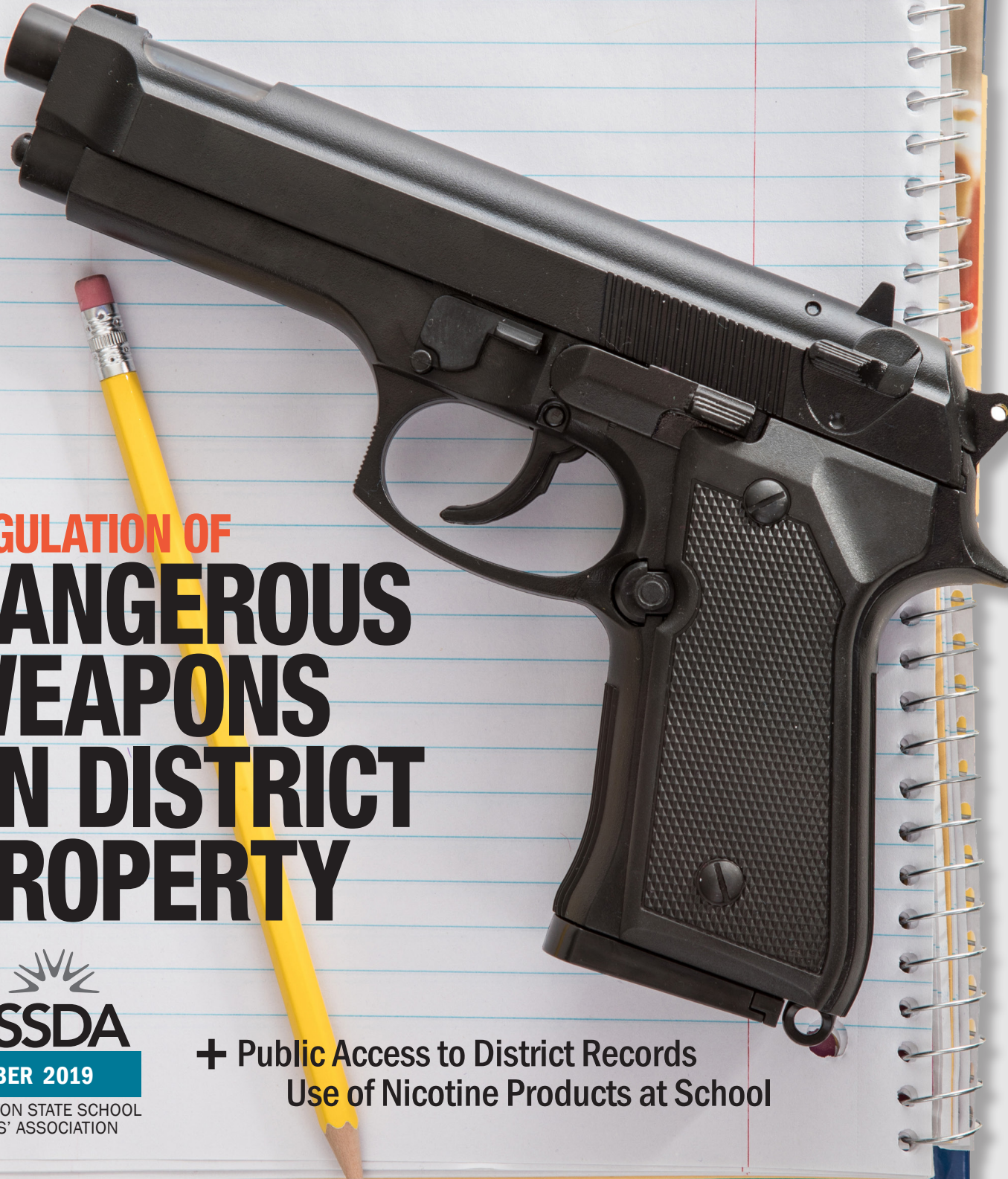


Policy & Legal News

HELPING SCHOOL DISTRICTS TRANSLATE LAW INTO ACTION



REGULATION OF DANGEROUS WEAPONS ON DISTRICT PROPERTY


WSSDA

OCTOBER 2019

WASHINGTON STATE SCHOOL
DIRECTORS' ASSOCIATION

+ Public Access to District Records
Use of Nicotine Products at School

Policy Classifications

ESSENTIAL

- Policy is required by state or federal law; or
- A specific program requires a policy in order to receive special funding.

ENCOURAGED

- While not required by law, policy is intended to reflect the spirit of existing state or federal law thus inuring districts to potential litigation;
- While not required by law, policy has potential to benefit the health, safety, and/or welfare of students, employees, directors, and/or the local community.

DISCRETIONARY

- Policy addresses an action likely deemed important by the board; or
- Policy would likely be deemed appropriate due to special circumstances of the board; or
- Policy communicates district philosophy that a board may want to promote to employees and/or the community.

As stated in WSSDA Policy 1310, "Non-substantive editorial revisions and changes in administrative, legal and/or cross-references need not be approved by the board."

THE MERRIAM-WEBSTER WORD OF THE DAY IS "REDOUND," meaning to have an effect, result, or to come back upon a person. In any of these uses, the effect can be for good or ill, which is derived from the context. As in, "Her efforts will redound to the general good," or "It would have redounded strongly to my disadvantage." The essence of the word is that it causes an effect, which of course, reminds me of your role as school board directors. Knowing that your work has impact, how will it redound upon public education, upon the staff in your employment, and upon each and every student in your district? Given the significance of your decisions, my goal is that *Policy & Legal News* supports your board's exceptional leadership and policy duties.

Inside this edition, you'll find the featured article about **tightening weapons restrictions on district property**. I want to emphasize that the associated policy revisions are optional for districts. However, these are recommended revisions. In Washington, as in most states, virtually anyone can obtain a concealed weapons permit if they are 21 or older and not a convicted felon. There is no required training or proof of competency to buy a firearm or to obtain a concealed weapons permit. The National Association of School Resource Officers holds the position that any measure resulting in more civilian guns on school facilities endangers staff, students, and visitor safety, and greatly complicates the work of law enforcement. This is why we recommend adopting revisions to tighten your district's dangerous weapons policy. Nonetheless, this is your board's decision, and both the former and revised versions of the model policy will remain available to give you options. Most importantly, we want you to know what you can do through your local board policy.

Another way I hope to support you is with the **2019 Law Conference in Bellevue on Thursday, November 21**. It is not too late to register! This is an all-day pre-conference event the day before WSSDA's Annual Conference. Presented by experienced public school law attorneys, this year's topics include transgender students, school-based health clinics, student free speech and social media, and the next generation of collective bargaining. I referred to it as an "all-day" event. It is also a "full-day," so we'll finish with a well-earned reception to network and process the day's sessions and share our takeaways. Please join us!

Finally, there is one more edition of *Policy & Legal News* before the end of the year. It will include the new **Threat Assessment Program Model Policy**, so please stay tuned. As always, thank you for serving on your school board.

Best,
Abigail Westbrook, J.D.
Editor





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★ UPDATES

The following WSSDA model policies and procedures have been revised. For your convenience, updated marked-up documents are included with this issue of *Policy & Legal News*.

ESSENTIAL

- **4210(A)**–Regulation of Dangerous Weapons on School Premises
- **4215**–Use of Tobacco, Nicotine Products, and Delivery Devices
- **5404**–Family, Medical, and Maternity Leave (NEW Title)
- **6112**–Rental or Lease of District Real Property

ENCOURAGED

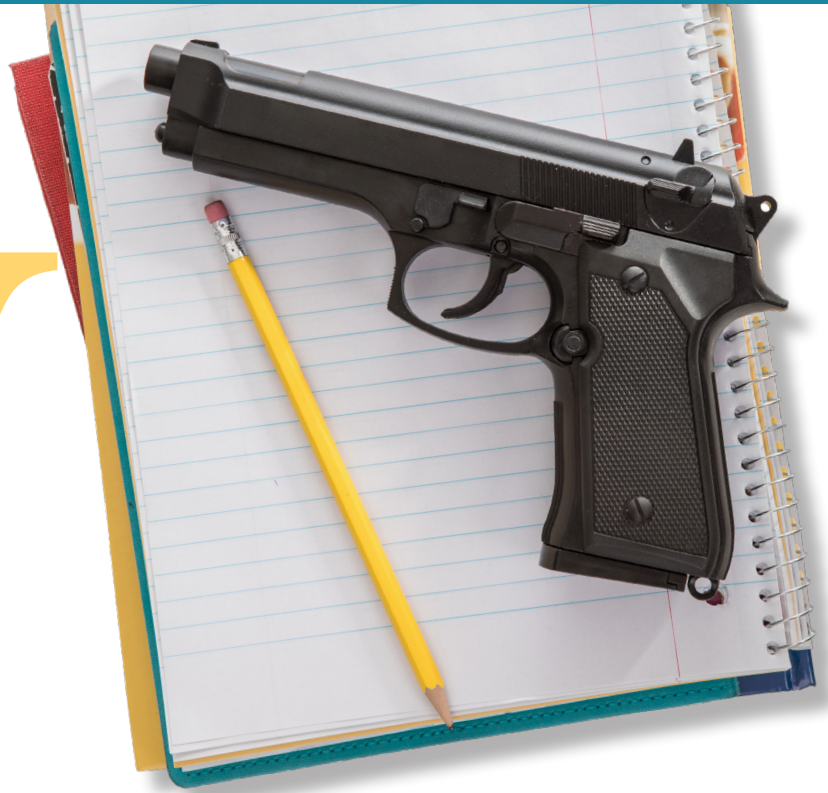
- **3245/3245P**–Students and Telecommunication Devices
- **4040P**–Public Access to District Records

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*As stated in WSSDA Policy 1310,
“Non-substantive editorial revisions and changes
in administrative, legal and/or cross references
need not be approved by the board.”*

Boards can tighten weapons restrictions via gun-free policies



Recently, school districts have been considering various school safety and security measures through a perspective of the threat of an active shooter. This consideration includes your board's policy relating to restricting firearms. State and federal criminal laws make it a crime to bring guns onto school premises, but those laws leave some questions unsettled. For example, a school employee wants to go hunting right after work. Can she bring a hunting rifle to work and leave it in her locked car? A parent picking up his child has a concealed carry permit. Can he bring a weapon into the building when picking up his student? Your district rents out space in a school building after-hours to community groups. Can a tenant run a gun safety course on the property?

These important questions relating to firearms and public schools arise frequently. In some cases, the answer may depend on your board's policy. Many existing school board policies, as well as the former WSSDA Model Policy, adhere closely to state and federal criminal laws. However, the former WSSDA Model Policy did not encompass potential exceptions contained in state and federal laws, which equip school boards with the authority to adopt stricter rules locally via board policy. This means that school boards have the choice to adopt a board policy regulating dangerous weapons that is stricter than the state and federal legal prohibitions.

Legal Background—Gun-Free Schools Laws

In general, there are two similarly named federal laws that govern the possession of firearms in and around federally funded public schools. These are the Gun-Free Schools Act of 1994 and the Gun-Free School Zones Act. Washington has also passed overlapping state law prohibitions, which are set forth in RCW 9.41.280.

Federal Law: Gun-Free Schools Act of 1994

The Gun-Free Schools Act of 1994 (re-enacted as part of the No Child Left Behind Act in 2002), 20 U.S.C. § 7961, focuses on student conduct and requires states that receive certain federal funds to enact a one-year minimum expulsion for any student carrying a firearm on school grounds. In compliance with this provision, Washington passed RCW 28A.600.420, which requires a one-year expulsion of such students with certain allowed exceptions, and requires law enforcement notification when a student brings a gun to school. This law does not directly regulate possession by anyone other than students.

Federal Law: Gun-Free School Zones Act

The Gun-Free School Zones Act, 18 U.S.C. Sec. 922, generally prohibits the possession or discharge of a firearm by anyone within public schools or within established "school zones" around public schools.

**Model Policy
4210(A)
Regulation of
Dangerous Weapons on
School Premises**

**Model Policy
6112
Rental or Lease of
District Real Property**

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Specifically, the law provides that it is “unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.” 18 U.S.C. § 922(q)(2) (A). A school zone is defined as “in, or on the grounds of, a public, parochial or private school” or “within a distance of 1,000 feet from the grounds of a public, parochial or private school.” 18 USC § 921(a)(25)¹.

However, several exceptions significantly limit this statute. For example, the statute generally does not prohibit possession of a firearm by a person with a concealed carry permit or a firearm that is unloaded and locked up inside a vehicle.

Washington State Law: RCW 9.41.280

State statute RCW 9.41.280 incorporates some of the above federal provisions and imposes additional restrictions on possession of weapons in public schools. RCW 9.41.280 makes it a crime for any “person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools... any firearm [or] dangerous weapon as defined further in RCW 9.41.250.” Similar to federal law, this statute contains exceptions for the following legally recognized activities:

- (a) Any student or employee of a private military academy when on the property of the academy;
- (b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a [stun gun or Taser] unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;
- (c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
- (d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
- (e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least 18 years of age legally in of a firearm or dangerous weapon that is *secured within an attended vehicle or concealed from view within a locked, unattended vehicle* while conducting legitimate business at the school;

(g) Any nonstudent at least 18 years of age who is in lawful possession of an *unloaded firearm, secured in a vehicle* while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

RCW 9.41.280

There is also an exception for any person who possesses nunchaku or nun-chuck sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

These exceptions implement and overlap with many of the exceptions in the federal Gun-Free School Zones Act discussed above, including the exception for possession by a person with a concealed carry permit issued by the state. But there are some differences. For example, the above state law exception for concealed permit holders is narrower than the Gun-Free School Zones Act in that it allows possession only “while picking up or dropping off a student.” Therefore, a person possessing a firearm on school premises who was not picking up or dropping off a student could be in violation of state law even if they had a valid concealed carry permit, and even though the same conduct would not violate federal

**Model Policy
4210(A)**

**Model Policy
6112**

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“A school zone is defined as ‘in, or on the grounds of, a public, parochial or private school’ or ‘within a distance of 1,000 feet from the grounds of a public, parochial or private school.’ ”

¹The Supreme Court found an earlier version of this law unconstitutional in *United States v. Lopez*, 514 U.S. 549 (1995), on the basis that the federal government did not have jurisdiction to criminalize possession of weapons without some link to interstate commerce. After *Lopez*, Congress subsequently re-enacted the law to apply only to guns that have “moved in or that otherwise affects interstate or foreign commerce.” See Pub.L. No. 104-208, Div. A, Title I, § 101(f), 110 Stat. 3009-369, 3009-372 (1996) (amending the Gun-Free School Zones Act of 1990). Courts have since found the re-enacted law to be constitutional. See *United States v. Dorsey*, 418 F.3d 1038, 1046 (9th Cir. 2005), *abrogated on other grounds by Arizona v. Gant*, 556 U.S. 332 (2009); *United States v. Homaune*, 898 F. Supp. 2d 153, 160 (D.D.C. 2012) (noting other Circuits, including Ninth, have found the reenacted GFSZ constitutional and citing *Dorsey*).

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law. The Gun-Free School Zone Act, on the other hand, applies more broadly to firearm possession within 1,000 feet of a school, whereas RCW 9.41.280 criminalizes possession only on school-owned property.

Constitutional Issues

Although most of us think of the Second Amendment when we think about gun rights, it's unlikely that a school district's gun ban could be successfully challenged under the Second Amendment or Washington's similar constitutional right to bear arms in Article II, §24. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the U.S. Supreme Court recognized for the first time an individualized right to bear arms under the Federal Constitution. The Court invalidated the District of Columbia's ban on handguns and a requirement to keep rifles locked in the home. In doing so, however, the Court was careful to clarify that "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of firearms," among other "presumptively lawful" regulations. *Heller*, 554 U.S. at 599.

Subsequent Second Amendment decisions have applied this language to uphold a broad range of prohibitions against carrying weapons in government buildings, including school-owned buildings.² Likewise, Washington courts have generally rejected challenges under the state constitution's right to bear arms, as long as the challenged regulation is "reasonable" when the public benefit of the regulation is balanced against the degree to which it frustrates the purpose of the constitutional provision.³

Although there is always a danger of shifting tides in the Supreme Court resulting in a change in constitutional jurisprudence, current Second Amendment case law favors the right of public schools to ban weapons in schools and other government buildings. Some local efforts to ban firearms have, however, been overturned based on state

preemption statutes, including Washington's firearm preemption statute discussed below.

Washington's Firearm Preemption Statute – RCW 9.41.290

The state of Washington has fully preempted the entire field of firearms regulation within the boundaries of the state, including the possession of firearms.⁴ This means that by statute, no city or town may pass its own regulations that are stricter than state laws. See *Chan v. City of Seattle*, 164 Wn. App. 549, 565, 265 P.3d 169 (2011) (invalidating the City's executive order and rules banning firearms in public parks). The main purpose of preemption is to avoid the confusion of conflicting laws within each local jurisdiction. *Chan*, 164 Wn. App. at 566. Specifically, RCW 9.41.290 states: "Cities, towns, and counties or other municipalities may enact only those laws and ordinances related to firearms that are specifically authorized by state law, as in RCW 9.41.300."

No Washington case has addressed whether a school district is a "municipality" governed by this statute. However, even if a school district is considered a municipality, there are several cases that clearly establish that municipalities may adopt stricter policies for employees and tenants than for members of the general public.

District Authority to Ban Firearm Possession by Employees and Tenants

Washington court decisions establish the authority of local governments to ban firearm possession by employees and tenants renting or leasing district facilities, even if the possession would not violate criminal laws. First, the courts recognized the authority of local governments to ban their own employees from carrying weapons in *Cherry v. Municipality of Metro. of Seattle*, 116 Wn.2d 794, 798, 808 P.2d 746 (1991). *Cherry* held that the state preemption statute (RCW 9.41.41.290) does not apply to "internal employment rules limiting on-duty possession of firearms by public employees in the workplace."

Model Policy
4210(A)

Model Policy
6112

“Although there is always a danger of shifting tides in the Supreme Court resulting in a change in constitutional jurisprudence, current Second Amendment case law favors the right of public schools to ban weapons in schools and other government buildings.”

²See Jordan E. Pratt, A First Amendment-Inspired Approach to *Heller*'s "Schools" and Government Buildings," 92 NEB. L. REV. 537, 562 (2014); see also Congressional Research Service, Post-*Heller* Second Amendment Jurisprudence (Updated March 25, 2019), online at <https://fas.org/sgp/crs/misc/R44618.pdf>.

³See *State v. Sieyes*, 168 Wn.2d 276 (2010) (holding restrictions on underage firearm possession do not violate Washington constitutional right to bear arms); *Seattle v. Montana*, 129 Wn.2d 583, 593, 919 P.2d 1218 (1996) (upholding Seattle law prohibiting the carrying of fixed-blade knives); *Seattle v. Evans*, 184 Wn.2d 856 (2015) (declining to reconsider *Montana* in light of *Heller*).

⁴RCW 9.41.290.

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In 2006, the Washington Supreme Court held that a city, while acting as a “landlord,” could prohibit unlicensed dealers at a gun show held in its convention center. *Pac. Nw. Shooting Park Ass’n v. City of Sequim* (*PNSPA*), 158 Wn.2d 342, 144 P.3d 276 (2006). The court stated that “when a municipality acts in a capacity that is comparable to that of a private party, the preemption clause does not apply.” *PNSPA*, 158 Wn.2d at 357, 144 P.3d 276. The court concluded that the preemption statute did not prohibit the City from denying use of the Convention Center because the City was not regulating guns, but “acting in its private capacity as a property owner.” *PNSPA*, 158 Wn.2d at 357, 144 P.3d 276.

Given these Washington court decisions, school boards have the authority to take reasonable steps to keep students and staff safe. That includes the authority to restrict firearm possession beyond what is prohibited by state and federal gun-free schools laws.

What about parents and visitors?

Based on similar cases from other states, and one unpublished case from Washington, a public school district would have a fairly strong argument that it is not a “municipality” covered by the preemption statute at all. However, Washington courts have not specifically ruled on this issue.

In 2005, an unpublished Court of Appeals decision held that a fire district had the authority to ban firearms by all visitors to district property. *Estes v. Vashon Maury Island Fire Protection Dist.*, 129 Wn. App. 1042 (2005) (unpublished). Relying on *Cherry*, the court ruled that the fire district’s policy did not “fall within the scope of the criminal firearms regulations that the *Cherry* court viewed as governed by” the preemption statute. But the court did not specifically address the question of whether a fire district is a “municipality” under the statute.

Recent cases in other states have ruled that similar preemption ordinances do not apply to public schools or libraries. See *Mich. Gun Owners v. Ann Arbor Pub. Schs.*, 918 N.W.2d 756 (Mich. 2018) (upholding a gun ban by public schools even for concealed weapon holders because state law did

not specifically preempt school district policies as opposed to ordinances by cities, counties, and townships); *Flores v. Las Vegas Clark Co. Lib. Dist.*, 432 P.3d 173 (Nev. 2018) (upholding a gun ban in public libraries). These cases are not binding on Washington courts and the statutory language in each state was somewhat different. However, these cases represent further persuasive precedent supporting the authority of school districts to ban firearm possession by parents and visitors.

In the most recent Washington case construing the preemption statute, the Washington Court of Appeals in 2011 overturned the City of Seattle’s attempt to ban firearms in all city parks. *Chan*, 164 Wn. App. at 565. In *Chan*, the City had adopted a rule prohibiting all firearms in city parks even by concealed weapons permit holders. The City had announced that anyone violating the rule would be issued a no-trespass order and then arrested if they refused to leave. According to the court, this case was different from *Cherry* because the City parks policy had “application to the general public.” But *Chan* did not discuss or overrule the unpublished *Estes* decision discussed above, which had upheld a fire district’s policy prohibiting visitors from carrying firearms.

Because the *Chan* case involved a city that was more clearly covered by the preemption statutes, there is a strong argument to be made that school districts have the authority to pass bans on civilian visitors bringing firearms onto any district property, regardless of whether those weapons are licensed or secured in a vehicle. However, the *Chan* decision also draws a line between rules for employees and tenants and rules applicable to the general public. Given the *Chan* decision, the updates to **Model Policy 4210(A)–Regulation of Dangerous Weapons on School Premises** eliminate certain statutory exceptions for employees and tenants, but not for other adult visitors who may otherwise fall within the exception for concealed carry permit holders.

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4210(A)**

**Model Policy
6112**

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“Based on similar cases from other states, and one unpublished case from Washington, a public school district would have a fairly strong argument that it is not a ‘municipality’ covered by the preemption statute at all. However, Washington courts have not specifically ruled on this issue.”



**Model Policy
4210(A)**

**Model Policy
6112**

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You'll find the corresponding policy revisions in **Model Policy 4210(A)–Regulation of Dangerous Weapons on School Premises** and **Model Policy 6112–Rental or Lease of District Real Property**; these are both Essential policies. The revisions eliminate exceptions that previously applied to employees and tenants. This means, for example, that employees and tenants will not be allowed to leave firearms in vehicles parked on district property. Further, the revisions add clarity to, and in some areas, add stricter requirements than state and federal criminal prohibitions. Specifically, the revisions:

- provide greater specificity regarding the types of district-owned facilities where the policy applies;
- prohibit employees and tenants from possessing any firearm or dangerous weapon on district property, even if the possession would otherwise fall under an exception to existing criminal laws;
- retain an exception for law enforcement, but eliminates the exception for school security activities;
- require advance authorization by the Superintendent for conventions, showings, competitions, and similar activities that fall within state and federal exceptions;
- incorporate existing state law provisions requiring a concealed pistol permit for a handgun to be kept in a motor vehicle.

Boards should consider local values and norms before adopting these revisions. School boards that want to adopt

an even stricter policy that bans licensed weapon possession more broadly, to include parents and visitors, should consult with their legal counsel regarding the most recent status of the case law on issues such as preemption as well as the risks and benefits of a stricter policy before going further.

The former model policy will still be available for boards that do not wish to adopt a policy that further restricts firearms and dangerous weapons on school premises. This version will be titled **Model Policy 4210(B) – Regulation of Dangerous Weapons on School Premises**. Your board should know that if your district does not take all the steps available to restrict firearms and other dangerous weapons on school premises, your district could significantly increase its liability exposure, which could have a significant impact on the district's financial circumstances. Therefore, if your board is considering not adopting the stricter provisions, you should consult with legal counsel as well as with your risk management pool regarding the district's legal exposure and the limitations and restrictions of their insurance coverage.

“This means... that employees and tenants will not be allowed to leave firearms in vehicles parked on district property. Further, the revisions add clarity to, and in some areas, add stricter requirements than state and federal criminal prohibitions.”



OTHER UPDATES

Policy 3245/3245P

Students and Telecommunication Devices

Category: **ENCOURAGED**

WSSDA has revised the policy and procedure to align with HB 1541(2016) and the new discipline rules found in Chapter 392-400 WAC. For example, the revisions reflect that the Legislature removed telecommunications violations from the list of offenses under RCW 28A.600.020(5)(a)(i) for which a principal may impose a long-term suspension or expulsion in response to two or more violations within a three-year period. Additionally, the revisions remove language that previously supported using harsher consequences in response to repeated offenses, as the new discipline rules do not promote the use of progressive discipline when a student is referred to the office for the same behavioral violation on more than one occasion. As revised, the policy and procedure better support the use of graduated discipline systems that include proactive, instructional, and supportive approaches to student behavior with the goal of keeping students in the classroom to the maximum extent possible.

Procedure 4040P – Public Access to District Records

Category: **ENCOURAGED**

WSSDA has revised its public records request procedure to clarify the internal appeal process. This refers to the district's response to a public records requestor's petition for review of a denial of a public records request or partial denial of such a request. Specifically, the revisions clarify that if the requestor petitions for review of a denial, the district staff member who considers that petition is the supervisor of the district's public records officer, not the public records officer who made the initial determination to deny the request or part of the request.

Policy 4215 – Use of Tobacco, Nicotine Products, and Delivery Devices

Category: **ESSENTIAL**

WSSDA has revised this policy to reflect that the minimum age for purchasing tobacco products will rise from 18 years of age to 21, effective January 1, 2020.

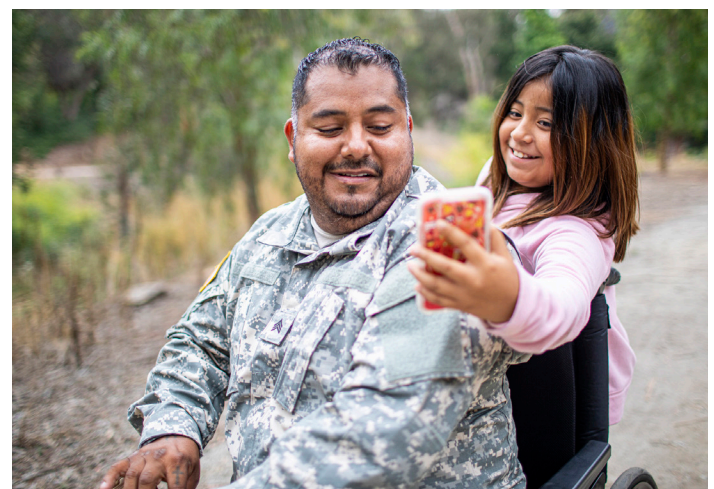
According to the 2014 healthy youth survey, 41% of 10th graders say it is "sort of easy" to "very easy" to get cigarettes. Nationally, among youth who smoke, more than twice as many get their cigarettes from social sources than from a store or vending machine. In HB 1074 – Tobacco and Vapor Products, our Legislature noted that 95% of smokers start by the age of 21, and many people who purchase cigarettes for minors are between the ages of 18 to 20. Therefore, by raising the minimum legal age to buy and sell tobacco and vapor products, the law will also decrease the number of eligible buyers in high school. This legislation places Washington amongst several states across the country that are increasing the age of sale for tobacco products to 21.

Policy 5404 – Family, Medical, and Maternity Leave

Category: **ESSENTIAL**

WSSDA has revised this Essential policy to reflect additional paid family and medical benefits for workers. Starting in 2020, Washington will be the fifth state in the nation to offer paid family and medical leave benefits to workers. The program will be funded by premiums paid by both employees and many employers and will allow workers to take necessary time off when they welcome a new child into their family, are struck by a serious illness or injury, or need to take care of an ill or ailing relative. As directed by the Legislature, premium payments began on January 1, 2019 and benefits can be taken starting January 1, 2020. Importantly, the program is administered by the Employment Security Department, not the district.

For more information, see Paid Family and Medical Leave (www.esd.wa.gov). <https://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/VacaySick/PaidSickLeave.asp>



Legal UPDATES

U.S. Supreme Court to consider the constitutionality of program that affords students the choice of attending religious schools

Espinoza v. Montana Department of Revenue

Docket No. 18-1195 (not yet set for argument)

The United States Supreme Court will consider the case *Espinoza v. Montana Department of Revenue* in the next year. The case is about a program the Montana Legislature created in 2015. The program provides a tax credit of up to \$150 to individuals who donate to scholarship organizations. The organizations must use the donations to provide scholarships to families who wish to send their children to private K-12 schools. The Montana Department of Revenue adopted a rule prohibiting families from using these scholarships, funded by tax credits, to pay tuition and fees at religious schools. The Montana Department of Revenue enacted this limitation regarding religious schools based on its reading of Montana's constitutional prohibition on direct and indirect appropriations of public money to support a church-controlled school.

The Montana Supreme Court held that the program permitted public support for religious schools, and neither the Montana Legislature nor the Montana Revenue Department had adequately identified the constitutional line between where the secular purpose ends and sectarian begins. As a result, the Court struck the entire Montana program. Three parents seeking to use scholarships to pay private school tuition asked the U. S. Supreme Court to address this question: Does it violate the Religion Clauses or Equal Protection Clause of the United States Constitution to invalidate



a generally available and religiously neutral student-aid program simply because the program affords students the choice of attending religious schools?

As noted above, the date of argument for this case has not yet been set. You may hear about this case due to concerns that a ruling could affect Washington state. This concern is because Washington and Montana have similar constitutional provisions. Specifically, Montana's Department of Revenue was acting under a common state constitutional provision prohibiting appropriations of public money for the support of a church-controlled school and the Washington State Constitution has a somewhat similar provision. For Washington, the provision at issue is Article 9 section 4: "All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence."

However, after closer review, it is unlikely the U.S. Supreme Court's decision in the case will directly impact Washington state. This is because the two states' constitutions are different and Washington has not enacted a program that seems likely to create the same legal issues as the Montana program. We will continue to monitor this case and will update you should concerns arise.



Policy & Legal News is published quarterly by the Washington State School Directors' Association to provide information of interest to school directors and the education community. The views expressed in opinion articles appearing in *Policy & Legal News* are those of the writers and do not necessarily represent WSSDA policies or positions. © 2014-2017 Washington State School Directors' Association. All rights reserved.

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VISION

All Washington School Directors effectively govern to ensure each and every student has what they need to be successful within our state's public education system.

MISSION

WSSDA builds leaders by empowering its members with tools, knowledge and skills to govern with excellence and advocate for public education.

BELIEFS

WSSDA believes:

- Public education is the foundation to the creation of our citizenry, and locally elected school boards are the foundation to the success of public education.
- High-functioning, locally elected school boards are essential to create the foundation for successfully impacting the learning, development and achievement of each and every student.
- Ethical, effective and knowledgeable school directors are essential for quality public schools.
- Focusing on and addressing educational equity is paramount to assure the achievement of each and every student.
- Public school directors are best served through an innovative, responsive and flexible organization which provides exceptional leadership, professional learning and services in governance, policy, and advocacy.



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The Editor would like to thank the following people for their contributions to this issue:

Lance Andree, J.D., Porter Foster Rorick LLP; Jon Dalley, J.D., Stevens Clay, P.S.; Joshua Lynch, Office of Superintendent of Public Instruction; and Jean Wilkinson, J.D., Washington State Office of the Attorney General.

It's not too late to register! WSSDA 2019 LAW CONFERENCE



COME LEARN:

- What efforts to increase school safety are legally sound?
- Learn about the new legal framework for transgender students.
- Hear NSBA's Managing Director of Legal Advocacy, Sonja Trainor, speak from a national and federal perspective.

WHEN AND WHERE:

Hyatt Regency Hotel, Bellevue WA
8:30 a.m. – 4:15 p.m. Hyatt Regency A-D, 2nd Floor Cascade Tower
4:15 – 5:15 p.m. RECEPTION: Regency A-D, 2nd Floor Cascade Tower