
HOUSE BILL 1245

State of Washington

66th Legislature

2019 Regular Session

By Representatives Pollet and Kilduff

1 AN ACT Relating to comprehensive school safety planning; amending
2 RCW 28A.320.125, 28A.710.040, and 28A.715.020; adding new sections to
3 chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW;
4 adding a new section to chapter 28A.310 RCW; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that: Every
8 student has a right to attend school safely; students are susceptible
9 to both natural and human-caused disasters; students in Washington
10 attend school in a state with high natural disaster risks, on top of
11 modern day human-caused disaster risks; and there is a need for
12 safety plans that require communication, evacuation, and timely
13 response to disasters. In 2017, the governor's resilient Washington
14 subcabinet issued a report urging that the legislature restore
15 mandatory annual earthquake drills and ensure all school buildings
16 are evaluated for seismic safety.

17 (2) The legislature finds that the following natural and human-
18 caused risks have potential to cause death and great injury to health
19 and the economy, which require planning.

20 (a) Earthquakes. Based on at-risk populations, Washington is
21 ranked the second most dangerous state for earthquakes, and averages

1 over one thousand earthquakes per year. Washington sits on the
2 Cascadia subduction zone, which can produce estimated earthquakes of
3 9.0 on the Richter scale; the Juan de Fuca plate, which has produced
4 earthquakes of up to 7.1 on the Richter scale; and various crustal
5 plates, which have produced earthquakes up to 7.5 on the Richter
6 scale. Experts predict that it is merely a matter of time before a
7 large earthquake occurs in the state. A significant relationship
8 between earthquakes and tsunamis exist, as ninety-eight percent of
9 the world's tsunamis are attributable to earthquakes.

10 (b) Tsunamis. Over seventy-three percent of the world's tsunamis
11 have been observed along the Pacific ring of fire. The coast of
12 Washington is located in the ring of fire. A local earthquake from
13 the Cascadia subduction zone would cause tsunami waves to reach the
14 outer coastal communities within thirty minutes or less. It is
15 imperative to note that the Cascadia subduction zone can produce
16 estimated earthquakes up to 9.0 on the Richter scale. Both the 2004
17 Indonesian tsunami and the 2011 Japanese tsunami resulted from 9.0
18 magnitude earthquakes.

19 (c) Volcanoes. Washington has five major volcanoes: Mount Baker,
20 Glacier Peak, Mount Rainier, Mount Saint Helens, and Mount Adams. In
21 1980, the eruption of Mount Saint Helens created the largest debris
22 avalanche in recorded history, with five hundred twenty million tons
23 of ash spread across the United States. An eruption of Mount Rainier,
24 the highest peak in the Cascade mountain range, would produce lava,
25 ash, glacial outburst floods, and lahars. This would cause upwards of
26 six billion dollars in damages.

27 (d) Other natural disasters. The Washington military emergency
28 management division lists avalanches, drought, floods, landslides,
29 severe storms, and wildland fires as prominent natural disasters
30 affecting Washington. Any one of these events could occur during
31 school hours, putting Washington students at risk.

32 (e) Human-caused disasters.

33 (i) Terrorism. Washington is home to local, national, and
34 international businesses; prominent tourist attractions; and
35 governmental targets. As such, there will always be a risk of
36 terrorism to the state and its students.

37 (ii) School violence. The federal bureau of investigation states
38 that crime in schools is one of the most troublesome social problems
39 facing the nation. To date, this decade has seen a total of one
40 hundred forty-seven school deaths, not including recent shootings,

1 such as the ones at Freeman and Marysville Pilchuck High Schools and
2 Sandy Hook Elementary School.

3 (iii) Local hazards. In Washington, local hazards such as grain
4 elevator explosions, contaminated firefighting runoff, and various
5 hazards from the manufacturing of fireworks, chemicals, and
6 pharmaceuticals, and oil refinery activities can occur in individual
7 jurisdictions. Any one of these local events would expose students to
8 danger.

9 (3) The legislature finds that students have a right to attend a
10 school that meets state safety standards, which requires that the
11 legislature, public schools, school districts, and the public know
12 which school buildings meet those standards. Thus, the legislature
13 intends to make the safety status of every public school building
14 known to the families of students attending the school building, the
15 public schools and school districts, the legislature, and the public
16 in general.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
18 RCW to read as follows:

19 (1) The superintendent of public instruction, in consultation
20 with the state building code council established under chapter 19.27
21 RCW and the state geologist established under RCW 43.92.010, shall
22 publish, and update every four years, guidelines and criteria for
23 districts conducting comprehensive engineering safety surveys of
24 public school buildings used by students. The criteria may include
25 exempting from the survey public school buildings constructed to
26 state building code standards: (a) In place at the time of the
27 survey; and (b) applicable for the risk of geologic hazard in the
28 region where the building is located.

29 (2) The inventory resulting from the comprehensive engineering
30 safety survey required under section 3 of this act must be maintained
31 by the office of the superintendent of public instruction.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320
33 RCW to read as follows:

34 (1) Except as provided in subsection (2) of this section, every
35 four years beginning in the 2020-21 school year, school districts
36 shall complete, or update to the degree necessary to respond to new
37 hazard information, a comprehensive engineering survey of each public
38 school building used by students using the guidelines and criteria

1 published by the superintendent of public instruction under section 2
2 of this act, and submit the results to the office of the
3 superintendent of public instruction according to the deadlines set
4 by the office.

5 (2) If between September 1, 2009, and September 1, 2020, a school
6 district completed an engineering survey of its permanent buildings
7 built before 1998 that meets the guidelines and criteria published by
8 the superintendent of public instruction pursuant to section 2 of
9 this act, it may satisfy the requirements of subsection (1) of this
10 section by submitting the results of the survey to the office of the
11 superintendent of public instruction according to the deadlines set
12 by the office, rather than completing an engineering survey in the
13 2020-21 school year.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.310
15 RCW to read as follows:

16 Educational service districts must comply with the provisions of
17 section 3 of this act, related to comprehensive engineering surveys
18 of each public school building, to the same extent as school
19 districts.

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

22 By December 1, 2021, and by September 1st every four years
23 thereafter, and in compliance with RCW 43.01.036, the superintendent
24 of public instruction shall publish a report that:

25 (1) Summarizes the comprehensive engineering survey results of
26 every school building completed as required under section 3 of this
27 act, and ranks each school building according to safety and risk;

28 (2) Describes the progress made in refurbishing school buildings
29 since the prior report;

30 (3) Includes a priority ranking of each school building for
31 safety upgrades, and an engineering evaluation with an estimate of
32 the costs to upgrade each building to meet the codes appropriate for
33 the region in which the school building is located, according to the
34 geological survey of seismic, landslide, and tsunami hazards
35 conducted required by RCW 43.92.025; and

36 (4) Proposes, in cooperation with school districts and
37 educational service districts, a schedule of state school

1 construction assistance and local funding for upgrading high-priority
2 and high-risk school buildings to meet safety standards.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300
4 RCW to read as follows:

5 (1) In making an award of state school construction assistance to
6 renovate a school building or portion of a school building, the
7 superintendent of public instruction must consider whether the
8 renovation will meet state building code requirements and include the
9 safety upgrades identified in the reports required by section 5 of
10 this act. If the superintendent requires a renovation to meet state
11 building code requirements as a condition of an award of state school
12 construction assistance, these requirements may be met using a
13 combination of state and local funding.

14 (2) The superintendent of public instruction may consider the
15 following factors when making awards under this section: (a) Renovate
16 school buildings with the highest priority safety risks, as
17 identified in the report required by section 5 of this act; and (b)
18 fulfill state requirements for lowering class sizes in kindergarten
19 through third grade, and reduce existing or projected overcrowding in
20 order to achieve class size reductions.

21 **Sec. 7.** RCW 28A.320.125 and 2017 c 165 s 1 are each amended to
22 read as follows:

23 (1) The legislature considers it to be a matter of public safety
24 for public schools and staff to have current safe school plans and
25 procedures in place, fully consistent with federal law. The
26 legislature further finds and intends, by requiring safe school plans
27 to be in place, that school districts will become eligible for
28 federal assistance. The legislature further finds that schools are in
29 a position to serve the community in the event of an emergency
30 resulting from natural disasters or (~~man-made~~) human-caused
31 disasters.

32 (2) Schools and school districts shall consider the guidance
33 provided by the superintendent of public instruction, including the
34 comprehensive school safety checklist and the model comprehensive
35 safe school plans that include prevention, intervention, all hazard/
36 crisis response, and postcrisis recovery, when developing their own
37 individual comprehensive safe school plans. Each school district
38 shall adopt, no later than September 1, 2008, and implement a safe

1 school plan consistent with the school mapping information system
2 pursuant to RCW 36.28A.060. The plan shall:

3 (a) Include required school safety policies and procedures;

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

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

9 (d) Use the training guidance provided by the Washington
10 emergency management division of the state military department in
11 collaboration with the Washington state office of the superintendent
12 of public instruction school safety center and the school safety
13 center advisory committee;

14 (e) Require the building principal to be certified on the
15 incident command system;

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

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

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

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

27 (b) Conduct an inventory of all hazardous materials;

28 (c) Update information on the school mapping information system
29 to reflect current staffing and updated plans, including:

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

33 (ii) Identifying school transportation procedures for evacuation,
34 to include bus staging areas, evacuation routes, communication
35 systems, parent-student reunification sites, and secondary
36 transportation agreements consistent with the school mapping
37 information system; and

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

1 (4) To the extent funds are available, school districts shall
2 annually record and report on the information and activities required
3 in subsection (3) of this section to the Washington association of
4 sheriffs and police chiefs.

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

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

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

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

24 (ii) "Lockdown," used to isolate students and staff from threats
25 of violence, such as suspicious trespassers or armed intruders, that
26 may occur in a school or in the vicinity of a school; and

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

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

31 (i) Use of the school mapping information system in at least one
32 of the safety-related drills; and

33 (ii) A pedestrian evacuation drill for schools in mapped tsunami
34 hazard zones.

35 (d) The drills described in (b) of this subsection (~~may~~) must
36 incorporate an earthquake drill using the state-approved earthquake
37 safety technique "drop, cover, and hold."

38 (e) Schools shall document the date, time, and type (shelter-in-
39 place, lockdown, or evacuate) of each drill required under this
40 subsection (6), and maintain the documentation in the school office.

1 (f) This subsection (6) is intended to satisfy all federal
2 requirements for comprehensive school emergency drills and
3 evacuations.

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

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

13 **Sec. 8.** RCW 28A.710.040 and 2018 c 75 s 9 are each amended to
14 read as follows:

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

17 (2) A charter school must:

18 (a) Comply with local, state, and federal health, safety,
19 parents' rights, civil rights, and nondiscrimination laws applicable
20 to school districts and to the same extent as school districts,
21 including but not limited to section 3 of this act (comprehensive
22 engineering surveys of public school buildings), chapter 28A.642 RCW
23 (discrimination prohibition), and chapter 28A.640 RCW (sexual
24 equality);

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

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

31 (d) Employ certificated instructional staff as required in RCW
32 28A.410.025. Charter schools, however, may hire noncertificated
33 instructional staff of unusual competence and in exceptional cases as
34 specified in RCW 28A.150.203(7);

35 (e) Comply with the employee record check requirements in RCW
36 28A.400.303;

37 (f) Adhere to generally accepted accounting principles and be
38 subject to financial examinations and audits as determined by the

1 state auditor, including annual audits for legal and fiscal
2 compliance;

3 (g) Comply with the annual performance report under RCW
4 28A.655.110;

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

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

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

12 (3) Charter public schools must comply with all state statutes
13 and rules made applicable to the charter school in the school's
14 charter contract, and are subject to the specific state statutes and
15 rules identified in subsection (2) of this section. For the purpose
16 of allowing flexibility to innovate in areas such as scheduling,
17 personnel, funding, and educational programs to improve student
18 outcomes and academic achievement, charter schools are not subject
19 to, and are exempt from, all other state statutes and rules
20 applicable to school districts and school district boards of
21 directors. Except as provided otherwise by this chapter or a charter
22 contract, charter schools are exempt from all school district
23 policies.

24 (4) A charter school may not engage in any sectarian practices in
25 its educational program, admissions or employment policies, or
26 operations.

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

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

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

36 (2) Schools that are the subjects of state-tribal education
37 compacts are exempt from all state statutes and rules applicable to
38 school districts and school district boards of directors, except

1 those statutes and rules made applicable under this chapter and in
2 the state-tribal education compact executed under RCW 28A.715.010.

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

5 (a) Provide a curriculum and conduct an educational program that
6 satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and
7 28A.230.010 through 28A.230.195;

8 (b) Employ certificated instructional staff as required in RCW
9 28A.410.010, however such schools may hire noncertificated
10 instructional staff of unusual competence and in exceptional cases as
11 specified in RCW 28A.150.203(7);

12 (c) Comply with the employee record check requirements in RCW
13 28A.400.303 and the mandatory termination and notification provisions
14 of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

15 (d) Comply with nondiscrimination laws;

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

20 (f) Be subject to and comply with legislation enacted after July
21 28, 2013, governing the operation and management of schools that are
22 the subject of a state-tribal education compact; and

23 (g) Comply with section 3 of this act, related to comprehensive
24 engineering surveys of public school buildings, to the same extent as
25 school districts.

26 (4) No such school may engage in any sectarian practices in its
27 educational program, admissions or employment policies, or
28 operations.

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

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