
SUBSTITUTE HOUSE BILL 2139

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Education (originally sponsored by Representatives Eide, Dorn, Carlson, Brumsickle, Roland, Karahalios, Orr, Johanson, King, Wineberry, Basich, Romero, Springer, H. Myers, B. Thomas and Jones)

Read first time 02/04/94.

1 AN ACT Relating to mandatory school attendance; amending RCW
2 28A.225.010 and 28A.200.010; creating a new section; and providing an
3 effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the importance of
6 obtaining an education has increased significantly during the past
7 several decades. For a child to obtain a quality education, it is
8 important that instruction and assistance be provided to the child at
9 an early age. Children learn quickly when they are young, and if
10 instruction is not available they will likely fall behind their peers.
11 This instruction may be provided by parents in home-school settings, or
12 through more formal schooling opportunities.

13 The legislature further finds that while the majority of children
14 are regularly attending school or are being homeschooled by the age of
15 six, a small number of children are not. Under current law, children
16 are not required to attend school until they are eight years of age.
17 It is the intent of the legislature to lower the age of compulsory
18 education, and thereby better ensure that children are provided an
19 education at an early age.

1 **Sec. 2.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to
2 read as follows:

3 (1) All parents in this state of any child (~~((eight))~~) seven years of
4 age by midnight August 31st and under eighteen years of age shall cause
5 such child to attend the public school of the district in which the
6 child resides and such child shall have the responsibility to and
7 therefore shall attend for the full time when such school may be in
8 session unless:

9 (a) The child is attending an approved private school for the same
10 time or is enrolled in an extension program as provided in RCW
11 28A.195.010(4);

12 (b) The child is receiving home-based instruction as provided in
13 subsection (4) of this section; or

14 (c) The school district superintendent of the district in which the
15 child resides shall have excused such child from attendance because the
16 child is physically or mentally unable to attend school in consultation
17 with the parent or legal guardian, is attending a residential school
18 operated by the department of social and health services, or has been
19 temporarily excused upon the request of his or her parents for purposes
20 agreed upon by the school authorities and the parent: PROVIDED, That
21 such excused absences shall not be permitted if deemed to cause a
22 serious adverse effect upon the student's educational progress:
23 PROVIDED FURTHER, That students excused for such temporary absences may
24 be claimed as full time equivalent students to the extent they would
25 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
26 28A.150.260 and shall not affect school district compliance with the
27 provisions of RCW 28A.150.220;

28 (d) The child is fifteen years of age or older and:

29 (i) The school district superintendent determines that such child
30 has already attained a reasonable proficiency in the branches required
31 by law to be taught in the first nine grades of the public schools of
32 this state;

33 (ii) The child is regularly and lawfully engaged in a useful or
34 remunerative occupation;

35 (iii) The child has already met graduation requirements in
36 accordance with state board of education rules and regulations; or

37 (iv) The child has received a certificate of educational competence
38 under rules and regulations established by the state board of education
39 under RCW 28A.305.190.

1 (2) A parent for the purpose of this chapter means a parent,
2 guardian, or person having legal custody of a child.

3 (3) An approved private school for the purposes of this chapter and
4 chapter 28A.200 RCW shall be one approved under regulations established
5 by the state board of education pursuant to RCW 28A.305.130.

6 (4) For the purposes of this chapter and chapter 28A.200 RCW,
7 instruction shall be home-based if it consists of planned and
8 supervised instructional and related educational activities, including
9 a curriculum and instruction in the basic skills of occupational
10 education, science, mathematics, language, social studies, history,
11 health, reading, writing, spelling, and the development of an
12 appreciation of art and music, provided for a number of hours
13 equivalent to the total annual program hours per grade level
14 established for approved private schools under RCW 28A.195.010 and
15 28A.195.040 and if such activities are:

16 (a) Provided by a parent who is instructing his or her child only
17 and are supervised by a certificated person. A certificated person for
18 purposes of this chapter and chapter 28A.200 RCW shall be a person
19 certified under chapter 28A.410 RCW. For purposes of this section,
20 "supervised by a certificated person" means: The planning by the
21 certificated person and the parent of objectives consistent with this
22 subsection; a minimum each month of an average of one contact hour per
23 week with the child being supervised by the certificated person; and
24 evaluation of such child's progress by the certificated person. The
25 number of children supervised by the certificated person shall not
26 exceed thirty for purposes of this subsection; or

27 (b) Provided by a parent who is instructing his or her child only
28 and who has either earned forty-five college level quarter credit hours
29 or its equivalent in semester hours or has completed a course in home-
30 based instruction at a postsecondary institution or a vocational-
31 technical institute; or

32 (c) Provided by a parent who is deemed sufficiently qualified to
33 provide home-based instruction by the superintendent of the local
34 school district in which the child resides.

35 (5) The legislature recognizes that home-based instruction is less
36 structured and more experiential than the instruction normally provided
37 in a classroom setting. Therefore, the provisions of subsection (4) of
38 this section relating to the nature and quantity of instructional and
39 related educational activities shall be liberally construed.

1 **Sec. 3.** RCW 28A.200.010 and 1993 c 336 s 1103 are each amended to
2 read as follows:

3 Each parent whose child is receiving home-based instruction under
4 RCW 28A.225.010(4) shall have the duty to:

5 (1) File annually a signed declaration of intent that he or she is
6 planning to cause his or her child to receive home-based instruction.
7 The statement shall include the name and age of the child, shall
8 specify whether a certificated person will be supervising the
9 instruction, and shall be written in a format prescribed by the
10 superintendent of public instruction. Each parent shall file the
11 statement by September 15 of the school year or within two weeks of the
12 beginning of any public school quarter, trimester, or semester with the
13 superintendent of the public school district within which the parent
14 resides;

15 (2) Ensure that test scores or annual academic progress assessments
16 and immunization records, together with any other records that are kept
17 relating to the instructional and educational activities provided, are
18 forwarded to any other public or private school to which the child
19 transfers. At the time of a transfer to a public school, the
20 superintendent of the local school district in which the child enrolls
21 may require a standardized achievement test to be administered and
22 shall have the authority to determine the appropriate grade and course
23 level placement of the child after consultation with parents and review
24 of the child's records; and

25 (3) Ensure that a standardized achievement test approved by the
26 state board of education is administered annually to the child by a
27 qualified individual or that an annual assessment of the student's
28 academic progress is written by a certificated person who is currently
29 working in the field of education. However, the standardized
30 achievement test and annual assessment is not required for children
31 younger than eight years of age. The state board of education shall
32 not require these children to meet the student learning goals, master
33 the essential academic learning requirements, to take the assessments,
34 or to obtain a certificate of mastery pursuant to RCW 28A.630.885. The
35 standardized test administered or the annual academic progress
36 assessment written shall be made a part of the child's permanent
37 records. If, as a result of the annual test or assessment, it is
38 determined that the child is not making reasonable progress consistent

1 with his or her age or stage of development, the parent shall make a
2 good faith effort to remedy any deficiency.

3 Failure of a parent to comply with the duties in this section shall
4 be deemed a failure of such parent's child to attend school without
5 valid justification under RCW 28A.225.020. Parents who do comply with
6 the duties set forth in this section shall be presumed to be providing
7 home-based instruction as set forth in RCW 28A.225.010(4).

8 NEW SECTION. **Sec. 4.** This act shall take effect August 31, 1994.

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