
HOUSE BILL 1239

State of Washington

68th Legislature

2023 Regular Session

By Representative Santos

1 AN ACT Relating to establishing a simple and uniform system for
2 complaints related to, and instituting a code of educator ethics for,
3 conduct within or involving public elementary and secondary schools;
4 amending RCW 9A.16.100; adding a new section to chapter 28A.300 RCW;
5 adding a new section to chapter 43.06B RCW; adding a new section to
6 chapter 28A.400 RCW; creating new sections; and providing expiration
7 dates.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300
10 RCW to read as follows:

11 (1) By July 1, 2024, and in compliance with this section, the
12 superintendent of public instruction shall establish a simple,
13 uniform, and easily accessible process for the receipt and
14 classification of complaints involving the elementary and secondary
15 education system. This process is intended to apply to complaints
16 that were not resolved by informal discussions between the
17 complainant and the individual who is the subject of the complaint.

18 (2) Complaints may be submitted by any individual who has
19 knowledge of a violation of federal, state, or local laws, policies
20 and procedures, or codes of conduct related to public elementary and

1 secondary education committed by an employee or contractor, student,
2 parent or legal guardian of a student, or member of the public.

3 (3) In order to facilitate resolution at the lowest level
4 possible, the process must classify each complaint and direct each
5 complainant to the appropriate individual or entity for resolution.

6 (4) Complaint process materials must include instructions for
7 filing the complaint and information related to the procedural
8 deadlines for elevating the complaint to the next level.

9 (5) The office of the education ombuds must have access to each
10 complaint.

11 (6) The process must include marking each complaint with a unique
12 identifier.

13 (7) The process must be designed to discourage frivolous
14 complaints and complaints made in bad faith.

15 (8) For the purposes of this section, "employee or contractor"
16 means employees and contractors of the state education agencies,
17 educational service districts, public schools as defined in RCW
18 28A.150.010, the state school for the blind, and the center for deaf
19 and hard of hearing youth.

20 NEW SECTION. **Sec. 2.** (1) The superintendent of public
21 instruction and the office of the education ombuds shall collaborate
22 to design the complaint process that must be established under
23 section 1 of this act.

24 (2) The following entities must be consulted during research and
25 development: The superintendent's equity and civil rights office; the
26 superintendent's office of professional practices; the
27 superintendent's office of Native education; the superintendent's
28 special education advisory council, an association of educational
29 service districts, a state association of parents, the Washington
30 state school directors' association, a state association of
31 superintendents, a state association of principals, state
32 associations of public school employees, the Washington state office
33 of equity, the state ethnic commissions, and the Washington state
34 human rights commission. The office of the superintendent of public
35 instruction and the office of the education ombuds may consult with
36 other relevant organizations.

37 (3) The process must connect to all other complaint and
38 investigation processes related to public school employees, for
39 example the special education community complaint process,

1 discrimination complaint processes, the process for making complaints
2 related to harassment, intimidation, and bullying, and the complaint
3 and investigation provisions under RCW 28A.410.090 and 28A.410.095.

4 (4) This section expires June 30, 2024.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.06B
6 RCW to read as follows:

7 (1) The office of the education ombuds shall post on its website
8 the complaint process established under section 1 of this act.

9 (2) The office of the education ombuds may contact any parties to
10 a complaint to facilitate resolution of a complaint.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.400
12 RCW to read as follows:

13 Beginning with the 2024-25 school year, school districts and
14 educational service districts must post on their websites the
15 complaint process established under section 1 of this act and must
16 distribute information about the complaint process in existing
17 materials that are shared with students and their families, and with
18 employees and contractors, such as welcome packets, orientation
19 guides, and newsletters.

20 NEW SECTION. **Sec. 5.** (1) By November 1, 2023, and in accordance
21 with RCW 43.01.036, the Washington professional educator standards
22 board and the paraeducator board shall jointly report to the
23 appropriate committees of the legislature with any recommendations
24 for the legislature to take related to a code of educator ethics or
25 any planned activities by either board related to adopting and
26 enforcing a code of educator ethics.

27 (2) Before making its recommendations, these boards must review
28 the following topics with interested parties:

29 (a) The national association of state directors of teacher
30 education and certification's model code of ethics for educators; and

31 (b) Issues related to the enforcement of a code of educator
32 ethics.

33 (3) If the boards recommend legislative action, then the
34 recommendations must advise the legislature whether the model code of
35 ethics for educators should be adopted or adapted, or whether a code
36 of educator ethics unique to Washington should be developed.

1 (4) As used in this section, "educator" refers to certificated
2 administrative staff, certificated instructional staff, and
3 paraeducators.

4 (5) This section expires June 30, 2024.

5 **Sec. 6.** RCW 9A.16.100 and 1986 c 149 s 1 are each amended to
6 read as follows:

7 (1) It is the policy of this state to protect children from
8 assault and abuse and to encourage parents(~~(, teachers,)~~) and their
9 authorized agents to use methods of correction and restraint of
10 children that are not dangerous to the children. However, the
11 physical discipline of a child is not unlawful when it is reasonable
12 and moderate and is inflicted by a parent(~~(, teacher,)~~) or guardian
13 for purposes of restraining or correcting the child. Any use of force
14 on a child by any other person is unlawful unless it ~~((is))~~ either:
15 (a) Is reasonable and moderate and is authorized in advance by the
16 child's parent or guardian for purposes of restraining or correcting
17 the child; or (b) complies with RCW 28A.600.485 including that it is
18 reasonably necessary to control spontaneous behavior that poses an
19 imminent likelihood of serious harm.

20 (2) The following actions are presumed unreasonable when used to
21 correct or restrain a child: ~~((1))~~ (a) Throwing, kicking, burning,
22 or cutting a child; ~~((2))~~ (b) striking a child with a closed fist;
23 ~~((3))~~ (c) shaking a child under age three; ~~((4))~~ (d) interfering
24 with a child's breathing; ~~((5))~~ (e) threatening a child with a
25 deadly weapon; or ~~((6))~~ (f) doing any other act that is likely to
26 cause and which does cause bodily harm greater than transient pain or
27 minor temporary marks. The age, size, and condition of the child and
28 the location of the injury shall be considered when determining
29 whether the bodily harm is reasonable or moderate. This list is
30 illustrative of unreasonable actions and is not intended to be
31 exclusive.

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