

Chapter 28A.320 RCW
PROVISIONS APPLICABLE TO ALL DISTRICTS

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DISTRICT POWERS AND DUTIES

RCW 28A.320.010 Corporate powers. A school district shall constitute a body corporate and shall possess all the usual powers of a public corporation, and in that name and style may sue and be sued and transact all business necessary for maintaining school and protecting the rights of the district, and enter into such obligations as are authorized therefor by law. [1969 ex.s. c 223 s 28A.58.010. Prior: (i) 1909 c 97 p 287 s 7, part; RRS s 4782, part; prior: 1897 c 118 s 44, part; 1891 c 127 s 11, part; 1890 p 366 s 30, part. Formerly RCW 28.58.040, part. (ii) 1947 c 266 s 6, part; Rem. Supp. 1947 s 4693-25, part; prior: 1909 c 97 p 265 s 2, part. Formerly RCW 28A.58.010, 28.57.135, 28.58.010.]

RCW 28A.320.015 School boards of directors—Powers—Notice of adoption of policy. (1) The board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

- (i) Promote the education and daily physical activity of kindergarten through twelfth grade students in the public schools; or
- (ii) Promote the effective, efficient, or safe management and operation of the school district;

- (b) Such powers as are expressly authorized by law; and
- (c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall comply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written

and oral comment and consideration of the comment by the board of directors. [2005 c 360 s 7; 1992 c 141 s 301.]

Findings—Intent—2005 c 360: See note following RCW 36.70A.070.

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

RCW 28A.320.019 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 23.]

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

RCW 28A.320.020 Liability for debts and judgments. Every school district shall be liable for any debts legally due, and for judgments against the district, and such district shall pay any such judgment or liability out of the proper school funds to the credit of the district. [1969 ex.s. c 223 s 28A.58.020. Prior: 1909 c 97 p 287 s 4; RRS s 4779; prior: 1897 c 118 s 41; 1890 p 365 s 27. Formerly RCW 28A.58.020, 28.58.020.]

RCW 28A.320.025 School district name change. (1) The board of directors may change the name of the school district if:

(a) Either ten percent of the registered voters of the district file a petition requesting that the name of the school district be changed and submit the proposed new name with the request to the board or the board passes a motion to hold a hearing to change the school district name;

(b) After receiving the petition or adopting the motion, the board holds a hearing within one month after the petition was submitted to the board. The board shall publish notice of the hearing and the proposed new name once a week for three consecutive weeks in a newspaper of general circulation within the school district. At the hearing, other names may be proposed and considered by the board without additional notice requirements; and

(c) A majority of the board votes to adopt the new name.

(2) If the board adopts the new name, the new name shall be recorded in the school district office and with the educational service district superintendent, the superintendent of public instruction, the state board of education, and the secretary of state. [1999 c 101 s 1.]

RCW 28A.320.030 Gifts, conveyances, etc., for scholarship and student aid purposes, receipt and administration. The board of directors of any school district may accept, receive and administer for scholarship and student aid purposes such gifts, grants, conveyances, devises and bequests of personal or real property, in trust or otherwise, for the use or benefit of the school district or its students; and sell, lease, rent or exchange and invest or expend

the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof, if any, for the foregoing purposes; and enter into contracts and adopt regulations deemed necessary by the board to provide for the receipt and expenditure of the foregoing. [1974 ex.s. c 8 s 1. Formerly RCW 28A.58.030.]

RCW 28A.320.035 Contracting out—Board's powers and duties—Goods and services. (1) The board of directors of a school district may contract with other school districts, educational service districts, public or private organizations, agencies, schools, or individuals to implement the board's powers and duties. The board of directors of a school district may contract for goods and services, including but not limited to contracts for goods and services as specifically authorized in statute or rule, as well as other educational, instructional, and specialized services. When a school district board of directors contracts for educational, instructional, or specialized services, the purpose of the contract must be to improve student learning or achievement.

(2) A contract under subsection (1) of this section may not be made with a religious or sectarian organization or school where the contract would violate the state or federal Constitution. [1997 c 267 s 1.]

RCW 28A.320.040 Bylaws for board and school government. Every board of directors shall have power to make such bylaws for their own government, and the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this title, or rules and regulations of the superintendent of public instruction or the state board of education. [1969 ex.s. c 223 s 28A.58.110. Prior: 1909 c 97 p 287 s 6; RRS s 4781; prior: 1897 c 118 s 43; 1890 p 366 s 29. Formerly RCW 28A.58.110, 28.58.110.]

RCW 28A.320.046 Recording of board of directors' meetings. The meetings of school district boards of directors are subject to the requirements of RCW 42.30.035(2). [2023 c 67 s 4.]

Effective date—2023 c 67: See note following RCW 42.30.035.

RCW 28A.320.050 Reimbursement of expenses of directors, other school representatives, and superintendent candidates—Advancing anticipated expenses. The actual expenses of school directors in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid. The board of directors may pay the actual and necessary expenses for travel, lodging and meals a superintendent candidate incurs when he or she attends an employment interview in the school district. The school directors, school superintendents, other school representatives or superintendent candidates may be advanced

sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210. [1977 c 73 s 1; 1969 ex.s. c 26 s 2; 1969 ex.s. c 223 s 28A.58.310. Prior: 1961 c 268 s 15; prior: 1919 c 90 s 6, part; 1909 c 97 p 287 s 8, part; RRS s 4783, part. Formerly RCW 28A.58.310, 28.58.310.]

RCW 28A.320.055 Employee collective bargaining agreements—Publication on school website. Each school district, charter school, and state-tribal compact school must publish on its website a copy of its public school employee collective bargaining agreements by September 1, 2014, and thereafter must update the website within thirty days of approval, renewal, or amendment of any such agreement. [2014 c 211 s 2.]

Intent—2014 c 211: "It is the legislature's intent to improve the transparency of certain public school data and expenditure information that may currently be available as a public record but is not easily accessible to the general public. For example, there is not a consistent policy for providing easy access to information about either public school employee collective bargaining agreements or associated student body program funds." [2014 c 211 s 1.]

RCW 28A.320.060 Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless. Any school district board of directors and educational service district board are authorized to purchase insurance to protect and hold personally harmless any director, officer, employee or agent of the respective school district or educational service district from any action, claim or proceeding instituted against him or her arising out of the performance or failure of performance of duties for or employment with such institution and to hold him or her harmless from any expenses connected with the defense, settlement or monetary judgments from such actions. [1990 c 33 s 330; 1975 1st ex.s. c 275 s 116; 1972 ex.s. c 142 s 2. Formerly RCW 28A.58.630.]

RCW 28A.320.070 School district as self-insurer—Authority. Any school district board of directors is authorized to enter into agreements with the board of directors of other school districts and/or educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW. [1982 c 191 s 10. Formerly RCW 28A.58.410.]

Severability—1982 c 191: See note following RCW 28A.335.210.

School districts as self-insurers: RCW 51.14.150 and 51.14.160.

RCW 28A.320.080 Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants and

agreements with private schools—Budgets. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children disabled by defective hearing, make arrangements for free instruction in lip reading to adults disabled by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.310.180(3), or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER, That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services including but not limited to school bus maintenance services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services, including but not limited to school bus maintenance services, so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services including but not limited to school bus maintenance services, and, after considering such request, may provide such joint purchasing services: PROVIDED, That such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.505 RCW. [1995 c 77 s 21; 1990 c 33 s 331; 1986 c 77 s 1; 1983 c 125 s 1; 1981 c 308 s 1; 1979 ex.s. c 66 s 2; 1971 c 26 s 1; 1969 c 53 s 2; 1969 ex.s. c 223 s 28A.58.107. Prior: 1969 c 53 s 1, part; 1967 ex.s. c 29 s 1, part; 1967 c 12 s 1, part; 1965 ex.s. c 49 s 1, part; 1963 c 104 s 1, part; 1963 c 5 s 1, part; 1961 c 305 s 1, part; 1961 c 237 s 1, part; 1961 c 66 s 1, part; 1955 c 68 s 2, part; prior: 1943 c 52 s 1, part; 1941 c 179 s 1, part; 1939 c 131 s 1, part; 1925 ex.s. c 57 s 1, part; 1919 c 89 s 3, part; 1915 c 44 s 1, part; 1909 c 97 p 285 s 2, part; 1907 c 240 s 5, part; 1903 c 104 s 17, part; 1901 c 41 s 3, part; 1897 c 118 s 40, part; 1890 p 364 s 26, part; Rem. Supp. 1943 s 4776, part. Formerly RCW 28A.58.107, 28.58.100(7), (13) and (14).]

Severability—1981 c 308: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 308 s 3.]

Severability—1979 ex.s. c 66: See note following RCW 28A.310.180.

RCW 28A.320.090 Preparing and distributing information on district's instructional program, operation and maintenance—Limitation. The board of directors of any school district shall have authority to authorize the expenditure of funds for the purpose of preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district: PROVIDED, That nothing contained herein shall be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election. [1969 ex.s. c 283 s 11. Formerly RCW 28A.58.610, 28.58.610.]

Severability—1969 ex.s. c 283: See note following RCW 28A.150.050.

RCW 28A.320.092 Unsolicited information about learning programs—Prohibition on providing to persons who file a declaration of intent to cause a child to receive home-based instruction—Exceptions. School districts are prohibited from advertising, marketing, and otherwise providing unsolicited information about learning programs offered by the school district, including but not limited to digital learning programs, part-time enrollment opportunities, and other alternative learning programs, to students and their parents who have filed a declaration of intent to cause a child to receive home-based instruction under RCW 28A.200.010. School districts may respond to requests for information that are initiated by a parent. This section does not apply to general mailings or newsletters sent by the school district to all households in the district. [2009 c 190 s 1.]

RCW 28A.320.100 Actions against officers, employees or agents of school districts and educational service districts—Defense, costs, fees—Payment of obligation. Whenever any action, claim or proceeding is instituted against any director, officer, employee or agent of a school district or educational service district arising out of the performance or failure of performance of duties for, or employment with any such district, the board of directors of the school district or educational service district board, as the case may be, may grant a request by such person that the prosecuting attorney and/or attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the school district's general fund, or in the case of an educational service district, from any appropriation made for the support of the educational service district, to which said person is attached: PROVIDED, That costs of defense and/or judgment against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his or her employment with or duties for the district. [1990 c 33 s 332; 1975 1st ex.s. c 275 s 115; 1972 ex.s. c 142 s 1. Formerly RCW 28A.58.620.]

RCW 28A.320.110 Information and research services. For the purpose of obtaining information on school organization, administration, operation, finance and instruction, school districts and educational service districts may contract for or purchase information and research services from public universities, colleges and other public bodies, or from private individuals or agencies. For the same purpose, school districts and educational service district superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations. [1975 1st ex.s. c 275 s 112; 1971 ex.s. c 93 s 4; 1969 ex.s. c 176 s 142; 1969 ex.s. c 223 s 28A.58.530. Prior: 1963 c 30 s 1. Formerly RCW 28A.58.530, 28.58.530.]

Rights preserved—Severability—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.320.120 Cooperation with technical colleges—Jurisdiction over property—Administrative charges—Discrimination against employees of technical colleges prohibited—Dispute resolution. As of May 17, 1991, school districts shall not remove facilities, equipment, or property from the jurisdiction or use of the technical colleges. This shall include direct and indirect funds other than those indirect charges provided for in the 1990-91 appropriations act. School districts shall not increase direct or indirect charges for central district administrative support for technical college programs above the percentage rate charged in the 1990-91 school year. This provision on administrative charges for technical college programs shall apply to any state and federal grants, tuition, and other revenues generated by technical college programs. School districts and the superintendent of public instruction shall cooperate fully with the technical colleges and the state board for community and technical colleges with regard to the implementation of chapter 238, Laws of 1991. No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter 238, Laws of 1991. Any dispute related to issues contained in this section shall be resolved under *RCW 28B.50.302. [1991 c 238 s 142.]

***Reviser's note:** RCW 28B.50.302 was decodified pursuant to 2015 c 55 s 119.

RCW 28A.320.123 School-based threat assessment program. (1) At a minimum, a school-based threat assessment program must:

- (a) Provide for timely and methodical school-based threat assessment and management;
- (b) Be prompted by the behavior of a student rather than some combination of a student's demographic and personal characteristics;
- (c) Convene a multidisciplinary, multiagency team, including special education teachers and practicing educational staff associates, to:

(i) Identify and assess the behavior of a student that is threatening, or potentially threatening, to self, other students, staff, school visitors, or school property;

(ii) Gather and analyze information about the student's behavior to determine a level of concern for the threat that focuses on situational variables, rather than the student's demographic or personal characteristics;

(iii) Depending on the determined level of concern, develop and implement intervention strategies to manage the student's behavior in ways that promote a safe, supportive teaching and learning environment, without excluding the student from the school; and

(iv) In the case of the threatening, or potentially threatening, behavior of a student with disabilities, align intervention strategies with the student's individualized education program or plan developed under section 504 of the rehabilitation act of 1973 by coordinating with the student's individualized education program or section 504 plan team;

(d) Create guidelines for each threat assessment team to collect, report, and review quantitative data on its activities; and

(e) Prohibit suspension or expulsion based merely on threat assessment referral or performance.

(2) By the beginning of the 2020-21 school year, each school district shall adopt a policy and procedure to establish a school-based threat assessment program that meets the requirements of subsection (1) of this section. The school district policy and procedure must be consistent with the model policy and procedure developed under RCW 28A.300.640, and with other school district policies, procedures, and plans addressing safe and supportive learning environments.

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

(a) "School-based threat assessment" means the formal process, established by a school district, of evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the threat is likely to be carried out.

(b) "School-based threat management" means the development and implementation of a plan to manage or reduce the threatening, or potentially threatening, behavior of a student in a way that increases the physical and psychological safety of students, staff, and visitors, while providing for the education of all students. [2019 c 333 s 5.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

RCW 28A.320.124 School safety and security staff—Policy and procedure—Presentation to students. (1) By the beginning of the 2021-22 school year, school districts that have safety and security staff working on school property when students are expected to be present must adopt, and periodically update, a policy and procedure that:

(a) Includes a clear statement regarding safety and security staff duties and responsibilities related to student behavior and discipline that:

(i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators; and

(ii) Recognizes that trained safety and security staff know when to informally interact with students to reinforce school rules and when to enforce the law;

(b) Clarifies the circumstances under which teachers and school administrators may ask safety and security staff to intervene with a student;

(c) Explains how safety and security staff will be engaged in creating a positive school climate and positive relationships with students; and

(d) Describes the process for families to file complaints with the school and, when applicable, the local law enforcement agency or the company that provides the safety and security staff on contract related to safety and security staff and a process for investigating and responding to complaints.

(2) At the beginning of each school year, school districts that have safety and security staff working on school property must present to and discuss with students, and distribute to students' families, information about the role and responsibilities of safety and security staff.

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

(a) "Safety and security staff" means a school resource officer, a school security officer, a campus security officer, and any other commissioned or noncommissioned employee or contractor, whose primary job duty is to provide safety or security services for a public school, as defined in RCW 28A.150.010.

(b) "School resource officer" means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff's office to work in schools to build positive relationships with students and address crime and disorder problems, gangs, and drug activities affecting or occurring in or around K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system. [2021 c 38 s 5; 2019 c 333 s 12.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

Intent—2019 c 333: "It is not the intent of the legislature to require school resource officers to work in schools. If a school district chooses to have a school resource officer program, it is the intent of the legislature to create statewide consistency for the minimum training requirements that school resource officers must receive and ensure that there is a clear agreement between the school district and local law enforcement agency in order to help establish effective partnerships that protect the health and safety of all students." [2019 c 333 s 11.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

RCW 28A.320.1241 School safety and security staff—Collected agreements and information. (1) School districts must annually collect the following information on safety and security staff:

(a) Total number of safety and security staff working in the district and in each school building, and number of days per week that each staff works;

(b) The name of any law enforcement agency or private organization with which the district has an agreement for safety and security services;

(c) A description of each incident where safety and security staff were involved that resulted in student discipline, use of force against a student, or a student arrest. For each student involved in the incident, the description must include:

(i) The student's race, ethnicity, and other demographics; and

(ii) Whether the student has an individualized education program or plan developed under section 504 of the rehabilitation act of 1973;

(d) The number of complaints related to job duties and student interactions filed against safety and security staff; and

(e) Other school safety and security information required by the office of the superintendent of public instruction.

(2) (a) School districts must annually submit any agreements adopted as required by RCW 28A.320.1242 and the information collected as required by this section at the time and in the manner required by the office of the superintendent of public instruction.

(b) The office of the superintendent of public instruction must make the submitted agreements and information publicly available. To the extent possible, information collected under subsection (1)(c) of this section must be disaggregated as provided in RCW 28A.300.042.

(3) For the purposes of this section, "safety and security staff" has the same meaning as in RCW 28A.320.124. [2021 c 38 s 2.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

RCW 28A.320.1242 School safety and security staff—Agreements with law enforcement agencies or security guard companies. (1) (a) If a law enforcement agency or security guard company supplies safety and security staff to work on school property when students are expected to be present, the school district must annually review and adopt an agreement with the law enforcement agency or security guard company that meets the requirements of this section. The agreement must:

(i) Meet the requirements described in RCW 28A.320.124(1);

(ii) Include a jointly determined hiring and placement process and a performance evaluation process; and

(iii) Either confirm that the safety and security staff have training series documentation provided under RCW 28A.310.515(4) or describe the plan for safety and security staff to complete the training series described in RCW 28A.400.345(2).

(b) The agreement review and adoption process must involve parents, students, and community members.

(2) For purposes of this section, "safety and security staff" has the same meaning as in RCW 28A.320.124. [2021 c 38 s 6.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

RCW 28A.320.125 Safe school plans—Requirements—Duties of school districts and schools—Drills—Rules—First responder agencies. (1)

The legislature considers it to be a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law. The legislature further finds and intends, by requiring safe school plans to be in place, that school districts will become eligible for federal assistance. The legislature further finds that schools are in a position to serve the community in the event of an emergency resulting from natural disasters or human-induced disasters.

(2) Schools and school districts shall consider the guidance and resources provided by the state school safety center, established under RCW 28A.300.630, and the regional school safety centers, established under RCW 28A.310.510, when developing their own individual comprehensive safe school plans. Each school district shall adopt and implement a safe school plan. The plan shall:

(a) Include required school safety policies and procedures;

(b) Address emergency mitigation, preparedness, response, and recovery;

(c) Include provisions for assisting and communicating with students and staff, including those with special needs or disabilities;

(d) Include a family-student reunification plan, including procedures for communicating the reunification plan to staff, students, families, and emergency responders;

(e) Use the training guidance provided by the Washington emergency management division of the state military department in collaboration with the state school safety center in the office of the superintendent of public instruction, established under RCW 28A.300.630, and the school safety and student well-being advisory committee, established under RCW 28A.300.635;

(f) Require the building principal to be certified on the incident command system;

(g) Take into account the manner in which the school facilities may be used as a community asset in the event of a community-wide emergency;

(h) Set guidelines for requesting city or county law enforcement agencies, local fire departments, emergency service providers, and county emergency management agencies to meet with school districts and participate in safety-related drills; and

(i) Include how substitute teachers and other temporary employees receive necessary information about safe school plans, including school safety policies and procedures and the three basic functional drill responses described in subsection (5) of this section.

(3) To the extent funds are available, school districts shall annually:

(a) Review and update safe school plans in collaboration with local emergency response agencies;

(b) Conduct an inventory of all hazardous materials;

(c) Update information to reflect current plans, including:

(i) Identifying all staff members who are trained on the national incident management system, trained on the incident command system, or are certified on the incident command system; and

(ii) Identifying school transportation procedures for evacuation, to include bus staging areas, evacuation routes, communication systems, parent-student reunification sites, and secondary transportation agreements; and

(d) Provide information to all staff on the use of emergency supplies and notification and alert procedures.

(4) School districts are encouraged to work with local emergency management agencies and other emergency responders to conduct one tabletop exercise, one functional exercise, and two full-scale exercises within a four-year period.

(5) (a) Due to geographic location, schools have unique safety challenges. It is the responsibility of school principals and administrators to assess the threats and hazards most likely to impact their school, and to practice three basic functional drills, shelter-in-place, lockdown, and evacuation, as these drills relate to those threats and hazards. Some threats or hazards may require the use of more than one basic functional drill.

(b) Schools shall conduct at least one safety-related drill per month, including summer months when school is in session with students. These drills must teach students three basic functional drill responses:

(i) "Shelter-in-place," used to limit the exposure of students and staff to hazardous materials, such as chemical, biological, or radiological contaminants, released into the environment by isolating the inside environment from the outside;

(ii) "Lockdown," used to isolate students and staff from threats of violence, such as suspicious trespassers or armed intruders, that may occur in a school or in the vicinity of a school. Lockdown drills may not include live simulations of or reenactments of active shooter scenarios that are not trauma-informed and age and developmentally appropriate; and

(iii) "Evacuation," used to move students and staff away from threats, such as fires, oil train spills, lahars, or tsunamis.

(c) The drills described in (b) of this subsection must incorporate the following requirements:

(i) A pedestrian evacuation drill for schools in mapped lahars or tsunami hazard zones; and

(ii) An earthquake drill using the state-approved earthquake safety technique "drop, cover, and hold."

(d) Schools shall document the date, time, and type (shelter-in-place, lockdown, or evacuate) of each drill required under this subsection (5), and maintain the documentation in the school office.

(e) This subsection (5) is intended to satisfy all federal requirements for comprehensive school emergency drills and evacuations.

(6) Educational service districts are encouraged to apply for federal emergency response and crisis management grants with the assistance of the superintendent of public instruction and the Washington emergency management division of the state military department.

(7) The superintendent of public instruction may adopt rules to implement provisions of this section. These rules may include, but are not limited to, provisions for evacuations, lockdowns, or other components of a comprehensive safe school plan.

(8) (a) Whenever a first responder agency notifies a school of a situation that may necessitate an evacuation or lockdown, the agency must determine if other known schools in the vicinity are similarly

threatened. The first responder agency must notify every other known school in the vicinity for which an evacuation or lockdown appears reasonably necessary to the agency's incident commander unless the agency is unable to notify schools due to duties directly tied to responding to the incident occurring. For purposes of this subsection, "school" includes a private school under chapter 28A.195 RCW.

(b) A first responder agency and its officers, agents, and employees are not liable for any act, or failure to act, under this subsection unless a first responder agency and its officers, agents, and employees acted with willful disregard. [2024 c 21 s 1; 2022 c 77 s 1; 2021 c 223 s 1. Prior: 2019 c 333 s 10; 2019 c 84 s 1; 2017 c 165 s 1; 2013 c 14 s 1; 2009 c 578 s 10; 2007 c 406 s 1; 2002 c 205 s 2.]

Effective date—2021 c 223: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021." [2021 c 223 s 4.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

Findings—2002 c 205: "Following the tragic events of September 11, 2001, the government's primary role in protecting the health, safety, and well-being of its citizens has been underscored. The legislature recognizes that there is a need to focus on the development and implementation of comprehensive safe school plans for each public school. The legislature recognizes that comprehensive safe school plans for each public school are an integral part of rebuilding public confidence. In developing these plans, the legislature finds that a coordinated effort is essential to ensure the most effective response to any type of emergency. Further, the legislature recognizes that comprehensive safe school plans for each public school are of paramount importance and will help to assure students, parents, guardians, school employees, and school administrators that our schools provide the safest possible learning environment." [2002 c 205 s 1.]

Severability—2002 c 205: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 205 s 5.]

Effective dates—2002 c 205 ss 2, 3, and 4: "(1) Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 27, 2002].

(2) Section 3 of this act takes effect September 1, 2002." [2002 c 205 s 6.]

RCW 28A.320.126 Emergency response system. School districts must work collaboratively with local law enforcement agencies and school security personnel to develop an emergency response system using evolving technology to expedite the response and arrival of law

enforcement in the event of a threat or emergency at a school. School districts are encouraged to use the model policies developed by the school safety center in the office of the superintendent of public instruction as a resource. Each school district must submit a progress report on its implementation of an emergency response system as required under this section to the office of the superintendent of public instruction by December 1, 2014. [2019 c 333 s 16; 2013 c 233 s 1.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

RCW 28A.320.127 Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse.

(1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

(a) Identification of training opportunities in recognition, screening, and referral that may be available for staff;

(b) How to use the expertise of district staff who have been trained in recognition, screening, and referral;

(c) How staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students;

(d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region;

(e) Protocols and procedures for communication with parents and guardians, including the notification requirements under RCW 28A.320.160;

(f) How staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others;

(g) How the district will provide support to students and staff after an incident of violence, youth suicide, or allegations of sexual abuse;

(h) How staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, including how staff should interact with parents, law enforcement, and child protective services; and

(i) How the district will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct required under RCW 28A.400.317.

(3) The plan under this section may be a separate plan or a component of another district plan or policy, such as the harassment, intimidation, and bullying prevention policy under RCW 28A.300.2851 or the comprehensive safe school plan required under RCW 28A.320.125. [2016 c 48 s 1; 2013 c 197 s 4.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Civil liability—2013 c 197: See RCW 28A.310.501.

RCW 28A.320.1271 Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students. The office of the superintendent of public instruction's school safety center, established in RCW 28A.300.630, shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including practices and protocols used in schools and school districts in other states. The model plan must be posted by February 1, 2014, on the school safety center website, along with relevant resources and information to support school districts in developing and implementing the plan required under RCW 28A.320.127. [2019 c 333 s 17; 2013 c 197 s 5.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Civil liability—2013 c 197: See RCW 28A.310.501.

RCW 28A.320.128 Notice and disclosure policies—Threats of violence—Student conduct—Immunity for good faith notice—Penalty.

(1) By September 1, 2020, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm"; and

(b) Procedures for complying with the notification provisions in RCW 28A.320.163.

(2) The Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section. The model policy shall be disseminated by the Washington state school directors' association and made available to the public on its website. Each school district shall adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as

required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021. [2020 c 167 s 4; 2002 c 206 s 1.]

RCW 28A.320.130 Weapons incidents—Reporting. Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor. [1993 c 347 s 2.]

RCW 28A.320.135 Telecommunication devices—Limits on possession—Policies. School district boards of directors may adopt policies that limit the possession of (1) paging telecommunication devices by students that emit audible signals, vibrate, display a message, or otherwise summons or delivers a communication to the possessor, and (2) portable or cellular telephones. [1997 c 266 s 10.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

RCW 28A.320.140 Schools with special standards—Dress codes. (1) School district boards of directors may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are required to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district.

(2) School district boards of directors may establish schools or programs in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are regularly counseled and encouraged to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district. School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district.

(3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.

(4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform

requirement is not an unfair barrier to school attendance and participation.

(5) School district boards of directors may adopt dress and grooming code policies which prohibit students from wearing gang-related apparel. If a dress and grooming code policy contains this provision, the school board must also establish policies to notify students and parents of what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel.

(6) School district boards of directors may not adopt a dress and grooming code policy which precludes students who participate in nationally recognized youth organizations from wearing organization uniforms on days that the organization has a scheduled activity or prohibit students from wearing clothing in observance of their religion. [1997 c 266 s 14; 1994 sp.s. c 7 s 612.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 28A.320.142 Unaccompanied and homeless youth—Building point of contact—Duty of district liaison for students experiencing homelessness. (1) Each K-12 public school in the state must establish a building point of contact in each elementary school, middle school, and high school. These points of contact must be appointed by the principal of the designated school and are responsible for identifying homeless and unaccompanied homeless youth and connecting them with the school district's liaison for students experiencing homelessness. The school district homeless student liaison is responsible for training building points of contact.

(2) The office of the superintendent of public instruction shall make available best practices for choosing and training building points of contact to each school district. [2019 c 412 s 3; 2016 c 157 s 5.]

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

RCW 28A.320.145 Homeless students—Support. (1) On an annual basis, each school district must strongly encourage:

(a) All school staff to annually review the video posted on the office of the superintendent of public instruction's website on how to identify signs that indicate a student may be homeless, how to provide services and support to homeless students, and why this identification and support is critical to student success to ensure that homeless students are appropriately identified and supported; and

(b) Every district-designated homeless student liaison to attend trainings provided by the state to ensure that homeless children and youth are identified and served.

(2) Each school district shall include in existing materials that are shared with students at the beginning of the school year or at enrollment, information about services and support for homeless

students, including the provisions of *RCW 28A.320.147. School districts may use the brochure posted on the website of the office of the superintendent of public instruction as a resource. Schools are also strongly encouraged to use a variety of communications each year to notify students and families about services and support available to them if they experience homelessness, including but not limited to:

- (a) Distributing and collecting an annual housing intake survey;
- (b) Providing parent brochures directly to students and families;
- (c) Announcing the information at school-wide assemblies; or
- (d) Posting information on the district's website or linking to the office of the superintendent of public instruction's website.

[2016 c 157 s 6; 2014 c 212 s 3.]

***Reviser's note:** RCW 28A.320.147 was repealed by 2017 c 275 s 2.

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

Findings—Intent—2014 c 212: See note following RCW 28A.300.540.

RCW 28A.320.148 Foster care liaison—Building point of contact.

- (1) For the purpose of addressing education barriers for students who are the subject of a dependency proceeding, each school district must:
- (a) Designate a foster care liaison to facilitate district compliance with state and federal laws related to students who are the subject of a dependency proceeding; and (b) collaborate with the department of children, youth, and families, the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the unaccompanied refugee minors program. The role and responsibilities of a foster care liaison may include:
 - (a) [(i)] Coordinating the implementation of state and federal laws related to students who are the subject of a dependency proceeding;
 - (b) [(ii)] Coordinating with foster care education program staff at the office of the superintendent of public instruction;
 - (c) [(iii)] Attending training and professional development opportunities to improve school district implementation efforts;
 - (d) [(iv)] Serving as the primary contact person for representatives of the department of children, youth, and families;
 - (e) [(v)] Leading and documenting the development of a process for making best interest determinations in accordance with RCW 28A.225.350;
 - (f) [(vi)] Facilitating immediate enrollment in accordance with RCW 28A.225.330;
 - (g) [(vii)] Facilitating the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;
 - (h) [(viii)] Facilitating data sharing with child welfare agencies consistent with state and federal privacy laws and rules;
 - (i) [(ix)] Developing and coordinating local transportation procedures;
 - (j) [(x)] Managing best interest determination and transportation cost disputes according to the best practices developed by the office of the superintendent of public instruction;
 - (k) [(xi)] Ensuring that students who are the subject of a dependency proceeding are enrolled in and regularly attending school, consistent with RCW 28A.225.023; and

(1) [(xii)] Providing professional development and training to school staff on state and federal laws related to students who are the subject of a dependency proceeding and their educational needs, as needed.

(2) Each K-12 public school in the state must establish a building point of contact in each elementary school, middle school, and high school. These points of contact must be appointed by the principal of the designated school, in consultation with the district foster care liaison, and are responsible for coordinating services and resources for students in foster care as outlined in subsection (1) of this section.

(3) The district foster care liaison is responsible for training building points of contact.

(4) The office of the superintendent of public instruction shall make available best practices for choosing and training building points of contact to each school district.

(5) For the purposes of this section, "students who are the subject of a dependency proceeding" has the same meaning as in RCW 28A.150.510. [2022 c 78 s 5; 2021 c 95 s 2; 2018 c 139 s 3.]

Intent—2021 c 95: "The legislature acknowledges that students in foster care often face additional challenges, both academically and emotionally. When students are connected with a caring adult, are attending school regularly, and have the supports they need, they are more likely to be successful in school and in life. Schools, child welfare agencies, communities, and families must work together to provide the equitable opportunities, specialized services, and useful supports that are essential for students in foster care. By establishing a building point of contact, the legislature intends to further support coordination of resources and facilitation of compliance with state and federal laws related to students who are dependent pursuant to chapter 13.34 RCW." [2021 c 95 s 1.]

Effective date—2018 c 139: See note following RCW 28A.225.350.

RCW 28A.320.155 Criminal history record information—School volunteers. If a volunteer alerts a school district that the volunteer has undergone a criminal records check in accordance with applicable state law, including RCW 10.97.050, 28A.400.303, 28A.410.010, or 43.43.830 through 43.43.845, within the two years before the time the volunteer is volunteering in the school, then the school may request that the volunteer furnish the school with a copy of the criminal history record information or sign a release to the business, school, organization, criminal justice agency, or juvenile justice or care agency, or other state agency that originally obtained the criminal history record information to permit the record information to be shared with the school. Once the school requests the information from the business, school, organization, or agency the information shall be furnished to the school. Any business, school, organization, agency, or its employee or official that shares the criminal history record information with the requesting school in accordance with this section is immune from criminal and civil liability for dissemination of the information.

If the criminal history record information is shared, the school must require the volunteer to sign a disclosure statement indicating

that there has been no conviction since the completion date of the most recent criminal background inquiry. [1999 c 21 s 1.]

RCW 28A.320.160 Alleged sexual misconduct by school employee—Parental notification—Information on public records act. School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts shall provide parents with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis. [2005 c 274 s 244; 2004 c 29 s 3.]

Findings—2004 c 29: See note following RCW 28A.400.301.

RCW 28A.320.163 Notifications—Appeals. (1) A school district superintendent, a designee of the superintendent, or a principal of a school who receives information pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 shall comply with the notification provisions described in this section.

(2) Upon receipt of information described in subsection (1) of this section, a school district superintendent or a designee of the superintendent must provide the received information to the principal of the school where the student is enrolled or will enroll, or if not known, where the student was most recently enrolled.

(3)(a) Upon receipt of information about a sex offense as defined in RCW 9.94A.030, the principal must comply with the notification requirements in RCW 9A.44.138.

(b) Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under chapter 9.41 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW, or a school disciplinary action, the principal, subject to requirements of subsection (4) of this section, has discretion to share the information with a school district staff member if, in the principal's judgment, the information is necessary for:

- (i) The staff member to supervise the student;
- (ii) The staff member to provide or refer the student to therapeutic or behavioral health services; or
- (iii) Security purposes.

(4)(a) Upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance in violation of chapter 69.50 RCW, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a school district staff member.

(b) If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the school district in accordance with procedures adopted by the district.

(c) The superintendent shall have five business days after receiving an appeal under (b) of this subsection to make a written determination on the matter. Determinations by superintendents under this subsection are final and not subject to further appeal.

(d) A principal may not share adjudication information under this subsection with a school district staff member while an appeal is pending.

(5) Any information received by school district staff under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994 (20 U.S.C. Sec. 1232g et seq.). [2020 c 167 s 1.]

RCW 28A.320.165 Notice of pesticide use. Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian. [2009 c 556 s 12; 2001 c 333 s 4.]

Effective date—2001 c 333: See note following RCW 17.21.020.

RCW 28A.320.168 Curricula—Mandatory instruction in sex trafficking awareness and prevention. (1) Beginning no later than the 2025-26 school year, school districts must offer instruction in sex trafficking awareness and prevention. The instruction may be offered beginning in grade seven, but each student must be offered the instruction at least once before completing grade 12. The instruction, at the discretion of the school or school district, may be integrated into a relevant course or a course may be repurposed to include the instruction.

(2) Subject to the availability of amounts appropriated for this specific purpose, on or before June 30, 2024, the office of the superintendent of public instruction must review curricula related to the awareness and prevention of sex trafficking.

(3) To the extent practicable, the office of the superintendent of public instruction must make available in the library of openly licensed courseware under RCW 28A.300.803, curricular resources related to the awareness and prevention of sex trafficking that include:

(a) Information about the race, gender, and socioeconomic status of sex trafficking victims and perpetrators;

(b) Medically and legally accurate definitions of sex trafficking, and information about term stigmatization and how it may reduce reporting and increase the difficulty of detecting and prosecuting sex trafficking crimes;

(c) Information about reporting systems and community engagement opportunities with local, state, or national organizations against sex trafficking, and basic identification training to determine if an individual is at risk of or has been sex trafficked; and

(d) Information to help students recognize the signs and behavior changes in others that may indicate grooming for sex trafficking or other unlawful, coercive relationships.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools

established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts. [2023 c 328 s 2.]

Findings—2023 c 328: "The legislature recognizes that:

(1) The United States has the second largest concentration of past and current trafficking victims, and Washington state is currently the sixth largest epicenter of sex trafficking in the United States.

(2) More than 45 percent of all sex trafficking victims are minors and attending our nation's schools every day.

(3) Currently, most trafficking avoids detection, with one study from the national institute of justice finding that "fewer than half of all suspected traffickers in the United States had been arrested." Recent national institute of justice supported research reveals that labor and sex trafficking data appearing in the federal bureau of investigation's national uniform crime reporting program may significantly understate the extent of trafficking crimes in the United States.

(4) The undefined nature of human trafficking contributes to widespread ignorance for public agencies in a position to address the crime. Sixty percent of state and local prosecutors nationwide "do not consider trafficking a problem in their jurisdictions," and over 70 percent of local, state, and county law enforcement agencies wrongly "view human trafficking as rare or nonexistent" in their local communities.

(5) Nearly half of prosecutors and law enforcement agencies across the country are unaware of specific existing antitrafficking laws or definitions that constitute acts of human trafficking, which manifests in current ineffective mitigation strategies.

(6) Child sex trafficking survivors are disproportionately girls of color. In King county, 52 percent of all child sex trafficking victims are black and 84 percent of youth victims are female, while black girls comprise 1.1 percent of the population.

(7) Sex traffickers are not overgeneralized to any demographic but are disproportionately white men. In King county, 80 percent of sex traffickers are white men.

(8) Females of color bear the brunt of prostitution imprisonment as a result of sexual violence in sex trafficking due to mandatory arrests. For example, Latinx women account for nearly 61 percent of juvenile prostitution arrests. By contrast, sex traffickers face little to no consequences for their role in exploitation.

(9) Twenty-five service agencies participated in a 2007 survey. Nineteen of these agencies provided information that aligned with what are understood to be "red-flag" indicators of trafficking situations. Victimization and human trafficking are considerable concerns for eastern Washington, particularly Spokane, and there is a wide spectrum of trafficking activities that include sex slavery, forced prostitution, forced panhandling, farm labor, janitorial work, and domestic servitude.

(10) On any given day, between 300 and 500 people, some as young as 11 years old, are trafficked in the Puget Sound area for labor or sex.

(11) Intersectional, accurate, and actionable sex trafficking education is necessary to enable all students to break down stereotypes of affected parties in sex trafficking and provide them

with tools for identifying and combatting this crime." [2023 c 328 s 1.]

RCW 28A.320.170 Curricula—Tribal history and culture. (1)(a) Beginning July 24, 2015, when a school district board of directors reviews or adopts its social studies curriculum, it shall incorporate curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes, so that students learn about the unique heritage and experience of their closest neighbors.

(b) School districts shall meet the requirements of this section by using the John McCoy (lulilaš) since time immemorial curriculum developed and made available free of charge by the office of the superintendent of public instruction and may modify that curriculum in order to incorporate elements that have a regionally specific focus or to incorporate the curriculum into existing curricular materials.

(2) As they conduct regularly scheduled reviews and revisions of their social studies and history curricula, school districts shall collaborate with any federally recognized Indian tribe within their district, and with neighboring Indian tribes, to incorporate expanded and improved curricular materials about Indian tribes, and to create programs of classroom and community cultural exchanges.

(3) School districts shall collaborate with the office of the superintendent of public instruction on curricular areas regarding tribal government and history that are statewide in nature, such as the concept of tribal sovereignty and the history of federal policy towards federally recognized Indian tribes. The program of Indian education within the office of the superintendent of public instruction shall help local school districts identify federally recognized Indian tribes whose reservations are in whole or in part within the boundaries of the district and/or those that are nearest to the school district. [2024 c 200 s 2; 2015 c 198 s 2; 2005 c 205 s 4.]

Findings—Intent—2015 c 198: "The legislature recognizes the need to reaffirm the state's commitment to educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian nations to the state of Washington. The legislature recognizes that this goal has yet to be achieved in most of our state's schools and districts. As a result, Indian students may not find the school curriculum, especially Washington state history curriculum, relevant to their lives or experiences. In addition, many students may remain uninformed about the experiences, contributions, and perspectives of their tribal neighbors, fellow citizens, and classmates. The legislature finds that more widespread use of the Since Time Immemorial curriculum developed by the office of the superintendent of public instruction and available free of charge to schools would contribute greatly towards helping improve school's history curriculum and improve the experiences Indian students have in our schools. Accordingly, the legislature finds that merely encouraging education regarding Washington's tribal history, culture, and government is not sufficient, and hereby declares its intent that such education be mandatory in Washington's common schools." [2015 c 198 s 1.]

Intent—Findings—2005 c 205: "It is the intent of the legislature to promote the full success of the centennial accord, which was signed by state and tribal government leaders in 1989. As those leaders declared in the subsequent millennial accord in 1999, this will require "educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian nations to the state of Washington." The legislature recognizes that this goal has yet to be achieved in most of our state's schools and districts. As a result, Indian students may not find the school curriculum, especially Washington state history curriculum, relevant to their lives or experiences. In addition, many students may remain uninformed about the experiences, contributions, and perspectives of their tribal neighbors, fellow citizens, and classmates. The legislature further finds that the lack of accurate and complete curricula may contribute to the persistent achievement gap between Indian and other students. The legislature finds there is a need to establish collaborative government-to-government relationships between elected school boards and tribal councils to create local and/or regional curricula about tribal history and culture, and to promote dialogue and cultural exchanges that can help tribal leaders and school leaders implement strategies to close the achievement gap." [2005 c 205 s 1.]

RCW 28A.320.171 Designating John McCoy (lulilaš) since time immemorial curriculum. (1) The legislature recognizes the tireless and visionary efforts of John McCoy to support student and educator learning about the history, culture, and government of federally recognized Indian tribes in the Pacific Northwest.

(2) In 2005, John McCoy, whose traditional name in Lushootseed is lulilaš, sponsored Substitute House Bill No. 1495. The enacted legislation began the statewide process of incorporating information about tribal history, culture, and government into social studies courses in which Washington or United States history is taught. The resulting instructional materials have become known as the since time immemorial curriculum.

(3) The legislature, therefore, intends to honor the efforts of John McCoy by naming the curriculum used to support his vision as the John McCoy (lulilaš) since time immemorial curriculum. [2024 c 200 s 1.]

RCW 28A.320.172 Short title—2024 c 200. Chapter 200, Laws of 2024 shall be known and cited as the John McCoy (lulilaš) memorial tribal history, culture, and government act. [2024 c 200 s 5.]

RCW 28A.320.173 Curricula—Outdoor-based activities. (1) Public schools may develop curricula that:

(a) Links student learning with engagement in seasonal or nonseasonal outdoor-based activities, including activities related to academic requirements in science, health and fitness, and career and technical education;

(b) Aligns with the *essential academic learning requirements under RCW 28A.655.070 that are a component of the state's instructional program of basic education; and

(c) Includes locally administered competency-based assessments that align with the Washington state learning standards.

(2) Public schools that develop curricula under this section may request authorization from the superintendent of public instruction as provided in RCW 28A.300.790 to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5). [2018 c 266 s 409.]

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

RCW 28A.320.175 School data—Collection and submission to the office of the superintendent of public instruction. (1) No later than the beginning of the 2008-09 school year and thereafter, each school district shall collect and electronically submit to the office of the superintendent of public instruction, in a format and according to a schedule prescribed by the office, the following data for each class or course offered in each school:

(a) The certification number or other unique identifier associated with the teacher's certificate for each teacher assigned to teach the class or course, including reassignments that may occur during the school year; and

(b) The statewide student identifier for each student enrolled in or being provided services through the class or course.

(2) No later than the beginning of the 2014-15 school year, the data under subsection (1) of this section must also include dates of teacher assignments and reassignments. [2014 c 161 s 1; 2007 c 401 s 4.]

Findings—2007 c 401: See note following RCW 28A.300.500.

RCW 28A.320.180 Mathematics college readiness test—Costs. (1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under *RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test. [2007 c 396 s 11; (2009 c 556 s 13 expired July 1, 2011).]

***Reviser's note:** RCW 28B.10.679 was amended by 2015 c 55 s 206, removing the mathematics college readiness test.

Expiration date—2009 c 556 ss 11, 13, and 15: See note following RCW 28A.300.525.

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

RCW 28A.320.185 School gardens or farms. (1) School districts may operate school gardens or farms, as appropriate, for the purpose of growing fruits and vegetables to be used for educational purposes and, where appropriate, to be offered to students through the district nutrition services meal and snack programs. All such foods used in the district's meal and snack programs shall meet appropriate safety standards.

(2) If a school operates a school garden or farm, students representing various student organizations, including but not limited to vocational programs such as the FFA and 4-H, shall be given the opportunity to be involved in the operation of a school garden or farm.

(3) When school gardens or farms are used to educate students about agricultural practices, students shall be afforded the opportunity to learn about both organic and conventional growing methods. [2008 c 215 s 7.]

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

RCW 28A.320.190 Extended learning opportunities program. (1) The extended learning opportunities program is created for eligible ninth through twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

- (a) Individual or small group instruction;
- (b) Attendance in a public high school or public alternative school classes or at a skill center;
- (c) Inclusion in remediation programs, including summer school;
- (d) Language development instruction for English language learners;

(e) Online curriculum and instructional support, including programs for credit retrieval and statewide student assessment preparatory classes; and

(f) Reading improvement specialists available at the educational service districts to serve eighth through twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills. [2021 c 111 s 11; 2019 c 252 s 113; 2009 c 578 s 2; 2008 c 321 s 3.]

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

Intent—2019 c 252: See note following RCW 28A.230.710.

Findings—2008 c 321: "The legislature finds that high school students need to graduate with the skills necessary to be successful in college and work. The state graduation requirements help to ensure that Washington high school graduates have the basic skills to be competitive in a global economy. Under education reform started in 1993, time was to be the variable, obtaining the skills was to be the constant. Therefore, students who need additional time to gain the academic skills needed for college and the workplace should have the opportunities they need to reach high academic achievement, even if that takes more than the standard four years of high school.

Different students face different challenges and barriers to their academic success. Some students struggle to meet the standard on a single portion of the Washington assessment of student learning while excelling in the other subject areas; other students struggle to complete the necessary state or local graduation credits; while still others have their knowledge tested on the assessments and have completed all the credit requirements but are struggling because English is not their first language. The legislature finds that many of these students need additional time and support to achieve academic proficiency and meet all graduation requirements." [2008 c 321 s 1.]

RCW 28A.320.191 Program of early learning under RCW 43.216.555. For the program of early learning established in RCW 43.216.555, school districts:

(1) Shall work cooperatively with program providers to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(2) May contract with the department of children, youth, and families to deliver services under the program. [2017 3rd sp.s. c 6 s 219; 2010 c 231 s 5.]

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

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

RCW 28A.320.192 On-time grade level progression and graduation of students who are homeless, subject to a dependency proceeding, at-risk youth or children, or have been released from an institutional education facility—Rules. (1) School districts must incorporate the procedures in this section for the purpose of eliminating barriers and facilitating the on-time grade level progression and graduation of students who are homeless as described in RCW 28A.300.542, students who are the subject of a dependency proceeding, at-risk youth or children in need of services pursuant to chapter 13.32A RCW, and students who are in or have been released from an institutional education facility.

(2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative means of acquiring required coursework so that graduation may occur on time.

(3) School districts must consolidate partial credit, unresolved, or incomplete coursework and provide opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.

(4) For students in or released from an institutional education facility, school districts must provide students with access to world language proficiency tests, American sign language proficiency tests, and general education development tests. Access to the tests may not be conditioned or otherwise dependent upon a student's request. School districts must award at least one high school credit to students upon meeting the standard established by the state board of education under subsection (9) of this section on a world language or American sign language proficiency test or a general education development test. Additional credits may be awarded by the district if a student has completed a course or courses of study to prepare for the test. If the school district has a local policy for awarding mastery-based credit on state or local assessments, the school district must apply this policy for students in or released from an institutional education facility.

(5) For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer and the receiving school must accept those credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the receiving school.

(6) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

(7) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural obligations of school districts to implement these provisions.

(8) Should a student have enrolled in three or more school districts as a high school student and have met state requirements but

be ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local requirements and ensure the receipt of a diploma.

(9) The state board of education, in consultation with the office of the superintendent of public instruction, shall identify the scores students must achieve in order to meet the standard on world language or American sign language proficiency tests and general education development tests in accordance with subsection (4) of this section.

(10) For the purposes of this section, "institutional education facility" and "school district" have the same meaning as in RCW 28A.190.005.

(11) For the purposes of this section, "students who are the subject of a dependency proceeding" has the same meaning as in RCW 28A.150.510. [2022 c 78 s 6; 2021 c 164 s 4. Prior: 2017 c 166 s 1; 2017 c 40 s 1; 2012 c 163 s 7.]

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

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

RCW 28A.320.193 Community service—Policy—Incentive. By September 1, 2013, each school district shall adopt a policy that is supportive of community service and provides an incentive, such as recognition or credit, for students who participate in community service. [2013 c 176 s 2.]

Finding—2013 c 176: "The legislature finds that volunteering connects students to their communities and provides an opportunity for students to practice and apply their academic and social skills in preparation for entering the workforce. Community service can better prepare and inspire students to continue their education beyond high school. Community service is also associated with increased civic awareness and participation by students." [2013 c 176 s 1.]

RCW 28A.320.195 Academic acceleration for high school students—Adoption of policy. (1) By the 2021-22 school year, each school district board of directors shall adopt an academic acceleration policy for high school students as provided under this section.

(2) Under an academic acceleration policy:

(a) The district shall automatically enroll any student who meets or exceeds the state standard on the eighth grade or high school English language arts or mathematics statewide student assessment in the next most rigorous level of advanced courses or program offered by the high school that aligns with the student's high school and beyond plan goals.

(b) Each school district may include additional eligibility criteria for students to participate in the academic acceleration policy so long as the district criteria does not create inequities among student groups in the advanced course or program.

(3) (a) The subject matter of the advanced courses or program in which a student is automatically enrolled depends on the content area or areas of the assessments where the student has met or exceeded the state standard under subsection (2) of this section.

(b) Students who meet or exceed the state standard on the English language arts statewide student assessment are eligible for enrollment in advanced courses in English, social studies, humanities, and other related subjects.

(c) Students who meet or exceed the state standard on the mathematics statewide student assessment are eligible for enrollment in advanced courses in mathematics.

(d) Beginning in the 2021-22 school year, students who meet or exceed the state standard on the Washington comprehensive assessment of science are eligible for enrollment in advanced courses in science.

(4) (a) Students who successfully complete an advanced course in accordance with subsection (3) of this section are then enrolled in the next most rigorous level of advanced course that aligns with the student's high school and beyond plan.

(b) Students who successfully complete the advanced course in accordance with this subsection are then enrolled in the next most rigorous level of advanced course with the objective that students will eventually be automatically enrolled in courses that offer the opportunity to earn dual credit for high school and college.

(5) The district must notify students and parents or guardians regarding the academic acceleration policy and the advanced courses or programs available to students, including dual credit courses or programs.

(6) The district must provide a parent or guardian of a high school student with an opportunity to opt the student out of the academic acceleration policy and enroll the student in an alternative course or program that aligns with the student's high school and beyond plan goals. [2019 c 252 s 502; 2013 c 184 s 2.]

Intent—2019 c 252: See note following RCW 28A.230.710.

Findings—2013 c 184: "(1) The legislature finds that progress is being made in making dual high school and college credit courses available for students:

(a) Overall dual credit program enrollments increased by almost four percent between 2009 and 2012;

(b) The number of dual credit programs offered by Washington high schools increased by almost fifteen percent between the 2009-10 school year and the 2011-12 school year; and

(c) Dual credit program participation rates for low-income students increased more than fourteen percent between the 2009-10 school year and the 2011-12 school year.

(2) However, the legislature further finds that more can be done to promote academic acceleration for all students and eliminate barriers, real or perceived, that may prevent students from enrolling in rigorous advanced courses, including dual credit courses." [2013 c 184 s 1.]

RCW 28A.320.196 Academic acceleration incentive program—Dual credit courses—Allocation of funds—Reports. (1) Subject to funds appropriated specifically for this purpose, the academic acceleration incentive program is established as provided in this section. The intent of the legislature is that the funds awarded under the program be used to support teacher training, curriculum, technology, examination fees, textbook fees, and other costs associated with

offering dual credit courses to high school students, including transportation for running start students to and from the institution of higher education as defined in RCW 28A.600.300.

(2) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section on a competitive basis to provide one-time grants for high schools to expand the availability of dual credit courses. To be eligible for a grant, a school district must have adopted an academic acceleration policy as provided under RCW 28A.320.195. In making grant awards, the office of the superintendent of public instruction must give priority to grants for high schools with a high proportion of low-income students and high schools seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity.

(3) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section to school districts as an incentive award for each student who earned dual high school and college credit, as described under subsection (4) of this section, for courses offered by the district's high schools during the previous school year. School districts must distribute the award to the high schools that generated the funds. The award amount for low-income students eligible to participate in the federal free and reduced-price meals program who earn dual credits must be set at one hundred twenty-five percent of the base award for other students. A student who earns more than one dual credit in the same school year counts only once for the purposes of the incentive award.

(4) For the purposes of this section, the following students are considered to have earned dual high school and college credit in a course offered by a high school:

(a) Students who achieve a score of three or higher on an AP examination;

(b) Students who achieve a score of four or higher on an examination of the international baccalaureate diploma programme;

(c) Students who successfully complete a Cambridge advanced international certificate of education examination;

(d) Students who successfully complete a course through the college in the high school program under RCW 28A.600.287 and are awarded credit by the partnering institution of higher education; and

(e) Students who satisfy the dual enrollment and class performance requirements to earn college credit through a career and technical education course.

(5) If a high school provides access to online courses for students to earn dual high school and college credit at no cost to the student, such a course is considered to be offered by the high school.

(6) The office of the superintendent of public instruction shall report to the education policy committees and the fiscal committees of the legislature, by January 1st of each year, information about the demographics of the students earning dual credits in the schools receiving grants under this section for the prior school year. Demographic data shall be disaggregated pursuant to RCW 28A.300.042. [2022 c 75 s 4; 2021 c 71 s 4; 2015 c 202 s 2; 2013 c 184 s 3.]

Findings—Intent—2015 c 202: "The legislature finds that Washington has been a front-runner in dual credit innovation through the establishment of the running start and college in the high school

programs, and has continued to expand student choices in dual credit programs.

In Washington, a range of dual credit or dual enrollment programs are available to students. Dual credit programs, such as running start, college in the high school, tech prep (course completion options), and AP and international baccalaureate and Cambridge (standardized exam options) offer academically prepared students the opportunity to earn college credits while still in high school. Students who participate in these programs achieve improved high school graduation rates and are more likely to continue on to college and complete a degree. In addition, dual credit and dual enrollment programs support students' individual college and career pathways.

The legislature further finds that through the development and implementation of the 2013 road map the student achievement council has identified key barriers that limit access to dual credit programs, particularly for low-income students. Removing these barriers is a critical step toward achieving the state educational attainment goals outlined in the road map.

The legislature recognizes that the decision to enroll in a dual credit program should be made by the student and the student's parents or guardians, in consultation with counselors or academic advisors, and based on the academic, cultural, and developmental needs and college and career goals of the student. The decision to choose one dual credit option over another should not be based on the difference in the costs of one option over another.

In the college in the high school program, credit is awarded based on successful course completion and ability to pay tuition and fees. Under the current college in the high school system, some students may successfully complete the course but do not receive credit because they are unable to pay. Students in the running start program face a different but equally challenging situation. Students in the running start program do not receive funding for books and transportation costs. These financial barriers decrease opportunities for lower income students to benefit from dual credit programs.

Therefore, the legislature intends to increase opportunities for academically prepared high school students to earn up to two years of college credit through dual credit programs, and to reduce disparities in access to, and completion of, these programs. This act provides a new funding model to support tuition in the college in the high school program, and provides flexibility in the academic acceleration incentive program to assist students with transportation and book expenses associated with the running start program. It is the intent of the legislature, once this new funding model is enacted and operational, to establish a distinction between the college in the high school program as a program occurring in high schools and the running start program as a program occurring on a college campus.

The legislature finds that dual credit opportunities are a valuable means of supporting students on their way to successful completion of college and career pathways. The legislature seeks additional recommendations to mitigate financial and other barriers for students enrolled in the running start program, and dual credit programs based on standardized exams." [2015 c 202 s 1.]

Contingency—2013 c 184 s 3: "If specific funding for purposes of section 3 of this act, referencing section 3 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the

omnibus operating appropriations act, section 3 of this act is null and void." [2013 c 184 s 5.] The omnibus appropriations act provided funding for "this act" by bill and chapter but not section number. See section 513(21), chapter 4, Laws of 2013 2nd sp. sess.

Findings—2013 c 184: See note following RCW 28A.320.195.

RCW 28A.320.202 Comprehensive system of instruction and services in reading and early literacy. School districts are responsible for providing a comprehensive system of instruction and services in reading and early literacy to kindergarten through fourth grade students that is based on the degree of student need for additional support. Reading and early literacy systems provided by school districts must include:

(1) Annual use of screening assessments and other tools to identify at-risk readers in kindergarten through fourth grade, such as the Washington kindergarten inventory of developing skills, the Washington state early learning and development guidelines for birth through third grade, the second grade reading assessment under RCW 28A.300.310, and locally used assessments and other tools; and

(2) Research-based family involvement and engagement strategies, including strategies to help families and guardians assist in improving students' reading and early literacy skills at home. [2013 2nd sp.s. c 18 s 102.]

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

RCW 28A.320.203 Reading skills—Report cards. (1) Each school district shall require that report cards for students in kindergarten through fourth grade include information regarding how the student is progressing on acquiring reading skills and whether the student is at grade level in reading.

(2) If a student is not reading at or above grade level, the teacher, with the support of other school personnel as appropriate, must explain to the parent or guardian which interventions and strategies will be used to help improve the student's reading skills and must provide strategies for parents or guardians to assist with improving the student's reading skills at home.

(3) Each school shall report to the school district the number of students in grades kindergarten through four who are reading below grade level and the interventions that are being provided to improve the reading skills of the students, with the information disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall submit a statewide report annually to the education committees of the legislature and the educational opportunity gap oversight and accountability committee. [2013 2nd sp.s. c 18 s 104.]

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

RCW 28A.320.211 Discipline policies, procedures, and rules—Dissemination of information—Use of disaggregated data—Review. (1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures. [2016 c 72 s 102.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

RCW 28A.320.230 Instructional materials—Instructional materials committee—Complaint system. (1) Every board of directors, unless otherwise specifically provided by law, shall:

(a) In accordance with RCW 28A.345.130, prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

(i) State the school district's goals and principles relative to instructional materials;

(ii) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

(iii) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of: Representative members of the district's professional staff, including representation from the district's curriculum development committees; one or more parents of enrolled students, with the parent members equaling less than one-half of the total membership of the committee; and in the case of districts that operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. School districts shall develop and implement comprehensive outreach programs to parents of enrolled students in the district for the purpose of recruiting a diverse pool of parent members for instructional materials committees that reflects the demographics and learning needs in the district to the greatest extent possible;

(iv) Instructional materials committees that are unable to recruit at least one parent of an enrolled student to serve on the committee must, while they are without a parent member, report quarterly to the school district board of directors and the public on their efforts to recruit one or more parents to serve on the committee;

(v) Provide for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee;

(vi) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the

school district. The system required by this subsection (1)(a)(vi) must:

(A) Require that complaints be in writing from a parent or legal guardian of a student who is enrolled in the district and submitted to a principal from a school where the materials that are the subject of the complaint are used;

(B) Seek to resolve complaints through, if requested by the parent or guardian, a meeting with the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, and the principal to whom the complaint was submitted;

(C) Require, if a resolution cannot be agreed upon with the parent or guardian and the school principal, the instructional materials committee to provide a written decision on the matter within: (I) 60 days of a meeting held under (a)(vi)(B) of this subsection; or (II) 90 days after the complaint was received by the principal, whichever date is later. Decisions made in accordance with this subsection (1)(a)(vi) must be in conformity with RCW 28A.320.233 and may be limited in application to only the student or students of the parent or guardian who submitted the complaint; and

(D) Provide a process for appealing decisions of the instructional materials committee, by the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, or a principal from a school where the materials that are the subject of the complaint are used, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1)(a)(vi) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent; and

(vii) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage; and

(b) Establish a depreciation scale for determining the value of texts which students wish to purchase.

(2) Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Recommendations made in accordance with this section must include recommendations for culturally and experientially representative instructional materials including materials on the study of the role and contributions of individuals or groups that are part of a protected class under RCW 28A.642.010 and 28A.640.010, but approval or disapproval shall be by the local school district's board of directors.

(3) Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

(4) Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

(5) Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet

deviant needs or rapidly changing circumstances. [2024 c 316 s 3; 2024 c 157 s 3; 1989 c 371 s 1; 1979 ex.s. c 134 s 2; 1975 1st ex.s. c 275 s 109; 1971 c 48 s 29; 1969 ex.s. c 223 s 28A.58.103. Prior: 1969 c 53 s 1, part; 1967 ex.s. c 29 s 1, part; 1967 c 12 s 1, part; 1965 ex.s. c 49 s 1, part; 1963 c 104 s 1, part; 1963 c 5 s 1, part; 1961 c 305 s 1, part; 1961 c 237 s 1, part; 1961 c 66 s 1, part; 1955 c 68 s 2, part. Formerly RCW 28A.58.103, 28.58.100 (8) and (9).]

Reviser's note: This section was amended by 2024 c 157 s 3 and by 2024 c 316 s 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent—2024 c 157: See note following RCW 28A.345.130.

Severability—1971 c 48: See note following RCW 28A.310.250.

Disposal of obsolete or surplus reading materials by school districts and libraries: RCW 39.33.070.

Surplus texts and other educational aids, notice of availability—Student priority as to texts: RCW 28A.335.180.

RCW 28A.320.233 Student materials—Denial based on protected class prohibited—Complaint procedure. (1)(a) Except as provided otherwise by this section, a school district board of directors may not refuse to approve, or prohibit the use of, any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction on the basis that it relates to or includes the study of the role and contributions of any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(b) Subsection (1)(a) of this section does not apply if the content of the material relating to the role and contributions of an individual or group violates the provisions of chapter 28A.642 or 28A.640 RCW, including materials containing bias against any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(2) Anyone alleging a violation of subsection (1) of this section may bring a complaint under the provisions of chapter 28A.642 or 28A.640 RCW. Any school district board of directors found to be in violation of subsection (1) of this section shall be considered to have violated chapter 28A.642 or 28A.640 RCW and is subject to the provisions of that chapter.

(3) For the purposes of this section, "supplemental instructional materials" has the same meaning as in RCW 28A.320.235.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts. [2024 c 316 s 1.]

RCW 28A.320.235 Supplemental instructional materials—Policies and procedures—Definitions. (1) By the beginning of the 2025-26

school year, each school district board of directors shall adopt or revise as necessary policies and procedures governing requested reviews and removals of supplemental instructional materials. The policies and procedures must:

(a) Include a summary of, and citation to, the requirements governing supplemental instructional materials established in RCW 28A.320.233;

(b) Require that requests for the review and potential removal of supplemental instructional materials be in writing from a parent and submitted to the applicable certificated teacher or teacher-librarian and school principal;

(c) Seek to resolve requests for reviews and potential removals of supplemental instructional materials at the school building level through, if requested by the parent, a meeting with the parent, the applicable certificated teacher or teacher-librarian, and school principal;

(d) Require, if a resolution cannot be agreed upon with the parent and the school principal, and following a review of the supplemental instructional materials by the principal, in consultation with a teacher-librarian of the school district if one is available, the principal to provide a written decision on whether to remove the materials within: (i) 30 days of the meeting with the parent; or (ii) 60 days of receiving the request under (b) of this subsection if the parent does not request to meet with school personnel as provided in (c) of this subsection; and

(e) Provide a process for appealing decisions of principals, either by the parent or the applicable certificated teacher or teacher-librarian, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent.

(2) Decisions made in accordance with subsection (1)(d) and (e) of this section must be in conformity with RCW 28A.320.233 and may be limited in application to only the student or students of the parent who submitted the complaint.

(3) For the purposes of this section, the following definitions apply:

(a) "Parent" means a parent or legal guardian of a student who is enrolled in the school or school district;

(b) "Supplemental instructional materials" or "materials" means: (i) Materials in school libraries; and (ii) educational materials that are not expressly required by the school or school district and are instead selected at the discretion of a certificated teacher or teacher-librarian for materials in school libraries; and

(c) "Teacher-librarian" has the same meaning as in RCW 28A.320.240.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts. [2024 c 316 s 2.]

RCW 28A.320.240 School library information and technology

programs—Resources and materials—Teacher-librarians. (1) The purpose of this section is to identify quality criteria for school library information and technology programs that support the student learning goals under RCW 28A.150.210, the *essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide resources and materials for the operation of school library information and technology programs as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule of the superintendent of public instruction.

(3) "Teacher-librarian" means a certificated teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School library information and technology program" means a school-based program that is staffed by a certificated teacher-librarian and provides a broad, flexible array of services, resources, and instruction that support student mastery of the *essential academic learning requirements and state standards in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school library information and technology program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing high school and beyond plans required for graduation.

(6) The teacher-librarian's duties may include, but are not limited to, collaborating with his or her schools to:

(a) Integrate information and technology into curriculum and instruction, including but not limited to instructing other certificated staff about using and integrating information and technology literacy into instruction through workshops, modeling lessons, and individual peer coaching;

(b) Provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as in the appropriate use of computers and mobile devices in an educational setting;

(c) Help teachers and students efficiently and effectively access the highest quality information available while using information ethically;

(d) Instruct students in digital citizenship including how to be critical consumers of information and provide guidance about thoughtful and strategic use of online resources; and

(e) Create a culture of reading in the school community by developing a diverse, student-focused collection of materials that ensures all students can find something of quality to read and by facilitating school-wide reading initiatives along with providing individual support and guidance for students. [2015 c 27 s 1; 2014 c 217 s 205; 2006 c 263 s 914; 1969 ex.s. c 223 s 28A.58.104. Prior: (i) 1909 c 97 p 299 s 7; RRS s 4817. Formerly RCW 28.63.040. (ii) 1909 c 97 p 302 s 7; RRS s 4829. Formerly RCW 28A.58.104, 28.63.042.]

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

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

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

RCW 28A.320.242 Teacher hiring data—Reports. By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers hired in the previous school year and the district projects will be hired in the following school year, disaggregated by content area. [2016 c 233 s 13.]

Reviser's note: 2016 c 233 s 13 directed that this section be added to chapter 28A.330 RCW, but codification in chapter 28A.320 RCW appears to be more appropriate.

RCW 28A.320.245 Responses to audit findings on use of local revenues—Policies—Hearings—Disciplinary actions. Before the beginning of the 2019-20 school year, each school district board of directors must adopt a policy for responding to any audit findings resulting from the audits conducted by the state auditor on the use of local revenues by the school district in accordance with RCW 28A.150.276 and 43.09.2856. The policy must require a public hearing by the school district board of directors of the findings of the state auditor within thirty days of the issuance of the findings; and may include progressive disciplinary actions for the district superintendent, which may be implemented by the school district board of directors. [2017 3rd sp.s. c 13 s 504.]

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

RCW 28A.320.250 Dyslexia definition. For the purposes of RCW 28A.300.700, *28A.300.710, 28A.300.720, 28A.320.260, and 28A.320.270, "dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities. In addition, the difficulties are not typically a result of ineffective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. [2018 c 75 s 1.]

***Reviser's note:** RCW 28A.300.710 expired August 1, 2023.

RCW 28A.320.260 Dyslexia interventions. (1) Beginning in the 2021-22 school year, and as provided in this section, each school district must use multitiered systems of support to provide interventions to students in kindergarten through second grade who display indications of, or areas of weakness associated with, dyslexia. In order to provide school districts with the opportunity to

intervene before a student's performance falls significantly below grade level, school districts must screen students in kindergarten through second grade for indications of, or areas associated with, dyslexia as provided in this section.

(2) (a) School districts must use screening tools and resources that exemplify best practices, as described under RCW 28A.300.700.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with RCW 28A.300.700.

(3) (a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence-based multitiered systems of support, consistent with the recommendations of the dyslexia advisory council under *RCW 28A.300.710 and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, a school district must begin by providing student supports in the general education classroom. If screening tools and resources indicate that, after receiving the initial tier of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further screening tools and resources indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be evaluated for dyslexia or a specific learning disability.

(4) For a student who shows indications of, or areas of weakness associated with, dyslexia, each school district must notify the student's parents and family of the identified indicators and areas of weakness, as well as the plan for using multitiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction. The school district must regularly update the student's parents and family of the student's progress.

(5) School districts may use state funds provided under chapter 28A.165 RCW to meet the requirements of this section. [2018 c 75 s 2.]

***Reviser's note:** RCW 28A.300.710 expired August 1, 2023.

RCW 28A.320.270 Dyslexia reporting requirements. Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under *RCW 28A.300.710 must use this data when developing best practice

recommendations in accordance with RCW *28A.300.710 and 28A.300.720.
[2018 c 75 s 6.]

***Reviser's note:** RCW 28A.300.710 expired August 1, 2023.

RCW 28A.320.280 School counselors, social workers, and psychologists—Priorities. The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other things. School social workers promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources. All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, social workers, and psychologists have the time available to prioritize these functions, in addition to other activities requiring direct student contact, responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible. [2018 c 200 s 2.]

Findings—Intent—Civil liability—2018 c 200: See notes following RCW 28A.320.290.

RCW 28A.320.290 School counselors, social workers, and psychologists—Professional collaboration. (1) Within existing resources, beginning in the 2019-20 school year, first-class school districts must provide a minimum of six hours of professional collaboration per year, preferably in person, for school counselors, social workers, and psychologists that focuses on the following: Recognizing signs of emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals. Teachers may also participate in this professional collaboration, as deemed appropriate and allowed by their building administrators. School districts that have mental health centers in their area shall collaborate with local licensed mental health service providers under chapter 71.24 RCW. Those districts without a mental health center in their area shall collaborate via telephone or other remote means that allow for dialogue and discussion. By collaborating with local providers in this manner, educational staff associates get to collaborate in short but regular segments, in their own schools or near school district facilities, and school districts are not put in a position that they must obtain substitutes or otherwise expend additional funds. This local connection will also help foster a connection between school personnel and the mental health professionals in the community to whom school personnel may make referrals, in line with the legislative intent expressed throughout Engrossed Substitute House Bill No. 1336, chapter 197, Laws of 2013, to form partnerships with qualified health, mental health, and social services agencies in the community to

coordinate and improve support for youth in need and the directive to the department of social and health services with respect to the provision of funds for mental health first-aid training targeted at teachers and educational staff.

(2) Second-class districts are encouraged, but not required, to collaborate and provide the professional collaboration as provided in subsection (1) of this section. [2018 c 200 s 4.]

Findings—Intent—2018 c 200: "(1) The legislature finds that students' unmet mental health needs pose barriers to learning and development, and ultimately student success in school. The legislature further finds that the need to identify and assist students struggling with emotional and mental health needs has reached a serious level statewide. In order to prioritize students' needs first, the legislature finds that the persons most qualified in the school setting to lead the effort in addressing this epidemic are the school counselor, school social worker, and school psychologist. The legislature further finds that the knowledge-levels and skill-levels of these nonacademic professionals must be increased in order to enhance mental health-related student support services.

(2) The legislature further finds that in chapter 175, Laws of 2007, appropriate acknowledgment was given to the fact that a professional school counselor is not just a course and career guidance professional, but a certificated educator with unique qualifications and skills to address all students' academic, personal, social, and career development needs, and that school counselors serve a vital role in maximizing student achievement by supporting a safe learning environment and addressing the needs of all students through prevention and intervention programs that are part of a comprehensive school counseling program. The legislature finds, however, that despite the language in RCW 28A.410.043 that appropriately recognizes that the role of the school counselor is multifaceted, with a focus upon students' mental health needs as well as career guidance needs, the reality in the schools is that counselor staffing levels are well below the national recommendations of one counselor to every two hundred fifty students. As a result, there are not enough counselors in the schools and many school counselors have been tasked primarily with course and career guidance responsibilities at the expense of the mental health side of school counseling. Similarly, school psychologist staffing levels are below the national recommendations of one psychologist to every five hundred to seven hundred students when providing comprehensive school psychological services, and school social worker staffing levels are below the national recommendations of one school social worker to every two hundred fifty students, or one to every fifty students with intensive needs.

(3) The legislature further finds that school counselors, social workers, and psychologists interact with students on a daily basis, thus putting them in a good position to recognize the signs of emotional or behavioral distress and make appropriate referrals. The legislature finds that individuals entering these professions need proper preparation to respond to the mental health and safety needs of students. The legislature further finds that they need ongoing professional development to address students' mental health needs and get students the help they need. The legislature further finds that Engrossed Substitute House Bill No. 1336, which became chapter 197, Laws of 2013, increased the capacity of school districts and their

personnel to recognize and respond to youth in need through comprehensive planning and additional training, but that additional opportunities for collaboration on a regular and ongoing basis are in order. By providing professional collaboration opportunities with local mental health service providers at the school district level to school counselors, social workers, and psychologists, the legislature intends to take the next step toward enabling these professionals to recognize and respond with skill and confidence to the signs of emotional or behavioral distress that they observe in students and make the appropriate referrals to evidence-based behavioral health services." [2018 c 200 s 1.]

Civil liability—2018 c 200: "This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district." [2018 c 200 s 6.]

RCW 28A.320.292 Posting of department of health information.

(1) Within existing resources, each school district that maintains a website must post a prominent link on their homepage, and the homepage for each school within the district, to information from the department of health provided in accordance with RCW 70.54.490 that addresses substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition.

(2) Each school district, for the purpose of informing students, families, and other interested persons about available health and safety resources, must also make the information from the department of health accessible through other internet-based communications, such as social media accounts used by the district and through other digital and nondigital communications of the district. Postings required by this subsection may be made multiple times annually and no less frequently than twice each school year.

(3) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal compact schools established under chapter 28A.715 RCW. [2023 c 173 s 2.]

Findings—Intent—2023 c 173: See note following RCW 70.54.490.

RCW 28A.320.294 Health and safety information on public school websites. (1)(a) Within existing resources, every public school that maintains a website must publish onto the home page of that website the following information:

(i) The website address and phone number for one or more national suicide prevention organizations;

(ii) The website address and phone number for one or more local, state, or national organizations specializing in suicide prevention or crisis intervention;

(iii) The website address and phone number for one or more local, state, or national organizations specializing in depression, anxiety, or counseling for adolescents;

(iv) The website address and phone number for one or more local, state, or national organizations specializing in eating disorders for adolescents;

(v) The website address and phone number for one or more local, state, or national organizations specializing in substance abuse for adolescents; and

(vi) The website address and phone number for a mental health referral service for children and teens under chapter 126, Laws of 2021.

(b) A public school may meet the requirements of this subsection by publishing a prominent link on its home page to a behavioral and emotional health website that contains the required information.

(2) Public schools, in complying with the requirements of this section, must post information on social media websites used by the school district for the purpose of notifying students, families, and the public of the behavioral health resources available on websites as required by this section. The postings required by this subsection (2) must occur multiple times each year and no less than quarterly. [2021 c 167 s 2.]

Finding—Intent—2021 c 167: "(1) The legislature finds that student behavioral health issues have become a crisis in Washington state, necessitating the deployment of behavioral health resources in schools throughout the state. The legislature's concerns are based on the following facts:

(a) According to the healthy youth survey conducted by the office of the superintendent of public instruction in 2018, one in five students in eighth, 10th, and 12th grades considered attempting suicide in the past year while just half of those surveyed had an adult to turn to when feeling sad or hopeless;

(b) According to the national institute for mental health, more than one in 25 adolescents between 13 and 18 years of age are experiencing an eating disorder;

(c) According to the national institute of drug abuse, nearly half of 12th grade students have used illicit drugs, six in 10 have drunk alcohol, and four in 10 have used marijuana [cannabis];

(d) The COVID-19 pandemic has increased the prevalence of and exacerbated existing behavioral health disorders for minors across the state; and

(e) A major barrier to behavioral health support for minors is lack of awareness and access to information about existing services.

(2) The legislature intends to require that contact information for a suicide prevention organization, depression or anxiety support organization, eating disorder support organization, substance abuse support organization, and a mental health referral service for children and teens be listed on the home page of each public school website for the following reasons:

(a) Immediate access to behavioral health services often prevents suicide, attempted suicide, and other self-harm; and

(b) Students in public schools often have access to and spend time on the website for their school." [2021 c 167 s 1.]

RCW 28A.320.296 Native American names, symbols, and images as school mascots, logos, or team names. (1) Except as provided otherwise by this section, beginning January 1, 2022, public schools

may not use Native American names, symbols, or images as school mascots, logos, or team names.

(2) Subsection (1) of this section does not apply to public schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or public schools in a county that contains all or part of a tribal reservation or tribal trust lands, if the tribe or tribes having regulatory jurisdiction over the territory within that boundary have:

(a) Been consulted by the appropriate school, district, or both. Consultations under this subsection (2)(a) must include summaries of completed and ongoing district and school actions required by RCW 28A.320.170; and

(b) Authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

(3) A public school may use uniforms or other materials after January 1, 2022, bearing Native American names, symbols, or images as mascots, logos, or team names if the uniforms or materials were purchased before January 1, 2022, and if:

(a) The school selects a new mascot, logo, or team name by December 31, 2021, to take effect in the 2021-22 school year;

(b) Except as provided otherwise by this subsection (3)(b), the school does not purchase or acquire any uniforms or materials that include the discontinued Native American name, symbol, or image. However, a school using the discontinued Native American name, symbol, or image may, until January 1, 2023, purchase or acquire a number of uniforms equal to up to twenty percent of the total number of uniforms used by a team, band, or cheer squad at that school during the 2021-22 school year solely to replace damaged or lost uniforms;

(c) The school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued Native American name, symbol, or image; and

(d) The school does not purchase, construct, or acquire a marquee, sign, or other new or replacement fixture that includes or bears the discontinued Native American name, symbol, or image.

(4) A public school that does not meet the geographic requirements in subsection (2) of this section is exempt from subsection (1) of this section if:

(a) The school is located in a county that is adjacent to a county that contains all or part of a tribal reservation or tribal trust lands; and

(b) The tribe that is consulted with and determines to authorize the use of the name, symbol, or image as a school mascot, logo, or team name as provided in subsection (2) of this section is the nearest federally recognized Indian tribe. [2021 c 128 s 2.]

Findings—Intent—2021 c 128: "(1) The legislature finds that the use of racially derogatory or discriminatory school mascots, logos, or team names in public schools is antithetical to their mission of providing an equal education to all, and contrary to the goal of making schools safe and respectful learning environments.

(2) The legislature finds also that certain mascots, logos, or team names that are or have been used by schools and other entities are uniquely discriminatory in singling out the Native American community for derision and cultural appropriation.

(3) Although the inappropriate use of Native American names, symbols, or images may be premised on the promotion of unity or school

spirit, their use fails to respect the cultural heritage of Native Americans and promote productive relationships between sovereign governments. Furthermore, numerous individuals and organizations, including the United States commission on civil rights, have concluded that the use of Native American images and names in school sports is a barrier to equality and understanding, and that all residents of the United States would benefit from the discontinuance of their use.

(4) The legislature therefore, recognizing that no school has a cognizable interest in retaining a racially derogatory or discriminatory school mascot, logo, or team name, intends to prohibit the inappropriate use of Native American names, symbols, or images for those purposes." [2021 c 128 s 1.]

DEPOSIT, INVESTMENT, AND USE OF PROCEEDS

RCW 28A.320.300 Investment of funds, including funds received by ESD—Authority—Procedure. Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.320.310 and 28A.320.320 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.320.310, 28A.320.320, 36.29.020, 36.29.022, or 36.29.024 as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.310.220. [1999 c 18 s 1; 1990 c 33 s 335; 1982 c 191 s 5; 1975 c 47 s 1. Formerly RCW 28A.58.430.]

Severability—1982 c 191: See note following RCW 28A.335.210.

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

RCW 28A.320.310 Investment of building funds—Restrictions. The board of directors of any school district of the state of Washington which now has, or hereafter shall have, funds in the capital projects fund of the district in the office of the county treasurer which in the judgment of said board are not required for the immediate necessities of the district, may invest and reinvest all, or any part, of such funds pursuant to RCW 35.39.030, 36.29.020, 36.29.022, 36.29.024, 39.59.020, *39.59.030, and 43.84.080: PROVIDED, That nothing herein authorized, or the type and character of the securities

thus specified, shall have in itself the effect of delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the county treasurer to the credit and benefit of the capital projects fund of the district in the county treasurer's office. [1999 c 18 s 2; 1990 c 33 s 336; 1985 c 7 s 95; 1971 c 8 s 4. Prior: 1945 c 29 s 1. Formerly RCW 28A.58.435.]

***Reviser's note:** RCW 39.59.030 was repealed by 2016 c 152 s 12.

Severability—1971 c 8: "If any provision of this 1971 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 c 8 s 7.]

School district funds: RCW 28A.320.330.

RCW 28A.320.320 Investment of funds of district—Service fee.

The county treasurer, or the trustee, guardian, or any other custodian of any school fund, when authorized to do so by the board of directors of any school district, shall invest or reinvest any school funds of such district in investment securities pursuant to RCW 36.29.020 and 36.29.022. The county treasurer shall have the power to select the particular investment in which said funds may be invested. All earnings and income from such investments shall inure to the benefit of any school fund designated by the board of directors of the school district which such board may lawfully designate: PROVIDED, That any interest or earnings being credited to a fund different from that which earned the interest or earnings shall only be expended for instructional supplies, equipment or capital outlay purposes. This section shall apply to all funds which may be lawfully so invested or reinvested which in the judgment of the school board are not required for the immediate necessities of the district.

Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the board of school directors shall be paid as an investment service fee to the office of county treasurer when the interest or earnings becomes available to the school district or an amount as determined pursuant to RCW 36.29.022 and 36.29.024. [1999 c 18 s 3; 1983 c 66 s 1; 1969 ex.s. c 223 s 28A.58.440. Prior: 1965 c 111 s 1; 1961 c 123 s 1. Formerly RCW 28A.58.440, 28.58.440.]

Severability—1983 c 66: See note following RCW 39.58.010.

Investment of idle building funds—1945 act: 1945 c 29 s 1.

School district funds: RCW 28A.320.330.

RCW 28A.320.330 School district funds. School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

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

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

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

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c) (xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these

records until the state auditor has completed the audit under RCW 43.09.2856.

(e) For school districts of the second class as defined by [in] RCW 28A.300.065, a depreciation subfund for the school district to reserve funds for future facility and equipment needs. Up to two percent of a second class school district's general fund may be deposited each fiscal year into the depreciation subfund for the purpose of preventative maintenance or emergency facility needs. The preventative maintenance must be necessary to realize the originally anticipated useful life of a building or facility and include: Exterior painting of facilities; replacement or renovation of roofing, exterior walls, windows, heating, air conditioning and ventilation systems, floor coverings in classrooms and common areas, and electrical and plumbing systems; and renovation of playfields, athletic facilities, and other district real property. School districts of the second class, subject to applicable public works bid limits, may use school district employees to perform preventative maintenance with moneys from the depreciation subfund, but moneys from the depreciation subfund may not be used for employee compensation that is unrelated to this subsection (1)(e).

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f) (i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(i) During the 2023-2025 fiscal biennium, for moneys in the capital projects fund not attributable to capital levies, moving of equipment and furniture between buildings and warehouses for storage, moving of the content of teachers' classrooms between buildings, and furniture purchases, when these costs are due to the following activities: Construction, remodeling, replacement, temporary placement, consolidation, or directed transfer.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW. [2023 c 474 s 8022; 2023 c 402 s 1; 2021 c 332 s 7045. Prior: 2019 c 411 s 3; 2019 c 410 s 3; 2018 c 266 s 302; 2017 3rd sp.s. c 13 s 601; 2009 c 460 s 1; prior: 2007 c 503 s 2; 2007 c 129 s 2; 2002 c 275 s 2; 1990 c 33 s 337; 1983 c 59 s 13; 1982 c 191 s 6; 1981 c 250 s 2. Formerly RCW 28A.58.441.]

Reviser's note: This section was amended by 2023 c 402 s 1 and by 2023 c 474 s 8022, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Conflict with federal requirements—2023 c 474: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2023 c 474 s 8040.]

Effective date—2023 c 474: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 16, 2023]." [2023 c 474 s 8042.]

Effective date—2021 c 332: See note following RCW 43.19.501.

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

Intent—2007 c 129: "The legislature recognizes that technology has become an integral part of the facilities and educational delivery systems in our schools. In order to prepare our state's students to participate fully in our state's economy, school districts are making substantial capital investments in their technology systems, facilities, and projects. Districts are implementing, applying, and modernizing their technology systems. Software companies are shifting from selling software as a one-time package to a license or an extended contractual relationship requiring a subscription and ongoing payments. School districts must be empowered to respond to the changing business models in the software industry and be given flexibility and authority to use capital projects funds to pay for licenses or online application fees. It is the intent of the legislature that these investments be deemed major capital purpose and

are also permitted uses of the district's two to six-year levies authorized by RCW 84.52.053." [2007 c 129 s 1.]

Declaration—2002 c 275: "The legislature recognizes and acknowledges that technology has become an integral part of the facilities and educational delivery systems in our schools. In order to prepare our state's students to participate fully in our state's economy, substantial capital investments must continue to be made in our schools' comprehensive technology systems, facilities, and projects. These investments are declared to be a major capital purpose." [2002 c 275 s 1.]

Application—Effective date—Severability—1983 c 59: See notes following RCW 28A.505.010.

Severability—1982 c 191: See note following RCW 28A.335.210.

Effective date—1981 c 250: See note following RCW 28A.335.060.

ELECTORS—QUALIFICATIONS, VOTING PLACE, AND SPECIAL MEETINGS

RCW 28A.320.400 Elections—Qualifications of electors—Voting place. Qualifications of electors at all school elections shall be the same as at a general state or county election. Except as otherwise provided by law, only those electors residing within the district shall be entitled to vote, and an elector may vote only at the polling place designated by the proper election official. [1969 ex.s. c 223 s 28A.58.520. Prior: 1941 c 12 s 1; Rem. Supp. 1941 s 5025-1. Formerly RCW 28A.58.520, 28.58.520.]

RCW 28A.320.410 Elections—Elections to be conducted according to Title 29A RCW. All school district elections, regular or special, shall be conducted according to the election laws of the state as contained in Title 29A RCW, and in the event of a conflict as to the application of the laws of this title or Title 29A RCW, the latter shall prevail. [2015 c 53 s 7; 1969 ex.s. c 223 s 28A.58.521. Prior: 1965 c 123 s 8. Formerly RCW 28A.58.521, 28.58.521.]

RCW 28A.320.420 Special meetings of voters—Authorized—Purpose. Any board of directors at its discretion may, and, upon a petition of a majority of the legal voters of their district, shall call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of time prescribed by law that such school shall be maintained in the district during the year; to determine whether or not the district shall purchase any schoolhouse site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or more schoolhouses or school facilities; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money or establish and maintain a school district library. [1982 c 158 s 4; 1969 ex.s. c 223 s 28A.58.370. Prior: 1909 c 97 p 349 s 1;

RRS s 5028; prior: 1901 c 177 s 18; 1897 c 118 s 156. Formerly RCW 28A.58.370, 28.58.370.]

Severability—1982 c 158: See note following RCW 28A.150.220.

RCW 28A.320.430 Special meetings of voters—Place, notice, procedure, record. All such special meetings shall be held at such schoolhouse or place as the board of directors may determine. The voting shall be by ballot, the ballots to be of white paper of uniform size and quality. At least ten days' notice of such special meeting shall be given by the school district superintendent, in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be transacted at such meeting than such as is specified in the notice. The school district superintendent shall be the secretary of the meeting, and the chair of the board of directors or, in his or her absence, the senior director present, shall be chair of the meeting: PROVIDED, That in the absence of one or all of said officials, the qualified electors present may elect a chair or secretary, or both chair and secretary, of said meeting as occasion may require, from among their number. The secretary of the meeting shall make a record of the proceedings of the meeting, and when the secretary of such meeting has been elected by the qualified voters present, he or she shall within ten days thereafter, file the record of the proceedings, duly certified, with the superintendent of the district, and said records shall become a part of the records of the district, and be preserved as other records. [2011 c 336 s 708; 1990 c 33 s 338; 1969 ex.s. c 223 s 28A.58.380. Prior: 1909 c 97 p 350 s 2; RRS s 5029; prior: 1897 c 118 s 157. Formerly RCW 28A.58.380, 28.58.380, 28.58.390, part.]

RCW 28A.320.440 Special meetings of voters—Directors to follow electors' decision. It shall be the duty of every board of directors to carry out the directions of the electors of their districts as expressed at any such meeting. [1969 ex.s. c 223 s 28A.58.390. Prior: 1909 c 97 p 350 s 3; RRS s 5030; prior: 1897 c 118 s 158. Formerly RCW 28A.58.390, 28.58.390.]

SUMMER SCHOOL, NIGHT SCHOOL, EXTRACURRICULAR ACTIVITIES, AND ATHLETICS

RCW 28A.320.500 Summer and/or other student vacation period programs—Authorized—Tuition and fees. Every school district board of directors is authorized to establish and operate summer and/or other student vacation period programs and to assess such tuition and special fees as it deems necessary to offset the maintenance and operation costs of such programs in whole or part. A summer and/or other student vacation period program may consist of such courses and activities as the school district board shall determine to be appropriate: PROVIDED, That such courses and activities shall not conflict with the provisions of RCW 28A.305.130. Attendance shall be voluntary. [1990 c 33 s 339; 1974 ex.s. c 161 s 1. Formerly RCW 28A.58.080.]

RCW 28A.320.510 Night schools, summer schools, meetings, use of facilities for. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Authorize school facilities to be used for night schools and establish and maintain the same whenever deemed advisable;

(2) Authorize school facilities to be used for summer schools or for meetings, whether public, literary, scientific, religious, political, mechanical, agricultural or whatever, upon approval of the board under such rules or regulations as the board of directors may adopt, which rules or regulations may require a reasonable rental for the use of such facilities. [1969 ex.s. c 223 s 28A.58.105. Prior: 1969 c 53 s 1, part; 1967 ex.s. c 29 s 1, part; 1967 c 12 s 1, part; 1965 ex.s. c 49 s 1, part; 1963 c 104 s 1, part; 1963 c 5 s 1, part; 1961 c 305 s 1, part; 1961 c 237 s 1, part; 1961 c 66 s 1, part; 1955 c 68 s 2, part. Formerly RCW 28A.58.105, 28.58.100 (10) and (12).]

RCW 28A.320.520 School credit for participation in youth court. Local school boards may provide for school credit for participation as a member of a youth court as defined in RCW 3.72.005 or 13.40.020 or a student court pursuant to RCW 28A.300.420. [2002 c 237 s 18.]

RCW 28A.320.530 Extracurricular activities—Definitions. The definitions in this section apply throughout RCW 28A.320.540 through 28A.320.580 and 28A.325.050 unless the context clearly requires otherwise.

(1) "Associated student body executive board" means the student leadership group responsible for decision making related to the associated student body at a public school.

(2) "Extracurricular activities" means school-based athletic programs. "Extracurricular activities" may also include optional noncredit school clubs.

(3) "High school student" means a public school student enrolled in any of grades nine through twelve.

(4) "Students who are low income" means students who are eligible to participate in the federal free and reduced-price meals program or, if this data is unavailable, the college bound scholarship program under chapter 28B.118 RCW. [2020 c 13 s 2.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

RCW 28A.320.540 Extracurricular activities—Data collection, publishing, and reporting. (1) Beginning April 1, 2021, and by April 1st annually thereafter, school districts must collect and report to the associated student body executive board the data related to students in possession of associated student body cards and student participation in school-based athletic programs described in subsection (3) of this section. An associated student body executive board must be provided with data from its high school only, and not with data from other high schools in the district. This data must include at least two weeks of data from the beginning of spring athletics season.

(2) Beginning April 15, 2021, and by April 15th annually thereafter, school districts must collect the data related to student

possession of an associated student body card and student participation in school-based athletic programs described in subsection (3) of this section and publish the data as required under RCW 28A.325.050.

(3) Student possession of an associated student body card and student participation in school-based athletic programs data must include:

(a) The total number of high school students and the total number of high school students who are low income;

(b) The purchase amount of an associated student body card for high school students;

(c) The discounted purchase amount of an associated student body card for high school students who are low income;

(d) Athletic program participation fees and any discounted fees for high school students who are low income;

(e) The number of high school students who possess an associated student body card and the number of high school students who are both low income and possess an associated student body card;

(f) The number of high school students participating in an athletic program and the number of high school students who are both low income and participate in an athletic program;

(g) The opportunity gap in student possession of an associated student body card, as calculated under RCW 28A.320.550;

(h) The opportunity gap in athletic program participation, as calculated under RCW 28A.320.550;

(i) Whether the school district has met the opportunity gap goals described in RCW 28A.320.560 and 28A.320.570; and

(j) The extracurricular activity opportunity gap reduction plan, as described in RCW 28A.320.580, as applicable.

(4) Data collected, reported, and published as required under this section must be from the current school year.

(5) Although data on student participation in school clubs is not required under this section, high schools may include it at their discretion.

(6) School districts that do not enroll high school students are exempt from this section.

(7) Upon request from the superintendent of public instruction, school districts must provide a summary report of the data in this section.

(8) The superintendent of public instruction may adopt rules in accordance with chapter 34.05 RCW as necessary to implement this section. [2020 c 13 s 3.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

RCW 28A.320.550 Extracurricular activities—Calculation of opportunity gaps. (1) A school district must calculate the opportunity gap in student possession of an associated student body card by subtracting the percentage of high school students who are low income and who possess an associated student body card from the percentage of high school students who are not low income and who possess an associated student body card.

(2) (a) A school district must calculate the opportunity gap in athletic program participation by subtracting the percentage of high school students who are low income and who participated in an athletic

program from the percentage of high school students who are not low income and who participated in an athletic program.

(b) Although the calculation described in (a) of this subsection (2) is not required to use data on student participation in school clubs, high schools may include it at their discretion.

(3) School districts may elect to exclude the number of students who are low income and who are participating in the running start program, as defined in RCW 28A.600.300, when calculating opportunity gaps under this section. [2020 c 13 s 4.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

RCW 28A.320.560 Extracurricular activities—Goals for reducing the opportunity gap in possession of an associated student body card.

(1) If a high school does not require an associated student body card for participation in any extracurricular activities or to receive any student discounts, the goals in this section do not apply.

(2) (a) For a high school that requires an associated student body card for participation in school clubs only, the goal is that fifty percent of high school students possess an associated student body card each school year.

(b) For a high school that requires an associated student body card for participation in school clubs and school-based athletics, the goal is that seventy percent of high school students possess an associated student body card each school year.

(3) For each high school, the opportunity gap in student possession of an associated student body card, as calculated under RCW 28A.320.550, may not exceed the following goals:

(a) During the 2020-21 school year, the opportunity gap must be twenty or fewer percentage points;

(b) During the 2021-22 school year, the opportunity gap must be sixteen or fewer percentage points;

(c) During the 2022-23 school year, the opportunity gap must be twelve or fewer percentage points;

(d) During the 2023-24 school year, the opportunity gap must be eight or fewer percentage points; and

(e) During the 2024-25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points. [2020 c 13 s 5.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

RCW 28A.320.570 Extracurricular activities—Goals for reducing the opportunity gap in participation. For each high school, the opportunity gap in extracurricular activity participation, as calculated under RCW 28A.320.550, must not exceed the following goals:

(1) During the 2020-21 school year, the opportunity gap must be twenty or fewer percentage points;

(2) During the 2021-22 school year, the opportunity gap must be sixteen or fewer percentage points;

(3) During the 2022-23 school year, the opportunity gap must be twelve or fewer percentage points;

(4) During the 2023-24 school year, the opportunity gap must be eight or fewer percentage points; and

(5) During the 2024-25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points. [2020 c 13 s 6.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

RCW 28A.320.580 Extracurricular activities—Opportunity gap reduction plan. (1) Beginning June 1, 2021, and by June 1st annually thereafter, a school district with a high school that does not meet or beat one or more of the opportunity gap reduction goals described in RCW 28A.320.560 or 28A.320.570 must develop, submit, and implement an extracurricular activity opportunity gap reduction plan.

(2) The plan must be formatted and submitted as directed by the office of the superintendent of public instruction.

(3) The plan must be published as required under RCW 28A.325.050.

(4) When developing the plan, the school district shall review recommendations from the associated student body executive board.

(5) The office of the superintendent of public instruction may review the plans submitted under this section and provide feedback and technical assistance to help school districts meet the requirements of chapter 13, Laws of 2020. [2020 c 13 s 7.]

Findings—Intent—2020 c 13: "(1) The legislature finds that:

(a) Interscholastic athletics and activities are a vital part of enriching students' educational experiences and developing students into responsible adults;

(b) Research supports the theory that students who participate in extracurricular activities have:

(i) Better grades and higher standardized test scores;

(ii) Increased school attendance;

(iii) Improved health and wellness; and

(iv) Positively enhanced educational experience[s];

(c) Many school districts require associated student body cards to participate in extracurricular activities and many school districts charge a fee for associated student body cards;

(d) Many school districts require a participation fee for some extracurricular activities; and

(e) The fees associated with obtaining associated student body cards and with participating in extracurricular activities may create an obstacle to participation in extracurricular activities by students who are low income.

(2) The legislature intends to reduce the obstacle to participation in extracurricular activities caused by the fees charged to students who are low income by creating equitable access to opportunities that improve academic, social, and emotional outcomes, collecting and analyzing data, and addressing barriers to extracurricular activities." [2020 c 13 s 1.]

COMPREHENSIVE SCHOOL COUNSELING PROGRAMS

RCW 28A.320.600 Comprehensive school counseling programs—Written plan. By the beginning of the 2022-23 school year each school district shall develop and implement a written plan for a

comprehensive school counseling program that is based on regularly updated standards developed by a national organization representing school counselors. The written plan must:

(1) Establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;

(2) Provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data, program results data, and data regarding communication with administrators, parents, students, and stakeholders;

(3) Explain how direct and indirect services will be delivered through the comprehensive school counseling program; and

(4) Establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders. [2021 c 174 s 2.]

Finding—2021 c 174: "(1) The legislature recognizes that certificated school counselors are uniquely qualified to address the developmental needs of all students through a comprehensive school counseling program. School counselors play a critical role in maximizing K-12 student outcomes, including those related to attendance, academic achievement, high school graduation, postsecondary readiness, and social-emotional development. The legislature finds that school counselors play an especially unique role in the lives of students from underserved backgrounds, particularly students of color, students with disabilities, English language learners, and students living in poverty, who, according to research, are more likely to seek out their school counselor for academic, mental health, or postsecondary planning needs.

(2) The legislature also recognizes research indicating that lower counselor to student ratios enable counselors to work more closely with students and address their unique needs, and that school counselors should be able to use their time to provide direct and indirect services to students as described in a comprehensive school counseling program grounded in research." [2021 c 174 s 1.]

RCW 28A.320.610 Comprehensive school counseling programs—Implementation. (1) The comprehensive school counseling program required by RCW 28A.320.600 must be implemented by school counselors or other educational staff associates for the purpose of guiding students in academic pursuits, career planning, and social-emotional learning.

(2) School counselors or other educational staff associates assigned to implement comprehensive school counseling programs must allocate at least 80 percent of their work time providing direct and indirect services to benefit students, as aligned with standards developed by a national organization representing school counselors. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other noncounseling staff are not direct or indirect services.

(3) For purposes of this section:

(a) "Direct services" are in-person interactions between school counselors or other educational staff associates assigned to implement comprehensive school counseling programs and students that help

students improve achievement, attendance, and discipline. Examples include, but are not limited to, instruction, appraisal, advisement, and counseling.

(b) "Indirect services" are provided on behalf of students as a result of interactions with others by school counselors or educational staff associates assigned to implement comprehensive school counseling programs that allow school counselors or educational staff associates to enhance student achievement and promote equity and access for all students. Examples include, but are not limited to, collaboration, consultation, and referrals.

(c) "Work time" means the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other educational staff associate assignment. [2021 c 174 s 3.]

Finding—2021 c 174: See note following RCW 28A.320.600.