or any member state.

37 ARTICLE X
38 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

1 The interstate commission shall have the following powers:

2 (1) To provide for dispute resolution among member states;

3 (2) To adopt rules and take all necessary actions to effect the
4 goals, purposes, and obligations as enumerated in this compact. The
5 rules shall have the force and effect of statutory law and shall be
6 binding in the compact states to the extent and in the manner provided
7 in this compact;

8 (3) To issue, upon request of a member state, advisory opinions
9 concerning the meaning or interpretation of the interstate compact, its
10 bylaws, rules, and actions;

11 (4) To enforce compliance with the compact provisions, the rules
12 adopted by the interstate commission, and the bylaws, using all
13 necessary and proper means, including but not limited to the use of
14 judicial process;

15 (5) To establish and maintain offices that shall be located within
16 one or more of the member states;

17 (6) To purchase and maintain insurance and bonds;

18 (7) To borrow, accept, hire, or contract for services of personnel;

19 (8) To establish and appoint committees including, but not limited
20 to, an executive committee as required by article IX(3) of this
21 compact, which shall have the power to act on behalf of the interstate
22 commission in carrying out its powers and duties under this compact;

23 (9) To elect or appoint such officers, attorneys, employees,
24 agents, or consultants, and to fix their compensation, define their
25 duties, and determine their qualifications; and to establish the
26 interstate commission's personnel policies and programs relating to
27 conflicts of interest, rates of compensation, and qualifications of
28 personnel;

29 (10) To accept any and all donations and grants of money,
30 equipment, supplies, materials, and services, and to receive, utilize,
31 and dispose of it;

32 (11) To lease, purchase, accept contributions or donations of, or
33 otherwise to own, hold, improve, or use any property, real, personal,
34 or mixed;

35 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon,
36 or otherwise dispose of any property, real, personal, or mixed;

37 (13) To establish a budget and make expenditures;

1 (14) To adopt a seal and bylaws governing the management and
2 operation of the interstate commission;

3 (15) To report annually to the legislatures, governors, judiciary,
4 and state councils of the member states concerning the activities of
5 the interstate commission during the preceding year. Such reports
6 shall also include any recommendations that may have been adopted by
7 the interstate commission;

8 (16) To coordinate education, training, and public awareness
9 regarding the compact, its implementation, and operation for officials
10 and parents involved in such activity;

11 (17) To establish uniform standards for the reporting, collecting,
12 and exchanging of data;

13 (18) To maintain corporate books and records in accordance with the
14 bylaws;

15 (19) To perform such functions as may be necessary or appropriate
16 to achieve the purposes of this compact; and

17 (20) To provide for the uniform collection and sharing of
18 information between and among member states, schools, and military
19 families under this compact.

20 ARTICLE XI

21 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

22 (1) The interstate commission shall, by a majority of the members
23 present and voting, within twelve months after the first interstate
24 commission meeting, adopt bylaws to govern its conduct as may be
25 necessary or appropriate to carry out the purposes of this compact,
26 including, but not limited to:

27 (a) Establishing the fiscal year of the interstate commission;

28 (b) Establishing an executive committee, and such other committees
29 as may be necessary;

30 (c) Providing for the establishment of committees and for governing
31 any general or specific delegation of authority or function of the
32 interstate commission;

33 (d) Providing reasonable procedures for calling and conducting
34 meetings of the interstate commission, and ensuring reasonable notice
35 of each such meeting;

36 (e) Establishing the titles and responsibilities of the officers
37 and staff of the interstate commission;

1 (f) Providing a mechanism for concluding the operations of the
2 interstate commission and the return of surplus funds that may exist
3 upon the termination of this compact after the payment and reserving of
4 all of its debts and obligations; and

5 (g) Providing start-up rules for initial administration of the
6 compact.

7 (2) The interstate commission shall, by a majority of the members,
8 elect annually from among its members a chairperson, a vice-
9 chairperson, and a treasurer, each of whom shall have such authority
10 and duties as may be specified in the bylaws. The chairperson or, in
11 the chairperson's absence or disability, the vice-chairperson, shall
12 preside at all meetings of the interstate commission. The officers so
13 elected shall serve without compensation or remuneration from the
14 interstate commission: PROVIDED, That subject to the availability of
15 budgeted funds, the officers shall be reimbursed for ordinary and
16 necessary costs and expenses incurred by them in the performance of
17 their responsibilities as officers of the interstate commission.

18 (3) Executive committee, officers, and personnel. The executive
19 committee shall have such authority and duties as may be set forth in
20 the bylaws, including but not limited to:

21 (a) Managing the affairs of the interstate commission in a manner
22 consistent with the bylaws and purposes of the interstate commission;

23 (b) Overseeing an organizational structure within, and appropriate
24 procedures for the interstate commission to provide for the creation of
25 rules, operating procedures, and administrative and technical support
26 functions; and

27 (c) Planning, implementing, and coordinating communications and
28 activities with other state, federal, and local government
29 organizations in order to advance the goals of the interstate
30 commission.

31 (4) The executive committee may, subject to the approval of the
32 interstate commission, appoint or retain an executive director for such
33 period, upon such terms and conditions and for such compensation as the
34 interstate commission may deem appropriate. The executive director
35 shall serve as secretary to the interstate commission, but shall not be
36 a member of the interstate commission. The executive director shall
37 hire and supervise such other persons as may be authorized by the
38 interstate commission.

1 (5) The interstate commission's executive director and its
2 employees shall be immune from suit and liability, either personally or
3 in their official capacity, for a claim for damage to or loss of
4 property or personal injury or other civil liability caused or arising
5 out of or relating to an actual or alleged act, error, or omission that
6 occurred, or that such person had a reasonable basis for believing
7 occurred, within the scope of interstate commission employment, duties,
8 or responsibilities: PROVIDED, That such person shall not be protected
9 from suit or liability for damage, loss, injury, or liability caused by
10 the intentional or willful and wanton misconduct of such person.

11 (a) The liability of the interstate commission's executive director
12 and employees or interstate commission representatives, acting within
13 the scope of such person's employment or duties for acts, errors, or
14 omissions occurring within such person's state may not exceed the
15 limits of liability set forth under the constitution and laws of that
16 state for state officials, employees, and agents. The interstate
17 commission is considered to be an instrumentality of the states for the
18 purposes of any such action. This subsection shall not be construed to
19 protect such person from suit or liability for damage, loss, injury, or
20 liability caused by the intentional or willful and wanton misconduct of
21 such person.

22 (b) The interstate commission shall defend the executive director
23 and its employees and, subject to the approval of the attorney general
24 or other appropriate legal counsel of the member state represented by
25 an interstate commission representative, shall defend such interstate
26 commission representative in any civil action seeking to impose
27 liability arising out of an actual or alleged act, error, or omission
28 that occurred within the scope of interstate commission employment,
29 duties, or responsibilities, or that the defendant had a reasonable
30 basis for believing occurred within the scope of interstate commission
31 employment, duties, or responsibilities: PROVIDED, That the actual or
32 alleged act, error, or omission did not result from intentional or
33 willful and wanton misconduct on the part of such person.

34 (c) To the extent not covered by the state involved, member state,
35 or the interstate commission, the representatives or employees of the
36 interstate commission shall be held harmless in the amount of a
37 settlement or judgment, including attorneys' fees and costs, obtained
38 against such persons arising out of an actual or alleged act, error, or

1 omission that occurred within the scope of interstate commission
2 employment, duties, or responsibilities, or that such persons had a
3 reasonable basis for believing occurred within the scope of interstate
4 commission employment, duties, or responsibilities: PROVIDED, That the
5 actual or alleged act, error, or omission did not result from
6 intentional or willful and wanton misconduct on the part of such
7 persons.

8 ARTICLE XII

9 RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

10 (1) Rule-making Authority. The interstate commission shall adopt
11 reasonable rules in order to effectively and efficiently achieve the
12 purposes of this compact. Notwithstanding the foregoing, in the event
13 the interstate commission exercises its rule-making authority in a
14 manner that is beyond the scope of the purposes of this compact, or the
15 powers granted in the compact, then such an action by the interstate
16 commission shall be invalid and have no force or effect.

17 (2) Rule-making Procedure. Rules shall be made pursuant to a rule-
18 making process that substantially conforms to the "model state
19 administrative procedure act," of 1981 Act, Uniform Laws Annotated,
20 Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations
21 of the interstate commission.

22 (3) Not later than thirty days after a rule is adopted, any person
23 may file a petition for judicial review of the rule: PROVIDED, That
24 the filing of such a petition shall not stay or otherwise prevent the
25 rule from becoming effective unless the court finds that the petitioner
26 has a substantial likelihood of success. The court shall give
27 deference to the actions of the interstate commission consistent with
28 applicable law and shall not find the rule to be unlawful if the rule
29 represents a reasonable exercise of the interstate commission's
30 authority.

31 (4) If a majority of the legislatures of the compacting states
32 rejects a rule by enactment of a statute or resolution in the same
33 manner used to adopt the compact, then such rule shall have no further
34 force and effect in any compacting state.

35 ARTICLE XIII

36 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

37 (1) Oversight.

1 (a) The executive, legislative, and judicial branches of state
2 government in each member state shall enforce this compact and shall
3 take all actions necessary and appropriate to effectuate the compact's
4 purposes and intent. The provisions of this compact and the rules
5 adopted under it shall have standing as statutory law.

6 (b) All courts shall take judicial notice of the compact and the
7 rules in any judicial or administrative proceeding in a member state
8 pertaining to the subject matter of this compact that may affect the
9 powers, responsibilities, or actions of the interstate commission.

10 (c) The interstate commission shall be entitled to receive all
11 service of process in any such proceeding, and shall have standing to
12 intervene in the proceeding for all purposes. Failure to provide
13 service of process to the interstate commission shall render a judgment
14 or order void as to the interstate commission, this compact, or adopted
15 rules.

16 (2) Default, technical assistance, suspension, and termination. If
17 the interstate commission determines that a member state has defaulted
18 in the performance of its obligations or responsibilities under this
19 compact, or the bylaws or adopted rules:

20 (a) The interstate commission shall provide written notice to the
21 defaulting state and other member states, of the nature of the default,
22 the means of curing the default, and any action taken by the interstate
23 commission. The interstate commission shall specify the conditions by
24 which the defaulting state must cure its default;

25 (b) The interstate commission shall provide remedial training and
26 specific technical assistance regarding the default;

27 (c) If the defaulting state fails to cure the default, the
28 defaulting state shall be terminated from the compact upon an
29 affirmative vote of a majority of the member states and all rights,
30 privileges, and benefits conferred by this compact shall be terminated
31 from the effective date of termination. A cure of the default does not
32 relieve the offending state of obligations or liabilities incurred
33 during the period of the default;

34 (d) Suspension or termination of membership in the compact shall be
35 imposed only after all other means of securing compliance have been
36 exhausted. Notice of intent to suspend or terminate shall be given by
37 the interstate commission to the governor, the majority and minority

1 leaders of the defaulting state's legislature, and each of the member
2 states;

3 (e) The state that has been suspended or terminated is responsible
4 for all assessments, obligations, and liabilities incurred through the
5 effective date of suspension or termination including obligations, the
6 performance of which extends beyond the effective date of suspension or
7 termination;

8 (f) The interstate commission shall not bear any costs relating to
9 any state that has been found to be in default or that has been
10 suspended or terminated from the compact, unless otherwise mutually
11 agreed upon in writing between the interstate commission and the
12 defaulting state;

13 (g) The defaulting state may appeal the action of the interstate
14 commission by petitioning the United States district court for the
15 District of Columbia or the federal district where the interstate
16 commission has its principal offices. The prevailing party shall be
17 awarded all costs of such litigation including reasonable attorneys'
18 fees.

19 (3) Dispute Resolution.

20 (a) The interstate commission shall attempt, upon the request of a
21 member state, to resolve disputes that are subject to the compact and
22 that may arise among member states and between member and nonmember
23 states.

24 (b) The interstate commission shall adopt a rule providing for both
25 mediation and binding dispute resolution for disputes as appropriate.

26 (4) Enforcement.

27 (a) The interstate commission, in the reasonable exercise of its
28 discretion, shall enforce the provisions and rules of this compact.

29 (b) The interstate commission may, by majority vote of the members,
30 initiate legal action in the United States district court for the
31 District of Columbia or, at the discretion of the interstate
32 commission, in the federal district where the interstate commission has
33 its principal offices, to enforce compliance with the provisions of the
34 compact, its adopted rules, and bylaws, against a member state in
35 default. The relief sought may include both injunctive relief and
36 damages. In the event judicial enforcement is necessary the prevailing
37 party shall be awarded all costs of such litigation including
38 reasonable attorneys' fees.

1 (c) The remedies in this compact shall not be the exclusive
2 remedies of the interstate commission. The interstate commission may
3 avail itself of any other remedies available under state law or the
4 regulation of a profession.

5 ARTICLE XIV

6 FINANCING OF THE INTERSTATE COMMISSION

7 (1) The interstate commission shall pay, or provide for the payment
8 of the reasonable expenses of its establishment, organization, and
9 ongoing activities.

10 (2) The interstate commission may levy on and collect an annual
11 assessment from each member state to cover the cost of the operations
12 and activities of the interstate commission and its staff that must be
13 in a total amount sufficient to cover the interstate commission's
14 annual budget as approved each year. The aggregate annual assessment
15 amount shall be allocated based upon a formula to be determined by the
16 interstate commission, which shall adopt a rule binding upon all member
17 states.

18 (3) The interstate commission shall not incur obligations of any
19 kind before securing the funds adequate to meet the same; nor shall the
20 interstate commission pledge the credit of any of the member states,
21 except by and with the authority of the member state.

22 (4) The interstate commission shall keep accurate accounts of all
23 receipts and disbursements. The receipts and disbursements of the
24 interstate commission shall be subject to the audit and accounting
25 procedures established under its bylaws. However, all receipts and
26 disbursements of funds handled by the interstate commission shall be
27 audited yearly by a certified or licensed public accountant and the
28 report of the audit shall be included in and become part of the annual
29 report of the interstate commission.

30 ARTICLE XV

31 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

32 (1) Any state is eligible to become a member state.

33 (2) The compact shall become effective and binding upon legislative
34 enactment of the compact into law by no less than ten of the states.
35 The effective date shall be no earlier than December 1, 2008.
36 Thereafter it shall become effective and binding as to any other member
37 state upon enactment of the compact into law by that state. The

1 governors of nonmember states or their designees shall be invited to
2 participate in the activities of the interstate commission on a
3 nonvoting basis prior to adoption of the compact by all states.

4 (3) The interstate commission may propose amendments to the compact
5 for enactment by the member states. No amendment shall become
6 effective and binding upon the interstate commission and the member
7 states unless and until it is enacted into law by unanimous consent of
8 the member states.

9 ARTICLE XVI

10 WITHDRAWAL AND DISSOLUTION

11 (1) Withdrawal.

12 (a) Once effective, the compact shall continue in force and remain
13 binding upon each and every member state: PROVIDED, That a member
14 state may withdraw from the compact by specifically repealing the
15 statute that enacted the compact into law.

16 (b) Withdrawal from this compact shall be by the enactment of a
17 statute repealing it, but shall not take effect until one year after
18 the effective date of such statute and until written notice of the
19 withdrawal has been given by the withdrawing state to the governor of
20 each other member jurisdiction.

21 (c) The withdrawing state shall immediately notify the chairperson
22 of the interstate commission in writing upon the introduction of
23 legislation repealing this compact in the withdrawing state. The
24 interstate commission shall notify the other member states of the
25 withdrawing state's intent to withdraw within sixty days of its receipt
26 of the notice of intent to withdraw.

27 (d) The withdrawing state is responsible for all assessments,
28 obligations, and liabilities incurred through the effective date of
29 withdrawal, including obligations, the performance of which extend
30 beyond the effective date of withdrawal.

31 (e) Reinstatement following withdrawal of a member state shall
32 occur upon the withdrawing state reenacting the compact or upon such
33 later date as determined by the interstate commission.

34 (2) Dissolution of compact.

35 (a) This compact shall dissolve effective upon the date of the
36 withdrawal or default of the member state that reduces the membership
37 in the compact to one member state.

1 (b) Upon the dissolution of this compact, the compact becomes null
2 and void and shall be of no further force or effect, and the business
3 and affairs of the interstate commission shall be concluded and surplus
4 funds shall be distributed in accordance with the bylaws.

5 ARTICLE XVII

6 SEVERABILITY AND CONSTRUCTION

7 (1) The provisions of this compact shall be severable, and if any
8 phrase, clause, sentence, or provision is deemed unenforceable, the
9 remaining provisions of the compact shall be enforceable.

10 (2) The provisions of this compact shall be liberally construed to
11 effectuate its purposes.

12 (3) Nothing in this compact shall be construed to prohibit the
13 applicability of other interstate compacts to which the states are
14 members.

15 ARTICLE XVIII

16 BINDING EFFECT OF COMPACT AND OTHER LAWS

17 (1) Other Laws.

18 (a) Nothing in this compact prevents the enforcement of any other
19 law of a member state that is not inconsistent with this compact.

20 (b) All member states' laws conflicting with this compact are
21 superseded to the extent of the conflict.

22 (2) Binding effect of the compact.

23 (a) All lawful actions of the interstate commission, including all
24 rules and bylaws adopted by the interstate commission, are binding upon
25 the member states.

26 (b) All agreements between the interstate commission and the member
27 states are binding in accordance with their terms.

28 (c) In the event any provision of this compact exceeds the
29 constitutional limits imposed on the legislature of any member state,
30 such provision shall be ineffective to the extent of the conflict with
31 the constitutional provision in question in that member state.

32 **Sec. 2.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
33 read as follows:

34 (1) The attendance of every child at every public and private
35 school in the state and licensed day care center shall be conditioned
36 upon the presentation before or on each child's first day of attendance

1 at a particular school or center, of proof of either (a) full
2 immunization, (b) the initiation of and compliance with a schedule of
3 immunization, as required by rules of the state board of health, or (c)
4 a certificate of exemption as provided for in RCW 28A.210.090. The
5 attendance at the school or the day care center during any subsequent
6 school year of a child who has initiated a schedule of immunization
7 shall be conditioned upon the presentation of proof of compliance with
8 the schedule on the child's first day of attendance during the
9 subsequent school year. Once proof of full immunization or proof of
10 completion of an approved schedule has been presented, no further proof
11 shall be required as a condition to attendance at the particular school
12 or center.

13 (2)(a) Beginning with sixth grade entry, every public and private
14 school in the state shall provide parents and guardians with
15 information about meningococcal disease and its vaccine at the
16 beginning of every school year. The information about meningococcal
17 disease shall include:

18 (i) Its causes and symptoms, how meningococcal disease is spread,
19 and the places where parents and guardians may obtain additional
20 information and vaccinations for their children; and

21 (ii) Current recommendations from the United States centers for
22 disease control and prevention regarding the receipt of vaccines for
23 meningococcal disease and where the vaccination can be received.

24 (b) This subsection shall not be construed to require the
25 department of health or the school to provide meningococcal vaccination
26 to students.

27 (c) The department of health shall prepare the informational
28 materials and shall consult with the office of superintendent of public
29 instruction.

30 (d) This subsection does not create a private right of action.

31 (3)(a) Beginning with sixth grade entry, every public school in the
32 state shall provide parents and guardians with information about human
33 papillomavirus disease and its vaccine at the beginning of every school
34 year. The information about human papillomavirus disease shall
35 include:

36 (i) Its causes and symptoms, how human papillomavirus disease is
37 spread, and the places where parents and guardians may obtain
38 additional information and vaccinations for their children; and

1 (ii) Current recommendations from the United States centers for
2 disease control and prevention regarding the receipt of vaccines for
3 human papillomavirus disease and where the vaccination can be received.

4 (b) This subsection shall not be construed to require the
5 department of health or the school to provide human papillomavirus
6 vaccination to students.

7 (c) The department of health shall prepare the informational
8 materials and shall consult with the office of the superintendent of
9 public instruction.

10 (d) This subsection does not create a private right of action.

11 (4) Private schools are required by state law to notify parents
12 that information on the human papillomavirus disease prepared by the
13 department of health is available.

14 (5) This section does not apply to students subject to the
15 interstate compact on educational opportunity for military children,
16 chapter 28A.--- RCW (section 1 of this act).

17 **Sec. 3.** RCW 28A.210.320 and 2006 c 263 s 911 are each amended to
18 read as follows:

19 (1) The attendance of every child at every public school in the
20 state shall be conditioned upon the presentation before or on each
21 child's first day of attendance at a particular school of a medication
22 or treatment order addressing any life-threatening health condition
23 that the child has that may require medical services to be performed at
24 the school. Once such an order has been presented, the child shall be
25 allowed to attend school.

26 (2) The chief administrator of every public school shall prohibit
27 the further presence at the school for any and all purposes of each
28 child for whom a medication or treatment order has not been provided in
29 accordance with this section if the child has a life-threatening health
30 condition that may require medical services to be performed at the
31 school and shall continue to prohibit the child's presence until such
32 order has been provided. The exclusion of a child from a school shall
33 be accomplished in accordance with rules of the state board of
34 education. Before excluding a child, each school shall provide written
35 notice to the parents or legal guardians of each child or to the adults
36 in loco parentis to each child, who is not in compliance with the
37 requirements of this section. The notice shall include, but not be

1 limited to, the following: (a) The requirements established by this
2 section; (b) the fact that the child will be prohibited from further
3 attendance at the school unless this section is complied with; and (c)
4 such procedural due process rights as are established pursuant to this
5 section.

6 (3) The superintendent of public instruction in consultation with
7 the state board of health shall adopt rules under chapter 34.05 RCW
8 that establish the procedural and substantive due process requirements
9 governing the exclusion of children from public schools under this
10 section. The rules shall include any requirements under applicable
11 federal laws.

12 (4) (~~(As used in this section,~~) This section does not apply to
13 students subject to the interstate compact on educational opportunity
14 for military children, chapter 28A.--- RCW (section 1 of this act).

15 (5) The definitions in this subsection apply throughout this
16 section.

17 (a) "Life-threatening condition" means a health condition that will
18 put the child in danger of death during the school day if a medication
19 or treatment order and a nursing plan are not in place.

20 (~~(5) As used in this section,~~) (b) "Medication or treatment
21 order" means the authority a registered nurse obtains under RCW
22 18.79.260(2).

23 **Sec. 4.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to
24 read as follows:

25 (1) If a parent enrolls a child who is six or seven years of age in
26 a public school, the child is required to attend and that parent has
27 the responsibility to ensure the child attends for the full time that
28 school is in session. An exception shall be made to this requirement
29 for children whose parents formally remove them from enrollment if the
30 child is less than eight years old and a petition has not been filed
31 against the parent under subsection (3) of this section. The
32 requirement to attend school under this subsection does not apply to a
33 child enrolled in a public school part-time for the purpose of
34 receiving ancillary services. A child required to attend school under
35 this subsection may be temporarily excused upon the request of his or
36 her parent for purposes agreed upon by the school district and parent.

1 (2) If a six or seven year-old child is required to attend public
2 school under subsection (1) of this section and that child has
3 unexcused absences, the public school in which the child is enrolled
4 shall:

5 (a) Inform the child's custodial parent, parents, or guardian by a
6 notice in writing or by telephone whenever the child has failed to
7 attend school after one unexcused absence within any month during the
8 current school year;

9 (b) Request a conference or conferences with the custodial parent,
10 parents, or guardian and child at a time reasonably convenient for all
11 persons included for the purpose of analyzing the causes of the child's
12 absences after two unexcused absences within any month during the
13 current school year. If a regularly scheduled parent-teacher
14 conference day is to take place within thirty days of the second
15 unexcused absence, then the school district may schedule this
16 conference on that day; and

17 (c) Take steps to eliminate or reduce the child's absences. These
18 steps shall include, where appropriate, adjusting the child's school
19 program or school or course assignment, providing more individualized
20 or remedial instruction, offering assistance in enrolling the child in
21 available alternative schools or programs, or assisting the parent or
22 child to obtain supplementary services that may help eliminate or
23 ameliorate the cause or causes for the absence from school.

24 (3) If a child required to attend public school under subsection
25 (1) of this section has seven unexcused absences in a month or ten
26 unexcused absences in a school year, the school district shall file a
27 petition for civil action as provided in RCW 28A.225.035 against the
28 parent of the child.

29 (4) This section does not require a six or seven year old child to
30 enroll in a public or private school or to receive home-based
31 instruction. This section only applies to six or seven year old
32 children whose parents enroll them full time in public school and do
33 not formally remove them from enrollment as provided in subsection (1)
34 of this section.

35 (5) This section does not apply to students subject to the
36 interstate compact on educational opportunity for military children,
37 chapter 28A.--- RCW (section 1 of this act), to the extent that this
38 section conflicts with that chapter.

1 **Sec. 5.** RCW 28A.225.160 and 2006 c 263 s 703 are each amended to
2 read as follows:

3 Except as otherwise provided by law, it is the general policy of
4 the state that the common schools shall be open to the admission of all
5 persons who are five years of age and less than twenty-one years
6 residing in that school district. Except as otherwise provided by law
7 ~~((or)),~~ in rules adopted by the superintendent of public instruction,
8 or as provided in the interstate compact on educational opportunity for
9 military children, chapter 28A.--- RCW (section 1 of this act),
10 districts may establish uniform entry qualifications, including but not
11 limited to birth date requirements, for admission to kindergarten and
12 first grade programs of the common schools. Such rules may provide for
13 exceptions based upon the ability, or the need, or both, of an
14 individual student and shall also comply with the requirements of
15 chapter 28A.--- RCW (section 1 of this act). For the purpose of
16 complying with any rule adopted by the superintendent of public
17 instruction that authorizes a preadmission screening process as a
18 prerequisite to granting exceptions to the uniform entry
19 qualifications, a school district may collect fees to cover expenses
20 incurred in the administration of any preadmission screening process:
21 PROVIDED, That in so establishing such fee or fees, the district shall
22 adopt regulations for waiving and reducing such fees in the cases of
23 those persons whose families, by reason of their low income, would have
24 difficulty in paying the entire amount of such fees.

25 **Sec. 6.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to
26 read as follows:

27 Every school district shall admit on a tuition free basis all
28 persons of school age who reside within this state, and do not reside
29 within another school district carrying the grades for which they are
30 eligible to enroll(~~(:—PROVIDED, That nothing in)~~); and all persons of
31 school age who are subject to the interstate compact on educational
32 opportunity for military children, chapter 28A.--- RCW (section 1 of
33 this act). This section shall not be construed as affecting RCW
34 28A.225.220 or 28A.225.250.

35 **Sec. 7.** RCW 28A.225.225 and 2003 c 36 s 1 are each amended to read
36 as follows:

1 (1) Except for students who reside out-of-state, a district shall
2 accept applications from nonresident students who are the children of
3 full-time certificated and classified school employees, and those
4 children shall be permitted to enroll:

5 (a) At the school to which the employee is assigned; or

6 (b) At a school forming the district's K through 12 continuum which
7 includes the school to which the employee is assigned.

8 (2) A district may reject applications under this section if:

9 (a) The student's disciplinary records indicate a history of
10 convictions for offenses or crimes, violent or disruptive behavior, or
11 gang membership;

12 (b) The student has been expelled or suspended from a public school
13 for more than ten consecutive days. Any policy allowing for
14 readmission of expelled or suspended students under this subsection

15 (2)(b) must apply uniformly to both resident and nonresident
16 applicants; or

17 (c) Enrollment of a child under this section would displace a child
18 who is a resident of the district, except that if a child is admitted
19 under subsection (1) of this section, that child shall be permitted to
20 remain enrolled at that school, or in that district's kindergarten
21 through twelfth grade continuum, until he or she has completed his or
22 her schooling.

23 (3) Except as provided in subsection (1) of this section, and
24 chapter 28A.--- RCW (section 1 of this act), all districts accepting
25 applications from nonresident students or from students receiving home-
26 based instruction for admission to the district's schools shall
27 consider equally all applications received. Each school district shall
28 adopt a policy establishing rational, fair, and equitable standards for
29 acceptance and rejection of applications by June 30, 1990. The policy
30 may include rejection of a nonresident student if:

31 (a) Acceptance of a nonresident student would result in the
32 district experiencing a financial hardship;

33 (b) The student's disciplinary records indicate a history of
34 convictions for offenses or crimes, violent or disruptive behavior, or
35 gang membership; or

36 (c) The student has been expelled or suspended from a public school
37 for more than ten consecutive days. Any policy allowing for

1 readmission of expelled or suspended students under this subsection
2 (3)(c) must apply uniformly to both resident and nonresident
3 applicants.

4 For purposes of subsections (2)(a) and (3)(b) of this section,
5 "gang" means a group which: (i) Consists of three or more persons;
6 (ii) has identifiable leadership; and (iii) on an ongoing basis,
7 regularly conspires and acts in concert mainly for criminal purposes.

8 (4) The district shall provide to applicants written notification
9 of the approval or denial of the application in a timely manner. If
10 the application is rejected, the notification shall include the reason
11 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

12 **Sec. 8.** RCW 28A.225.280 and 2006 c 263 s 903 are each amended to
13 read as follows:

14 Eligibility of transfer students under RCW 28A.225.220 and
15 28A.225.225 and students subject to chapter 28A.--- RCW (section 1 of
16 this act) for participation in extracurricular activities shall be
17 subject to rules adopted by the Washington interscholastic activities
18 association.

19 **Sec. 9.** RCW 28A.225.330 and 2006 c 263 s 805 are each amended to
20 read as follows:

21 (1) When enrolling a student who has attended school in another
22 school district, the school enrolling the student may request the
23 parent and the student to briefly indicate in writing whether or not
24 the student has:

- 25 (a) Any history of placement in special educational programs;
- 26 (b) Any past, current, or pending disciplinary action;
- 27 (c) Any history of violent behavior, or behavior listed in RCW
28 13.04.155;
- 29 (d) Any unpaid fines or fees imposed by other schools; and
- 30 (e) Any health conditions affecting the student's educational
31 needs.

32 (2) The school enrolling the student shall request the school the
33 student previously attended to send the student's permanent record
34 including records of disciplinary action, history of violent behavior
35 or behavior listed in RCW 13.04.155, attendance, immunization records,
36 and academic performance. If the student has not paid a fine or fee

1 under RCW 28A.635.060, or tuition, fees, or fines at approved private
2 schools the school may withhold the student's official transcript, but
3 shall transmit information about the student's academic performance,
4 special placement, immunization records, records of disciplinary
5 action, and history of violent behavior or behavior listed in RCW
6 13.04.155. If the official transcript is not sent due to unpaid
7 tuition, fees, or fines, the enrolling school shall notify both the
8 student and parent or guardian that the official transcript will not be
9 sent until the obligation is met, and failure to have an official
10 transcript may result in exclusion from extracurricular activities or
11 failure to graduate.

12 (3) If information is requested under subsection (2) of this
13 section, the information shall be transmitted within two school days
14 after receiving the request and the records shall be sent as soon as
15 possible. Any school district or district employee who releases the
16 information in compliance with this section is immune from civil
17 liability for damages unless it is shown that the school district
18 employee acted with gross negligence or in bad faith. The professional
19 educator standards board shall provide by rule for the discipline under
20 chapter 28A.410 RCW of a school principal or other chief administrator
21 of a public school building who fails to make a good faith effort to
22 assure compliance with this subsection.

23 (4) Any school district or district employee who releases the
24 information in compliance with federal and state law is immune from
25 civil liability for damages unless it is shown that the school district
26 or district employee acted with gross negligence or in bad faith.

27 (5) When a school receives information under this section or RCW
28 13.40.215 that a student has a history of disciplinary actions,
29 criminal or violent behavior, or other behavior that indicates the
30 student could be a threat to the safety of educational staff or other
31 students, the school shall provide this information to the student's
32 teachers and security personnel.

33 (6) For students who are subject to the interstate compact on
34 educational opportunity for military children, chapter 28A.--- RCW
35 (section 1 of this act), this section applies only to the extent it
36 does not conflict with that chapter.

1 **Sec. 10.** RCW 28A.230.040 and 2006 c 263 s 415 are each amended to
2 read as follows:

3 Every pupil attending grades one through eight of the public
4 schools shall receive instruction in physical education as prescribed
5 by rule of the superintendent of public instruction(~~(+ PROVIDED,~~
6 ~~That))~~). Individual pupils or students may be excused on account of
7 physical disability, religious belief, or participation in directed
8 athletics. Individual pupils or students who have received a waiver
9 under Article VII(1) of section 1 of this act are exempt from this
10 section.

11 **Sec. 11.** RCW 28A.230.050 and 2006 c 263 s 416 are each amended to
12 read as follows:

13 All high schools of the state shall emphasize the work of physical
14 education, and carry into effect all physical education requirements
15 established by rule of the superintendent of public instruction(~~(+ PROVIDED,~~
16 ~~That))~~). Individual students may be excused from
17 participating in physical education otherwise required under this
18 section on account of physical disability, employment, or religious
19 belief, or because of participation in directed athletics or military
20 science and tactics or for other good cause. Individual students who
21 have received a waiver under Article VII(1) of section 1 of this act
22 are exempt from this section.

23 **Sec. 12.** RCW 28A.230.060 and 1991 c 116 s 7 are each amended to
24 read as follows:

25 Students in the twelfth grade who have not completed a course of
26 study in Washington's history and state government because of previous
27 residence outside the state may have the requirement in RCW 28A.230.090
28 waived by their principal. Individual students who have received a
29 waiver under Article VII(1) of section 1 of this act are exempt from
30 this section.

31 **Sec. 13.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
32 read as follows:

33 (1) The state board of education shall establish high school
34 graduation requirements or equivalencies for students, except those
35 equivalencies established by local high schools or school districts

1 under RCW 28A.230.097. For students who are subject to the interstate
2 compact on educational opportunity for military children, chapter
3 28A.--- RCW (section 1 of this act), this section applies only to the
4 extent it does not conflict with that chapter.

5 (a) Any course in Washington state history and government used to
6 fulfill high school graduation requirements shall consider including
7 information on the culture, history, and government of the American
8 Indian peoples who were the first inhabitants of the state.

9 (b) The certificate of academic achievement requirements under RCW
10 28A.655.061 or the certificate of individual achievement requirements
11 under RCW 28A.155.045 are required for graduation from a public high
12 school but are not the only requirements for graduation.

13 (c) Any decision on whether a student has met the state board's
14 high school graduation requirements for a high school and beyond plan
15 shall remain at the local level.

16 (2) In recognition of the statutory authority of the state board of
17 education to establish and enforce minimum high school graduation
18 requirements, the state board shall periodically reevaluate the
19 graduation requirements and shall report such findings to the
20 legislature in a timely manner as determined by the state board. The
21 state board shall reevaluate the graduation requirements for students
22 enrolled in vocationally intensive and rigorous career and technical
23 education programs, particularly those programs that lead to a
24 certificate or credential that is state or nationally recognized. The
25 purpose of the evaluation is to ensure that students enrolled in these
26 programs have sufficient opportunity to earn a certificate of academic
27 achievement, complete the program and earn the program's certificate or
28 credential, and complete other state and local graduation requirements.
29 The board shall (~~reports—[report]~~) report its findings and
30 recommendations for additional flexibility in graduation requirements,
31 if necessary, to the legislature by December 1, 2007.

32 (3) Pursuant to any requirement for instruction in languages other
33 than English established by the state board of education or a local
34 school district, or both, for purposes of high school graduation,
35 students who receive instruction in American sign language or one or
36 more American Indian languages shall be considered to have satisfied
37 the state or local school district graduation requirement for
38 instruction in one or more languages other than English.

1 (4) If requested by the student and his or her family, a student
2 who has completed high school courses before attending high school
3 shall be given high school credit which shall be applied to fulfilling
4 high school graduation requirements if:

5 (a) The course was taken with high school students, if the academic
6 level of the course exceeds the requirements for seventh and eighth
7 grade classes, and the student has successfully passed by completing
8 the same course requirements and examinations as the high school
9 students enrolled in the class; or

10 (b) The academic level of the course exceeds the requirements for
11 seventh and eighth grade classes and the course would qualify for high
12 school credit, because the course is similar or equivalent to a course
13 offered at a high school in the district as determined by the school
14 district board of directors.

15 (5) Students who have taken and successfully completed high school
16 courses under the circumstances in subsection (4) of this section shall
17 not be required to take an additional competency examination or perform
18 any other additional assignment to receive credit.

19 (6) At the college or university level, five quarter or three
20 semester hours equals one high school credit.

21 **Sec. 14.** RCW 28A.655.061 and 2007 c 355 s 5 and 2007 c 354 s 2 are
22 each reenacted and amended to read as follows:

23 (1) The high school assessment system shall include but need not be
24 limited to the Washington assessment of student learning, opportunities
25 for a student to retake the content areas of the assessment in which
26 the student was not successful, and if approved by the legislature
27 pursuant to subsection (10) of this section, one or more objective
28 alternative assessments for a student to demonstrate achievement of
29 state academic standards. The objective alternative assessments for
30 each content area shall be comparable in rigor to the skills and
31 knowledge that the student must demonstrate on the Washington
32 assessment of student learning for each content area.

33 (2) Subject to the conditions in this section, a certificate of
34 academic achievement shall be obtained by most students at about the
35 age of sixteen, and is evidence that the students have successfully met
36 the state standard in the content areas included in the certificate.
37 With the exception of students satisfying the provisions of RCW

1 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
2 for graduation from a public high school but is not the only
3 requirement for graduation. Students who are subject to the interstate
4 compact on educational opportunity for military children, chapter 28A.-
5 -- RCW (section 1 of this act), are exempt from the requirements in
6 this subsection.

7 (3) Beginning with the graduating class of 2008, with the exception
8 of students satisfying the provisions of RCW 28A.155.045, a student who
9 meets the state standards on the reading, writing, and mathematics
10 content areas of the high school Washington assessment of student
11 learning shall earn a certificate of academic achievement. If a
12 student does not successfully meet the state standards in one or more
13 content areas required for the certificate of academic achievement,
14 then the student may retake the assessment in the content area up to
15 four times at no cost to the student. If the student successfully
16 meets the state standards on a retake of the assessment then the
17 student shall earn a certificate of academic achievement. Once
18 objective alternative assessments are authorized pursuant to subsection
19 (10) of this section, a student may use the objective alternative
20 assessments to demonstrate that the student successfully meets the
21 state standards for that content area if the student has taken the
22 Washington assessment of student learning at least once. If the
23 student successfully meets the state standards on the objective
24 alternative assessments then the student shall earn a certificate of
25 academic achievement.

26 (4) Beginning no later than with the graduating class of 2013, a
27 student must meet the state standards in science in addition to the
28 other content areas required under subsection (3) of this section on
29 the Washington assessment of student learning or the objective
30 alternative assessments in order to earn a certificate of academic
31 achievement. The state board of education may adopt a rule that
32 implements the requirements of this subsection (4) beginning with a
33 graduating class before the graduating class of 2013, if the state
34 board of education adopts the rule by September 1st of the freshman
35 school year of the graduating class to which the requirements of this
36 subsection (4) apply. The state board of education's authority under
37 this subsection (4) does not alter the requirement that any change in

1 performance standards for the tenth grade assessment must comply with
2 RCW 28A.305.130.

3 (5) The state board of education may not require the acquisition of
4 the certificate of academic achievement for students in home-based
5 instruction under chapter 28A.200 RCW, for students enrolled in private
6 schools under chapter 28A.195 RCW, or for students satisfying the
7 provisions of RCW 28A.155.045.

8 (6) A student may retain and use the highest result from each
9 successfully completed content area of the high school assessment.

10 (7) School districts must make available to students the following
11 options:

12 (a) To retake the Washington assessment of student learning up to
13 four times in the content areas in which the student did not meet the
14 state standards if the student is enrolled in a public school; or

15 (b) To retake the Washington assessment of student learning up to
16 four times in the content areas in which the student did not meet the
17 state standards if the student is enrolled in a high school completion
18 program at a community or technical college. The superintendent of
19 public instruction and the state board for community and technical
20 colleges shall jointly identify means by which students in these
21 programs can be assessed.

22 (8) Students who achieve the standard in a content area of the high
23 school assessment but who wish to improve their results shall pay for
24 retaking the assessment, using a uniform cost determined by the
25 superintendent of public instruction.

26 (9) Opportunities to retake the assessment at least twice a year
27 shall be available to each school district.

28 (10)(a) The office of the superintendent of public instruction
29 shall develop options for implementing objective alternative
30 assessments, which may include an appeals process for students' scores,
31 for students to demonstrate achievement of the state academic
32 standards. The objective alternative assessments shall be comparable
33 in rigor to the skills and knowledge that the student must demonstrate
34 on the Washington assessment of student learning and be objective in
35 its determination of student achievement of the state standards.
36 Before any objective alternative assessments in addition to those
37 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
38 student to demonstrate that the student has met the state standards in

1 a content area required to obtain a certificate, the legislature shall
2 formally approve the use of any objective alternative assessments
3 through the omnibus appropriations act or by statute or concurrent
4 resolution.

5 (b)(i) A student's score on the mathematics, reading or English, or
6 writing portion of the scholastic assessment test (SAT) or the American
7 college test (ACT) may be used as an objective alternative assessment
8 under this section for demonstrating that a student has met or exceeded
9 the state standards for the certificate of academic achievement. The
10 state board of education shall identify the scores students must
11 achieve on the relevant portion of the SAT or ACT to meet or exceed the
12 state standard in the relevant content area on the Washington
13 assessment of student learning. The state board of education shall
14 identify the first scores by December 1, 2007. After the first scores
15 are established, the state board may increase but not decrease the
16 scores required for students to meet or exceed the state standards.

17 (ii) Until August 31, 2008, a student's score on the mathematics
18 portion of the preliminary scholastic assessment test (PSAT) may be
19 used as an objective alternative assessment under this section for
20 demonstrating that a student has met or exceeded the state standard for
21 the certificate of academic achievement. The state board of education
22 shall identify the score students must achieve on the mathematics
23 portion of the PSAT to meet or exceed the state standard in that
24 content area on the Washington assessment of student learning.

25 (iii) A student who scores at least a three on the grading scale of
26 one to five for selected advance placement examinations may use the
27 score as an objective alternative assessment under this section for
28 demonstrating that a student has met or exceeded state standards for
29 the certificate of academic achievement. A score of three on the
30 (~~(advance placement)~~) AP examinations in calculus or statistics may be
31 used as an alternative assessment for the mathematics portion of the
32 Washington assessment of student learning. A score of three on the
33 (~~(advance placement)~~) AP examinations in English language and
34 composition may be used as an alternative assessment for the writing
35 portion of the Washington assessment of student learning. A score of
36 three on the (~~(advance placement)~~) AP examinations in English
37 literature and composition, macroeconomics, microeconomics, psychology,
38 United States history, world history, United States government and

1 politics, or comparative government and politics may be used as an
2 alternative assessment for the reading portion of the Washington
3 assessment of student learning.

4 (11) By December 15, 2004, the house of representatives and senate
5 education committees shall obtain information and conclusions from
6 recognized, independent, national assessment experts regarding the
7 validity and reliability of the high school Washington assessment of
8 student learning for making individual student high school graduation
9 determinations.

10 (12) To help assure continued progress in academic achievement as
11 a foundation for high school graduation and to assure that students are
12 on track for high school graduation, each school district shall prepare
13 plans for students as provided in this subsection (12).

14 (a) Student learning plans are required for eighth through twelfth
15 grade students who were not successful on any or all of the content
16 areas of the Washington assessment for student learning during the
17 previous school year. The plan shall include the courses,
18 competencies, and other steps needed to be taken by the student to meet
19 state academic standards and stay on track for graduation. If
20 applicable, the plan shall also include the high school completion
21 pilot program created under RCW 28B.50.534.

22 (i) The parent or guardian shall be notified, preferably through a
23 parent conference, of the student's results on the Washington
24 assessment of student learning, actions the school intends to take to
25 improve the student's skills in any content area in which the student
26 was unsuccessful, strategies to help them improve their student's
27 skills, and the content of the student's plan.

28 (ii) Progress made on the student plan shall be reported to the
29 student's parents or guardian at least annually and adjustments to the
30 plan made as necessary.

31 (b) All fifth grade students who were not successful in one or more
32 of the content areas of the fourth grade Washington assessment of
33 student learning shall have a student learning plan.

34 (i) The parent or guardian of the student shall be notified,
35 preferably through a parent conference, of the student's results on the
36 Washington assessment of student learning, actions the school intends
37 to take to improve the student's skills in any content area in which

1 the student was unsuccessful, and provide strategies to help them
2 improve their student's skills.

3 (ii) Progress made on the student plan shall be reported to the
4 student's parents or guardian at least annually and adjustments to the
5 plan made as necessary.

6 NEW SECTION. **Sec. 15.** Section 1 of this act constitutes a new
7 chapter in Title 28A RCW.

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