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ENGROSSED SENATE BILL 5834

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State of Washington

66th Legislature

2019 Regular Session

By Senators Hunt, Wellman, Randall, Pedersen, Wilson, C., Salomon, Frockt, Hasegawa, Kuderer, Nguyen, and Saldaña

Read first time 02/06/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to providing for educational equity regardless of  
2 immigration or citizenship status; amending RCW 28A.710.040 and  
3 28A.715.020; adding new sections to chapter 28A.320 RCW; adding a new  
4 section to chapter 28A.345 RCW; adding a new section to chapter  
5 28A.300 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds:

8 (1) In June 1982, the United States supreme court issued *Plyler*  
9 *v. Doe*, 457 U.S. 202 (1982), a landmark decision holding that states  
10 may not constitutionally deny students a free public education based  
11 on immigration status. The United States supreme court found that any  
12 resources that might be saved from excluding undocumented children  
13 from public schools were far outweighed by the harms imposed on  
14 society at large from denying these students an education.

15 (2) For more than thirty years, *Plyler v. Doe* has ensured equal  
16 access to education for children regardless of immigration status. It  
17 is important for Washington state to protect its immigrant students  
18 and ensure that they have every opportunity to continue their  
19 education without fear or undue risk.

20 (3) A positive school climate is one in which students,  
21 educators, and staff feel safe, welcomed, supported, and connected.

1 Studies show that healthy school climates contribute to academic  
2 achievement and other positive outcomes for students. In an effort to  
3 create a positive school climate, Washington schools must take steps  
4 to protect the integrity of their learning environments.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 (1)(a) School districts must provide information to the parents  
8 and guardians of enrolled students regarding students' rights to a  
9 free public education, regardless of immigration status or religious  
10 beliefs. School districts must provide meaningful access to this  
11 information for families with limited English proficiency.

12 (b) Except as required by state or federal law or as required to  
13 administer a state or federally supported educational program, school  
14 district officials and employees may not collect information or  
15 documents regarding the citizenship or immigration status of students  
16 or their family members.

17 (c) When a federal immigration officer or law enforcement officer  
18 working on behalf of a federal immigration agency requests  
19 information or access to school grounds, principals, and other school  
20 administrators, must direct the officer to the school district  
21 superintendent, or the superintendent's designee. The superintendent,  
22 or the superintendent's designee, may only provide information or  
23 access to the officer after the officer presents a dated, signed  
24 judicial warrant. Following the officer's request for information or  
25 access, the superintendent, or the superintendent's designee, must  
26 report the request for information or access to the school board of  
27 directors in a timely manner and in a manner that ensures the  
28 confidentiality and privacy of any potentially identifying  
29 information.

30 (2) In order to keep public schools safe and accessible to all  
31 Washington residents, regardless of immigration status, school  
32 districts shall adopt and enforce policies and procedures consistent  
33 with the model policy described in section 3 of this act, beginning  
34 in the 2020-21 school year.

35 (3) School districts must inform school district employees of the  
36 requirements of subsection (1) of this section using the materials  
37 developed by the office of the superintendent of public instruction  
38 under section 5 of this act, and of the policy and procedures adopted  
39 under subsection (2) of this section.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28A.345  
2    RCW to read as follows:

3        The Washington state school directors' association shall develop,  
4    and publish on its web site, a model policy and procedure that  
5    complies with section 2 of this act, related to immigrant students.  
6    The model policy and procedure must include procedures:

7        (1) Related to requests for information or access to school  
8    grounds for purposes related to immigration enforcement;

9        (2) For staff to notify the school district superintendent, or  
10   the superintendent's designee, if an individual requests, or gains,  
11   access to school grounds for purposes related to immigration  
12   enforcement; and

13       (3) For responding to requests for personal information about  
14   students or students' family members for purposes of immigration  
15   enforcement.

16       NEW SECTION.    **Sec. 4.**    A new section is added to chapter 28A.320  
17    RCW to read as follows:

18        A school district may include information from a student's  
19    education record in the student information directory only after the  
20    parent or guardian of the enrolled student has provided prior written  
21    consent to include the information.

22       NEW SECTION.    **Sec. 5.**    A new section is added to chapter 28A.300  
23    RCW to read as follows:

24        The office of the superintendent of public instruction must  
25    develop, and publish on its web site, a brief presentation, guidance,  
26    or other training materials describing the requirements of section 2  
27    of this act.

28        **Sec. 6.**    RCW 28A.710.040 and 2018 c 75 s 9 are each amended to  
29    read as follows:

30        (1) A charter school must operate according to the terms of its  
31    charter contract and the provisions of this chapter.

32        (2) A charter school must:

33        (a) Comply with local, state, and federal health, safety,  
34    parents' rights, civil rights, and nondiscrimination laws applicable  
35    to school districts and to the same extent as school districts,  
36    including but not limited to sections 2 and 4 of this act, chapter

1 28A.642 RCW (discrimination prohibition), and chapter 28A.640 RCW  
2 (sexual equality);

3 (b) Provide a program of basic education, that meets the goals in  
4 RCW 28A.150.210, including instruction in the essential academic  
5 learning requirements, and participate in the statewide student  
6 assessment system as developed under RCW 28A.655.070;

7 (c) Comply with the screening and intervention requirements under  
8 RCW 28A.320.260;

9 (d) Employ certificated instructional staff as required in RCW  
10 28A.410.025. Charter schools, however, may hire noncertificated  
11 instructional staff of unusual competence and in exceptional cases as  
12 specified in RCW 28A.150.203(7);

13 (e) Comply with the employee record check requirements in RCW  
14 28A.400.303;

15 (f) Adhere to generally accepted accounting principles and be  
16 subject to financial examinations and audits as determined by the  
17 state auditor, including annual audits for legal and fiscal  
18 compliance;

19 (g) Comply with the annual performance report under RCW  
20 28A.655.110;

21 (h) Be subject to the performance improvement goals adopted by  
22 the state board of education under RCW 28A.305.130;

23 (i) Comply with the open public meetings act in chapter 42.30 RCW  
24 and public records requirements in chapter 42.56 RCW; and

25 (j) Be subject to and comply with legislation enacted after  
26 December 6, 2012, that governs the operation and management of  
27 charter schools.

28 (3) Charter public schools must comply with all state statutes  
29 and rules made applicable to the charter school in the school's  
30 charter contract, and are subject to the specific state statutes and  
31 rules identified in subsection (2) of this section. For the purpose  
32 of allowing flexibility to innovate in areas such as scheduling,  
33 personnel, funding, and educational programs to improve student  
34 outcomes and academic achievement, charter schools are not subject  
35 to, and are exempt from, all other state statutes and rules  
36 applicable to school districts and school district boards of  
37 directors. Except as provided otherwise by this chapter or a charter  
38 contract, charter schools are exempt from all school district  
39 policies.

1 (4) A charter school may not engage in any sectarian practices in  
2 its educational program, admissions or employment policies, or  
3 operations.

4 (5) Charter schools are subject to the supervision of the  
5 superintendent of public instruction and the state board of  
6 education, including accountability measures, to the same extent as  
7 other public schools, except as otherwise provided in this chapter.

8 **Sec. 7.** RCW 28A.715.020 and 2013 c 242 s 3 are each amended to  
9 read as follows:

10 (1) A school that is the subject of a state-tribal education  
11 compact must operate according to the terms of its compact executed  
12 in accordance with RCW 28A.715.010.

13 (2) Schools that are the subjects of state-tribal education  
14 compacts are exempt from all state statutes and rules applicable to  
15 school districts and school district boards of directors, except  
16 those statutes and rules made applicable under this chapter and in  
17 the state-tribal education compact executed under RCW 28A.715.010.

18 (3) Each school that is the subject of a state-tribal education  
19 compact must:

20 (a) Provide a curriculum and conduct an educational program that  
21 satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and  
22 28A.230.010 through 28A.230.195;

23 (b) Employ certificated instructional staff as required in RCW  
24 28A.410.010, however such schools may hire noncertificated  
25 instructional staff of unusual competence and in exceptional cases as  
26 specified in RCW 28A.150.203(7);

27 (c) Comply with the employee record check requirements in RCW  
28 28A.400.303 and the mandatory termination and notification provisions  
29 of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

30 (d) Comply with nondiscrimination laws, including sections 2 and  
31 4 of this act;

32 (e) Adhere to generally accepted accounting principles and be  
33 subject to financial examinations and audits as determined by the  
34 state auditor, including annual audits for legal and fiscal  
35 compliance; and

36 (f) Be subject to and comply with legislation enacted after July  
37 28, 2013, governing the operation and management of schools that are  
38 the subject of a state-tribal education compact.

1           (4) No such school may engage in any sectarian practices in its  
2 educational program, admissions or employment policies, or  
3 operations.

4           (5) Nothing in this chapter may limit or restrict any enrollment  
5 or school choice options otherwise available under this title ((~~28A~~  
6 ~~RCW~~)).

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