
ENGROSSED SUBSTITUTE HOUSE BILL 2330

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Education (originally sponsored by Representatives Hickel, Johnson, Backlund and D. Sommers)

Read first time 01/22/98. Referred to Committee on .

1 AN ACT Relating to church schools; amending RCW 28A.195.010,
2 28A.225.010, and 28A.195.060; and adding a new section to chapter
3 28A.195 RCW.

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

5 **Sec. 1.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to
6 read as follows:

7 The legislature hereby recognizes that private schools should be
8 subject only to those minimum state controls necessary to insure the
9 health and safety of all the students in the state and to insure a
10 sufficient basic education to meet usual graduation requirements. The
11 legislature also recognizes the right of parents to place their
12 children in religiously affiliated exempt schools that more closely
13 meet the needs and educational desires of the parents and students.
14 The state, any agency or official thereof, shall not restrict or
15 dictate any specific educational or other programs for private schools
16 except as hereinafter in this section provided.

17 Principals of private schools or superintendents of private school
18 districts shall file each year with the state superintendent of public
19 instruction a statement certifying that the minimum requirements

1 hereinafter set forth are being met, noting any deviations. After
2 review of the statement, the state superintendent will notify schools
3 or school districts of those deviations which must be corrected. In
4 case of major deviations, the school or school district may request and
5 the state board of education may grant provisional status for one year
6 in order that the school or school district may take action to meet the
7 requirements. Minimum requirements shall be as follows:

8 (1) The minimum school year for instructional purposes shall
9 consist of no less than one hundred eighty school days or the
10 equivalent in annual minimum program hour offerings as prescribed in
11 RCW 28A.150.220.

12 (2) The school day shall be the same as that required in RCW
13 28A.150.030 and 28A.150.220, except that the percentages of total
14 program hour offerings as prescribed in RCW 28A.150.220 for basic
15 skills, work skills, and optional subjects and activities shall not
16 apply to private schools or private sectarian schools.

17 (3) All classroom teachers shall hold appropriate Washington state
18 certification except as follows:

19 (a) Teachers for religious courses or courses for which no
20 counterpart exists in public schools shall not be required to obtain a
21 state certificate to teach those courses.

22 (b) In exceptional cases, people of unusual competence but without
23 certification may teach students so long as a certified person
24 exercises general supervision. Annual written statements shall be
25 submitted to the office of the superintendent of public instruction
26 reporting and explaining such circumstances.

27 (4) An approved private school may operate an extension program for
28 parents, guardians, or persons having legal custody of a child to teach
29 children in their custody. The extension program shall require at a
30 minimum that:

31 (a) The parent, guardian, or custodian be under the supervision of
32 an employee of the approved private school who is certified under
33 chapter 28A.410 RCW;

34 (b) The planning by the certified person and the parent, guardian,
35 or person having legal custody include objectives consistent with this
36 subsection and subsections (1), (2), (5), (6), and (7) of this section;

37 (c) The certified person spend a minimum average each month of one
38 contact hour per week with each student under his or her supervision
39 who is enrolled in the approved private school extension program;

1 (d) Each student's progress be evaluated by the certified person;
2 and

3 (e) The certified employee shall not supervise more than thirty
4 students enrolled in the approved private school's extension program.

5 (5) Appropriate measures shall be taken to safeguard all permanent
6 records against loss or damage.

7 (6) The physical facilities of the school or district shall be
8 adequate to meet the program offered by the school or district:
9 PROVIDED, That each school building shall meet reasonable health and
10 fire safety requirements. However, the state board shall not require
11 private school students to meet the student learning goals, obtain a
12 certificate of mastery to graduate from high school, to master the
13 essential academic learning requirements, or to be assessed pursuant to
14 RCW 28A.630.885. However, private schools may choose, on a voluntary
15 basis, to have their students master these essential academic learning
16 requirements, take these assessments, and obtain certificates of
17 mastery. A residential dwelling of the parent, guardian, or custodian
18 shall be deemed to be an adequate physical facility when a parent,
19 guardian, or person having legal custody is instructing his or her
20 child under subsection (4) of this section.

21 (7) Private school curriculum shall include instruction of the
22 basic skills of occupational education, science, mathematics, language,
23 social studies, history, health, reading, writing, spelling, and the
24 development of appreciation of art and music, all in sufficient units
25 for meeting state board of education graduation requirements.

26 (8) Each school or school district shall be required to maintain
27 up-to-date policy statements related to the administration and
28 operation of the school or school district.

29 All decisions of policy, philosophy, selection of books, teaching
30 material, curriculum, except as in subsection (7) above provided,
31 school rules and administration, or other matters not specifically
32 referred to in this section, shall be the responsibility of the
33 administration and administrators of the particular private school
34 involved.

35 (9) Except for subsection (6) of this section, this section shall
36 not apply to religiously affiliated exempt schools. Religiously
37 affiliated exempt schools shall not be required to obtain approval for
38 their programs from the state board of education.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.195
2 RCW to read as follows:

3 (1) As used in this chapter, "religiously affiliated exempt school"
4 means a private school that offers instruction in grades K-12, or any
5 combination thereof including the kindergarten, elementary, or
6 secondary level, or a single grade school, and is operated as a
7 ministry of a local church, group of churches, denomination,
8 religiously affiliated nonprofit organization, or association of
9 churches on a nonprofit basis, and does not receive any state or
10 federal funding.

11 (2) Any student enrolled in a religiously affiliated exempt school
12 whose parent or legal guardian chooses to access services for special
13 excess cost aid programs authorized under RCW 28A.155.010 through
14 28A.155.100, services provided by educational service associates, or
15 other educational services, shall only be eligible to receive such
16 services at a public school.

17 **Sec. 3.** RCW 28A.225.010 and 1996 c 134 s 1 are each amended to
18 read as follows:

19 (1) All parents in this state of any child eight years of age and
20 under eighteen years of age shall cause such child to attend the public
21 school of the district in which the child resides and such child shall
22 have the responsibility to and therefore shall attend for the full time
23 when such school may be in session unless:

24 (a) The child is attending an approved private school or a
25 religiously affiliated exempt school for the same time or is enrolled
26 in an extension program as provided in RCW 28A.195.010(4);

27 (b) The child is receiving home-based instruction as provided in
28 subsection ((~~4~~)) (5) of this section;

29 (c) The child is attending an education center as provided in
30 chapter 28A.205 RCW;

31 (d) The school district superintendent of the district in which the
32 child resides shall have excused such child from attendance because the
33 child is physically or mentally unable to attend school, is attending
34 a residential school operated by the department of social and health
35 services, or has been temporarily excused upon the request of his or
36 her parents for purposes agreed upon by the school authorities and the
37 parent: PROVIDED, That such excused absences shall not be permitted if
38 deemed to cause a serious adverse effect upon the student's educational

1 progress: PROVIDED FURTHER, That students excused for such temporary
2 absences may be claimed as full time equivalent students to the extent
3 they would otherwise have been so claimed for the purposes of RCW
4 28A.150.250 and 28A.150.260 and shall not affect school district
5 compliance with the provisions of RCW 28A.150.220; or

6 (e) The child is sixteen years of age or older and:

7 (i) The child is regularly and lawfully employed and either the
8 parent agrees that the child should not be required to attend school or
9 the child is emancipated in accordance with chapter 13.64 RCW;

10 (ii) The child has already met graduation requirements in
11 accordance with state board of education rules and regulations; or

12 (iii) The child has received a certificate of educational
13 competence under rules and regulations established by the state board
14 of education under RCW 28A.305.190.

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

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

20 (4) A religiously affiliated exempt school for the purposes of this
21 chapter is a school defined in section 2 of this act.

22 (5) For the purposes of this chapter and chapter 28A.200 RCW,
23 instruction shall be home-based if it consists of planned and
24 supervised instructional and related educational activities, including
25 a curriculum and instruction in the basic skills of occupational
26 education, science, mathematics, language, social studies, history,
27 health, reading, writing, spelling, and the development of an
28 appreciation of art and music, provided for a number of hours
29 equivalent to the total annual program hours per grade level
30 established for approved private schools under RCW 28A.195.010 and
31 28A.195.040 and if such activities are:

32 (a) Provided by a parent who is instructing his or her child only
33 and are supervised by a certificated person. A certificated person for
34 purposes of this chapter and chapter 28A.200 RCW shall be a person
35 certified under chapter 28A.410 RCW. For purposes of this section,
36 "supervised by a certificated person" means: The planning by the
37 certificated person and the parent of objectives consistent with this
38 subsection; a minimum each month of an average of one contact hour per
39 week with the child being supervised by the certificated person; and

1 evaluation of such child's progress by the certificated person. The
2 number of children supervised by the certificated person shall not
3 exceed thirty for purposes of this subsection; or

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

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

12 (~~(+5)~~) (6) The legislature recognizes that home-based instruction
13 is less structured and more experiential than the instruction normally
14 provided in a classroom setting. Therefore, the provisions of
15 subsection (~~(+4)~~) (5) of this section relating to the nature and
16 quantity of instructional and related educational activities shall be
17 liberally construed.

18 **Sec. 4.** RCW 28A.195.060 and 1975 1st ex.s. c 275 s 70 are each
19 amended to read as follows:

20 (1) It shall be the duty of the administrative or executive
21 authority of every private school in this state to report to the
22 educational service district superintendent on or before the thirtieth
23 day of June in each year, on a form to be furnished, such information
24 as may be required by the superintendent of public instruction, to make
25 complete the records of education work pertaining to all children
26 residing within the state.

27 (2) This section shall not apply to religiously affiliated exempt
28 schools.

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