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HOUSE BILL 2330

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Hickel, Johnson, Backlund and D. Sommers

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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.150 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 private schools that more closely meet the needs and  
13 educational desires of the parents and students, and that many parents  
14 select church schools to meet those needs. The state, any agency or  
15 official thereof, shall not restrict or dictate any specific  
16 educational or other programs for private schools except as hereinafter  
17 in this section provided.

18 Principals of private schools or superintendents of private school  
19 districts, except church schools as defined in section 2 of this act,

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

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

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

20 (3) All classroom teachers, except those employed in church schools  
21 as defined in section 2 of this act, shall hold appropriate Washington  
22 state certification except as follows:

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

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

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

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

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

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

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

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

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

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

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

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

35 All decisions of policy, philosophy, selection of books, teaching  
36 material, curriculum, except as in subsection (7) above provided,  
37 school rules and administration, or other matters not specifically  
38 referred to in this section, shall be the responsibility of the

1 administration and administrators of the particular private school  
2 involved.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150  
4 RCW to read as follows:

5 As used in this title, "church school" means those schools that  
6 offer instruction in grades K-12, or any combination thereof including  
7 the kindergarten, elementary, or secondary level, or single grade  
8 schools, and are operated as a ministry of a local church, group of  
9 churches, denomination, or association of churches on a nonprofit  
10 basis, that do not receive any state or federal funding.

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

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

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

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

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

25 (d) The school district superintendent of the district in which the  
26 child resides shall have excused such child from attendance because the  
27 child is physically or mentally unable to attend school, is attending  
28 a residential school operated by the department of social and health  
29 services, or has been temporarily excused upon the request of his or  
30 her parents for purposes agreed upon by the school authorities and the  
31 parent: PROVIDED, That such excused absences shall not be permitted if  
32 deemed to cause a serious adverse effect upon the student's educational  
33 progress: PROVIDED FURTHER, That students excused for such temporary  
34 absences may be claimed as full time equivalent students to the extent  
35 they would otherwise have been so claimed for the purposes of RCW  
36 28A.150.250 and 28A.150.260 and shall not affect school district  
37 compliance with the provisions of RCW 28A.150.220; or

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

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

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

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

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

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

15 (4) A church school for the purposes of this chapter is a school  
16 defined in section 2 of this act.

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

27 (a) Provided by a parent who is instructing his or her child only  
28 and are supervised by a certificated person. A certificated person for  
29 purposes of this chapter and chapter 28A.200 RCW shall be a person  
30 certified under chapter 28A.410 RCW. For purposes of this section,  
31 "supervised by a certificated person" means: The planning by the  
32 certificated person and the parent of objectives consistent with this  
33 subsection; a minimum each month of an average of one contact hour per  
34 week with the child being supervised by the certificated person; and  
35 evaluation of such child's progress by the certificated person. The  
36 number of children supervised by the certificated person shall not  
37 exceed thirty for purposes of this subsection; or

38 (b) Provided by a parent who is instructing his or her child only  
39 and who has either earned forty-five college level quarter credit hours

1 or its equivalent in semester hours or has completed a course in home-  
2 based instruction at a postsecondary institution or a vocational-  
3 technical institute; or

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

7 ~~((+5))~~ (6) The legislature recognizes that home-based instruction  
8 is less structured and more experiential than the instruction normally  
9 provided in a classroom setting. Therefore, the provisions of  
10 subsection ~~((+4))~~ (5) of this section relating to the nature and  
11 quantity of instructional and related educational activities shall be  
12 liberally construed.

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

15 It shall be the duty of the administrative or executive authority  
16 of every private school in this state to report to the educational  
17 service district superintendent on or before the thirtieth day of June  
18 in each year, on a form to be furnished, such information as may be  
19 required by the superintendent of public instruction, to make complete  
20 the records of education work pertaining to all children residing  
21 within the state. The enrollment and attendance of a child in a church  
22 school shall be filed with the local public school superintendent by  
23 the student's parent or legal guardian, on a form provided by the  
24 superintendent. The form shall be countersigned by the administrator  
25 of the church school and returned to the public school superintendent  
26 by the student's parent or legal guardian. Should a student cease  
27 attendance at the church school, the student's parent or legal guardian  
28 shall by prior consent at the time of enrollment, direct the church  
29 school to notify the local public school superintendent that the child  
30 is no longer attending the church school.

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