

---

**SENATE BILL 5464**

---

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Wilson, L. and Braun

1 AN ACT Relating to requiring the option of in-person learning  
2 unless prohibited by the governor, secretary of health, or a local  
3 health officer; amending RCW 28A.335.030; creating a new section; and  
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) Education is a constitutional right  
7 for children residing in Washington state. The often cited paramount  
8 duty provision in our state Constitution reflects a proud tradition  
9 that values the dignity of education and the worth of every child  
10 regardless of background or circumstance.

11 (2) Scientific research and firsthand reports show that extended  
12 closure of schools hurts our students academically and emotionally.  
13 Experts in the field and parents on the ground all share the same  
14 concern: In addition to academic challenges, students prevented from  
15 the option of in-person learning are denied vital emotional  
16 connections they need to learn and develop. The harms are real and  
17 long-lasting.

18 (3) The right to the option of in-person learning needs to be  
19 codified for the academic, emotional, and physical well-being of our  
20 children and to conform with the paramount duty provision in our  
21 state Constitution.

1 (4) It is the intent of this act to codify that right to the  
2 option of in-person learning for students and ensure that closures of  
3 longer than 10 days can only be ordered in times of emergency by the  
4 governor, secretary of health, or a local health officer.

5 **Sec. 2.** RCW 28A.335.030 and 1990 c 33 s 353 are each amended to  
6 read as follows:

7 (1) A school district may close a school for emergency reasons,  
8 as set forth in RCW 28A.150.290(2) (a) and (b), without complying  
9 with the requirements of RCW 28A.335.020.

10 (2)(a) A school district may not remain closed for in-person  
11 learning for more than 10 consecutive scheduled school days, after  
12 which the school district must offer the option of in-person learning  
13 to all students unless in-person learning is prohibited by an order,  
14 proclamation, or directive by the governor, secretary of health, or a  
15 local health officer.

16 (b) This subsection does not apply to online courses or online  
17 school programs.

18 (3) This section governs school operation and management under  
19 RCW 28A.710.040 and 28A.715.020 and applies to charter schools  
20 established under chapter 28A.710 RCW and state-tribal education  
21 compact schools established under chapter 28A.715 RCW.

22 (4) For the purposes of this section, "school day" has the same  
23 meaning as in RCW 28A.150.203.

24 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of  
26 the state government and its existing public institutions, and takes  
27 effect immediately.

--- END ---