

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 3127

Chapter 116, Laws of 2006

(partial veto)

59th Legislature
2006 Regular Session

CENTER FOR THE IMPROVEMENT OF STUDENT LEARNING

EFFECTIVE DATE: 6/7/06

Passed by the House March 8, 2006
Yeas 60 Nays 38

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 8, 2006
Yeas 27 Nays 21

BRAD OWEN

President of the Senate

Approved March 20, 2006, with the
exception of section 9, which is vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 3127** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 20, 2006 - 10:29 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 3127

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell)

READ FIRST TIME 02/08/06.

1 AN ACT Relating to education; amending RCW 28A.300.130; adding a
2 new chapter to Title 43 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that expanding
5 activity in educational research, educational restructuring, and
6 educational improvement initiatives has produced and continues to
7 produce much valuable information. The legislature finds that such
8 information should be shared with the citizens and educational
9 community of the state as widely as possible. The legislature further
10 finds that students and schools benefit from increased parental,
11 guardian, and community involvement in education and increased
12 knowledge of and input regarding the delivery of public education. The
13 legislature further finds that increased community involvement with,
14 knowledge of, and input regarding the public education system is
15 particularly needed in low-income and ethnic minority communities.

16 The legislature finds that the center for the improvement of
17 student learning, created by the legislature in 1993 under the auspices
18 of the superintendent of public instruction, has not been allocated
19 funding since the 2001-2003 biennium, and in effect no longer exists.

1 It is the intent of the legislature to reactivate the center for the
2 improvement of student learning, and to create an educational ombudsman
3 to increase parent, guardian, and community involvement in public
4 education and to serve as a resource for parents and students and as an
5 advocate for students in the public education system.

6 **Sec. 2.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to
7 read as follows:

8 (1) ~~((Expanding activity in educational research, educational~~
9 ~~restructuring, and educational improvement initiatives has produced and~~
10 ~~continues to produce much valuable information. The legislature finds~~
11 ~~that such information should be shared with the citizens and~~
12 ~~educational community of the state as widely as possible.)) To~~
13 facilitate access to information and materials on educational
14 improvement and research, the superintendent of public instruction, to
15 the extent funds are appropriated, shall establish the center for the
16 improvement of student learning. ~~((The primary purpose of the center~~
17 ~~is to provide assistance and advice to parents, school board members,~~
18 ~~educators, and the public regarding strategies for assisting students~~
19 ~~in learning the essential academic learning requirements pursuant to~~
20 ~~RCW 28A.630.885.)) The center shall work in conjunction with ~~((the~~
21 ~~academic achievement and accountability commission)) parents,~~
22 educational service districts, institutions of higher education, and
23 education, parent, community, and business organizations.~~

24 (2) The center, in conjunction with other staff in the office of
25 the superintendent of public instruction, shall:

26 (a) ~~((Serve as a clearinghouse for the completed work and~~
27 ~~activities of the academic achievement and accountability commission;~~

28 ~~(b))~~ Serve as a clearinghouse for information regarding successful
29 educational improvement and parental involvement programs in schools
30 and districts, and information about efforts within institutions of
31 higher education in the state to support educational improvement
32 initiatives in Washington schools and districts;

33 ~~((c))~~ (b) Provide best practices research ~~((and advice))~~ that can
34 be used to help schools develop and implement: Programs and practices
35 to improve instruction ~~((of the essential academic learning~~
36 ~~requirements under section 701 of this act)); systems to analyze~~
37 student assessment data, with an emphasis on systems that will combine

1 the use of state and local data to monitor the academic progress of
2 each and every student in the school district; comprehensive, school-
3 wide improvement plans; school-based shared decision-making models;
4 programs to promote lifelong learning and community involvement in
5 education; school-to-work transition programs; programs to meet the
6 needs of highly capable students; programs and practices to meet the
7 diverse needs of students based on gender, racial, ethnic, economic,
8 and special needs status; research, information, and technology
9 systems; and other programs and practices that will assist educators in
10 helping students learn the essential academic learning requirements;

11 ~~((d) Develop and distribute, in conjunction with the academic
12 achievement and accountability commission, parental involvement
13 materials, including instructional guides developed to inform parents
14 of the essential academic learning requirements. The instructional
15 guides also shall contain actions parents may take to assist their
16 children in meeting the requirements, and should focus on reaching
17 parents who have not previously been involved with their children's
18 education;~~

19 ~~(e) Identify obstacles to greater parent and community involvement
20 in school shared decision-making processes and recommend strategies for
21 helping parents and community members to participate effectively in
22 school shared decision-making processes, including understanding and
23 respecting the roles of school building administrators and staff;~~

24 ~~(f)) (c) Develop and maintain an internet web site to increase the
25 availability of information, research, and other materials;~~

26 ~~((g) Take other actions to increase public awareness of the
27 importance of parental and community involvement in education;~~

28 ~~(h)) (d) Work with appropriate organizations to inform teachers,
29 district and school administrators, and school directors about the
30 waivers available and the broadened school board powers under RCW
31 28A.320.015;~~

32 ~~((i)) (e) Provide training and consultation services, including
33 conducting regional summer institutes;~~

34 ~~((j) Address methods for improving the success rates of certain
35 ethnic and racial student groups)) (f) Identify strategies for
36 improving the success rates of ethnic and racial student groups with
37 disproportionate academic achievement;~~

1 (g) Work with parents, teachers, and school districts in
2 establishing a model absentee notification procedure that will properly
3 notify parents when their student has not attended a class or has
4 missed a school day. The office of the superintendent of public
5 instruction shall consider various types of communication with parents
6 including, but not limited to, electronic mail, phone, and postal mail;
7 and

8 ~~((k))~~ (h) Perform other functions consistent with the purpose of
9 the center as prescribed in subsection (1) of this section.

10 (3) The superintendent of public instruction(~~(, after consultation~~
11 ~~with the academic achievement and accountability commission,~~) shall
12 select and employ a director for the center.

13 (4) The superintendent may enter into contracts with individuals or
14 organizations including but not limited to: School districts;
15 educational service districts; educational organizations; teachers;
16 higher education faculty; institutions of higher education; state
17 agencies; business or community-based organizations; and other
18 individuals and organizations to accomplish the duties and
19 responsibilities of the center. In carrying out the duties and
20 responsibilities of the center, the superintendent, whenever possible,
21 shall use practitioners to assist agency staff as well as assist
22 educators and others in schools and districts.

23 (5) The office of the superintendent of public instruction shall
24 report to the legislature by September 1, 2007, and thereafter
25 biennially, regarding the effectiveness of the center for improvement
26 of student learning, how the services provided by the center for
27 improvement of student learning have been used and by whom, and
28 recommendations to improve the accessibility and application of
29 knowledge and information that leads to improved student learning and
30 greater family and community involvement in the public education
31 system.

32 NEW SECTION. Sec. 3. (1) There is hereby created the office of
33 the education ombudsman within the office of the governor for the
34 purposes of providing information to parents, students, and others
35 regarding their rights and responsibilities with respect to the state's
36 public elementary and secondary education system, and advocating on
37 behalf of elementary and secondary students.

1 (2)(a) The governor shall appoint an ombudsman who shall be a
2 person of recognized judgment, independence, objectivity, and integrity
3 and shall be qualified by training or experience or both in the
4 following areas:

5 (i) Public education law and policy in this state;

6 (ii) Dispute resolution or problem resolution techniques, including
7 mediation and negotiation; and

8 (iii) Community outreach.

9 (b) The education ombudsman may not be an employee of any school
10 district, the office of the superintendent of public instruction, or
11 the state board of education while serving as an education ombudsman.

12 (3) Before the appointment of the education ombudsman, the governor
13 shall share information regarding the appointment to a six-person
14 legislative committee appointed and comprised as follows:

15 (a) The committee shall consist of three senators and three members
16 of the house of representatives from the legislature.

17 (b) The senate members of the committee shall be appointed by the
18 president of the senate. Two members shall represent the majority
19 caucus and one member the minority caucus.

20 (c) The house of representatives members of the committee shall be
21 appointed by the speaker of the house of representatives. Two members
22 shall represent the majority caucus and one member the minority caucus.

23 (4) If sufficient appropriations are provided, the education
24 ombudsman shall delegate and certify regional education ombudsmen. The
25 education ombudsman shall ensure that the regional ombudsmen selected
26 are appropriate to the community in which they serve and hold the same
27 qualifications as in subsection (2)(a) of this section. The education
28 ombudsman may not contract with the superintendent of public
29 instruction, or any school, school district, or current employee of a
30 school, school district, or the office of the superintendent of public
31 instruction for the provision of regional ombudsman services.

32 NEW SECTION. **Sec. 4.** The education ombudsman shall have the
33 following powers and duties:

34 (1) To develop parental involvement materials, including
35 instructional guides developed to inform parents of the essential
36 academic learning requirements required by the superintendent of public
37 instruction. The instructional guides also shall contain actions

1 parents may take to assist their children in meeting the requirements,
2 and should focus on reaching parents who have not previously been
3 involved with their children's education;

4 (2) To provide information to students, parents, and interested
5 members of the public regarding this state's public elementary and
6 secondary education system;

7 (3) To identify obstacles to greater parent and community
8 involvement in school shared decision-making processes and recommend
9 strategies for helping parents and community members to participate
10 effectively in school shared decision-making processes, including
11 understanding and respecting the roles of school building
12 administrators and staff;

13 (4) To identify and recommend strategies for improving the success
14 rates of ethnic and racial student groups with disproportionate
15 academic achievement;

16 (5) To refer complainants and others to appropriate resources,
17 agencies, or departments;

18 (6) To facilitate the resolution of complaints made by parents and
19 students with regard to the state's public elementary and secondary
20 education system;

21 (7) To perform such other functions consistent with the purpose of
22 the education ombudsman; and

23 (8) To consult with representatives of the following organizations
24 and groups regarding the work of the office of the education ombudsman,
25 including but not limited to:

26 (a) The state parent teacher association;

27 (b) Certificated and classified school employees;

28 (c) School and school district administrators;

29 (d) Parents of special education students;

30 (e) Parents of English language learners;

31 (f) The Washington state commission on Hispanic affairs;

32 (g) The Washington state commission on African-American affairs;

33 (h) The Washington state commission on Asian Pacific American
34 affairs; and

35 (i) The governor's office of Indian affairs.

36 NEW SECTION. **Sec. 5.** (1) Neither the education ombudsman nor any

1 regional educational ombudsmen are liable for good faith performance of
2 responsibilities under this chapter.

3 (2) No discriminatory, disciplinary, or retaliatory action may be
4 taken against any student or employee of any school district, the
5 office of the superintendent of public education, or the state board of
6 education, for any communication made, or information given or
7 disclosed, to aid the education ombudsman in carrying out his or her
8 duties and responsibilities, unless the same was done without good
9 faith or maliciously. This subsection is not intended to infringe upon
10 the rights of a school district to supervise, discipline, or terminate
11 an employee for other reasons or to discipline a student for other
12 reasons.

13 (3) All communications by the education ombudsman or the
14 ombudsman's staff or designee, if reasonably related to the education
15 ombudsman's duties and responsibilities and done in good faith, are
16 privileged and that privilege shall serve as a defense to any action in
17 libel or slander.

18 NEW SECTION. **Sec. 6.** The education ombudsman shall treat all
19 matters, including the identities of students, complainants, and
20 individuals from whom information is acquired, as confidential, except
21 as necessary to enable the education ombudsman to perform the duties of
22 the office. Upon receipt of information that by law is confidential or
23 privileged, the ombudsman shall maintain the confidentiality of such
24 information and shall not further disclose or disseminate the
25 information except as provided by applicable state or federal law.

26 NEW SECTION. **Sec. 7.** The education ombudsman shall report on the
27 work and accomplishment of the office and advise and make
28 recommendations to the governor, the legislature, and the state board
29 of education annually. The initial report to the governor, the
30 legislature, and the state board of education shall be made by
31 September 1, 2007, and there shall be annual reports by September 1st
32 each year thereafter. The annual reports shall provide at least the
33 following information:

34 (1) How the education ombudsman's services have been used and by
35 whom;

1 (2) Methods for the education ombudsman to increase and enhance
2 family and community involvement in public education;

3 (3) Recommendations to eliminate barriers and obstacles to
4 meaningful family and community involvement in public education; and

5 (4) Strategies to improve the educational opportunities for all
6 students in the state, including recommendations from organizations and
7 groups provided in section 4(8) of this act.

8 NEW SECTION. **Sec. 8.** Sections 3 through 7 of this act constitute
9 a new chapter in Title 43 RCW.

10 ****NEW SECTION. Sec. 9. If specific funding for the purposes of this***
11 ***act and section 2 of this act, referencing this act and section 2 of***
12 ***this act by bill or chapter number and section number, is not provided***
13 ***by June 30, 2006, in the omnibus appropriations act, section 2 of this***
14 ***act is null and void.***

**Sec. 9 was vetoed. See message at end of chapter.*

Passed by the House March 8, 2006.
Passed by the Senate March 8, 2006.
Approved by the Governor March 20, 2006, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State March 20, 2006.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 9, Engrossed
Substitute House Bill No. 3127 entitled:

"AN ACT Relating to education."

Section 9 is a standard null and void clause. It is unnecessary in
this instance as the Supplemental Budget included appropriations for
this Act.

For these reasons, I have vetoed Section 9, of Engrossed Substitute
House Bill No. 3127.

With the exception of Section 9, Engrossed Substitute House Bill No.
3127 is approved."