S-1343.3		

## SENATE BILL 5890

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State of Washington 55th Legislature 1997 Regular Session

By Senators Zarelli, Hochstatter, Stevens, Schow, Swecker, Benton and Oke

Read first time 02/18/97. Referred to Committee on Education.

- 1 AN ACT Relating to providing children with an education in reading, 2 writing, mathematics, social studies, and science; amending RCW 3 28A.150.210, 28A.230.020, 28A.230.090, 28A.230.190, 28A.195.010, and 4 28A.200.010; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; creating a new section; repealing RCW 5 28A.150.205, 28A.300.135, 28A.300.138, 28A.320.015, 6 28A.415.250, 7 28A.415.260, 28A.415.270, 28A.415.280, 28A.415.300, 28A.415.310, 8 28A.630.878, 28A.630.879, 28A.630.883, 28A.630.885, 28A.630.945, 28A.630.951, 28A.630.952, 9 28A.630.950, 28A.630.953, 28A.630.954, 10 28A.650.005, and 70.190.040; repealing 1992 c 141 s 1 (uncodified); repealing 1994 c 245 s 11 and 1992 c 141 s 508 (uncodified); repealing 11 12 1993 c 336 s 601 (uncodified); repealing 1993 c 371 s 2 and 1992 c 141 s 503; repealing 1995 c 77 s 3 and 1992 c 141 s 507; and repealing 1992 13 14 c 141 s 504.
- 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 16 <u>NEW SECTION.</u> **Sec. 1.** A new section is added to chapter 28A.150
- 17 RCW to read as follows:
- 18 (1) The legislature finds that:

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(a) The unalienable right of each parent to have sole responsibility for the education of his or her child is supported by law, and that state law cannot arbitrarily and unreasonably interfere with that natural legal duty of the parent to educate his or her child;

- with that natural legal duty of the parent to educate his or her child;

  (b) To aid in the discharge of this parental responsibility, the state Constitution requires the legislature to "provide for a general and uniform system of public schools . . .. " that may be used by any child residing within the borders of the state at no charge to the parent. The state Constitution further establishes the state superintendent of public instruction with the sole responsibility for the "supervision over all matters pertaining to public schools . . . "
  Further, the state board of education, not the commission on student learning, is established by tradition and by law to, among other things, determine, with guidance from the state superintendent, a course of study for all public schools in the state;
- 16 (c) Local control over the education of children in this state 17 allows citizens to participate in decision making so that school 18 programs can fit local needs; and
  - (d) Local autonomy of school districts is a vital state tradition.
  - (2)(a) The legislature further finds that the performance-based education act of 1993 shifts public education from a knowledge-based, subject-driven system to a role-based, behavior-driven system. Given performance-based education, regardless of what name it carries, the definition of learning changes from the "acquisition of knowledge" to the "changing of behavior." The legislature finds that the emphasis on behavior change undermines the role of the parent by establishing the school as the purveyor of attitudes, values, and beliefs. Further, a performance-based system of education neglects the very depth and breadth of knowledge that is vital to each individual, given the complexity of present and future existence. It is the intent of the legislature to return emphasis to those knowledge-based skills that are fundamental to all other learning.
  - (b) The legislature further finds that the neglect of knowledge and the encroachment on the role of parents is inconsistent with the traditionally defined purpose of education as commonly held by the citizens of Washington state. It is the purpose of education to train the mind through the acquisition of facts and knowledge imperative for each student to understand, manage, and expand his or her world. Although the legislature affirms that employability should be one of

- 1 many results of a public school experience, the legislature finds that 2 it is not the purpose of our state's K-12 education system to provide 3 an employee pool of skilled workers for any business or work force as 4 is currently being pursued in the state's school-to-work program.
- 5 (c) It is the responsibility of the K-12 education system to teach 6 facts and knowledge that build a strong foundation of knowledge-based 7 skills, thus helping children gain the knowledge-based skills necessary 8 to pursue any career or higher education opportunity they choose.
- 9 (d) The legislature further finds that the role of education is 10 best vested in the community between educators and parents, while also realizing the need for establishing state levels of competency in 11 various academic areas. It is the intent of chapter . . ., Laws of 12 13 1997 (this act) to clearly establish the role of state government and locally elected school boards in the development and implementation of 14 15 curriculum. It is the intent of the legislature to return local control to school districts. 16
- (e) Further, the legislature finds that the education of the 17 children of this state is the sole responsibility of its citizens, and 18 19 that the state Constitution provides that the legislature is responsible for sufficient and adequate funding of basic education. To 20 this end, the legislature recognizes no role in this process for the 21 federal government or its agencies, and therefore refuses the many 22 23 federal mandates and regulations forced upon its citizens. 24 action, the legislature refuses all funds associated in any way with 25 goals 2000, or any dollars that do not come freely without mandates or 26 other conditions. All existing goals 2000 contracts shall be null and 27 void upon the effective date of this section.
- 28 (3) The purpose of chapter . . ., Laws of 1997 (this act) is to restore control of education to the local community and school district boards of directors and provide for the encouragement of a rigorous, academic education for all students enrolled in the public schools of this state.
- 33 **Sec. 2.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to 34 read as follows:

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(1) The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to ((become responsible citizens, to contribute to their own economic well-being and to that of their

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- 1 families and communities, and to enjoy productive and satisfying lives.
- 2 To these ends, the goals of each school district, with the involvement
- 3 of parents and community members, shall be to provide opportunities for
- 4 all students to develop the knowledge and skills essential to:
- 5 (1) Read with comprehension, write with skill, and communicate 6 effectively and responsibly in a variety of ways and settings;
- 7 (2) Know and apply the core concepts and principles of mathematics;
  8 social, physical, and life sciences; civics and history; geography;
  9 arts; and health and fitness;
- 10 (3) Think analytically, logically, and creatively, and to integrate
  11 experience and knowledge to form reasoned judgments and solve problems;
  12 and
- (4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities)) learn reading, writing, social studies, mathematics, and science.
- (2) Unless the context clearly requires otherwise, the following definitions apply throughout this section, section 9 of this act, and RCW 28A.195.010, 28A.230.020, and 28A.230.190.
- 20 (a) "Writing" means grammar, spelling, and penmanship.
- 21 <u>(b) "Reading" means intensive systematic phonics and using only</u> 22 <u>scientifically proven methods of teaching reading.</u>
- (c) "Social studies" means United States history and government, including the founding documents and the United States Constitution, the Mayflower Compact, and the Declaration of Independence; Washington state history and government; economics; United States geography; and
- 27 world history.
- 28 <u>(d) "Mathematics" means the quantitative study of the mathematical</u>
  29 operations and their application.
- 30 **Sec. 3.** RCW 28A.230.020 and 1991 c 116 s 6 are each amended to 31 read as follows:
- 32 All common schools shall give instruction in reading, ((penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system,)) writing, social studies, mathematics, and science ((with special reference to the environment, and such other studies as may be prescribed by rule or regulation of the state board of education. All

- teachers shall stress the importance of the cultivation of manners, the 1 fundamental principles of honesty, honor, industry and economy, the 2 minimum requisites for good health including the beneficial effect of 3 4 physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all 5 living creatures and the land. The prevention of child abuse may be 6 7 offered as part of the curriculum in the common schools)).
- 8 RCW 28A.230.090 and 1993 c 371 s 3 are each amended to 9 read as follows:
- 10 (1) The state board of education shall establish high school graduation requirements or equivalencies for students that meet or 11 exceed the following: 12

13	SUBJECT	CREDIT
14	Reading and Writing	<u>3</u>
15	<u>Mathematics</u>	<u>2</u>
16	<u>Science</u>	<u>2</u>
17	Social Studies	2 1/2
18	United States History	
19	and Government	<u>1</u>
20	Washington State History	
21	and Government	1/2
22	Occupational Education	<u>1</u>
23	Physical Education	<u>2</u>
24	Restricted Elective	<u>1</u>
25	(This one credit restricted elective	requirement must be selected
26	from fine, visual, or performing arts	or any of the subject areas
27	listed above.)	
28	<u>Electives</u>	<u>5 1/2</u>
29	Total	19

- (2) For the purposes of this section, one credit is equivalent to 30 31 one year of study.
- (3) The Washington state history and government requirement may be 32 33 fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement 34 35 in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement. Any course in 36 37 Washington state history and government used to fulfill high school

graduation requirements is encouraged to include information on the 1 2 culture, history, and government of the American Indian peoples who were the first inhabitants of the state. 3

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- ((<del>(2)</del>)) (4) A candidate for graduation must have earned a minimum of nineteen credits including all required courses. The total credits necessary for graduation shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.
- 9 (5) In recognition of the statutory authority of the state board of 10 education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate 11 graduation requirements and shall report such findings to the 12 legislature in a timely manner as determined by the state board. 13
- 14  $((\frac{3}{1}))$  (6) Pursuant to any requirement for instruction in 15 languages other than English established by the state board of education or a local school district, or both, for purposes of high 16 17 school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered 18 19 to have satisfied the state or local school district graduation 20 requirement for instruction in one or more languages other than English. 21
- 22  $((\frac{4}{1}))$  (7) If requested by the student and his or her family, a student who has completed high school courses before attending high 23 24 school shall be given high school credit which shall be applied to 25 fulfilling high school graduation requirements if:
- 26 (a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth 27 grade classes, and the student has successfully passed by completing 28 29 the same course requirements and examinations as the high school 30 students enrolled in the class; or
  - (b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.
- (((5)))) (8) Students who have taken and successfully completed high school courses under the circumstances in subsection ((4)) of 38 this section shall not be required to take an additional competency 39 examination or perform any other additional assignment to receive

- 1 credit. ((Subsection (4) of this section shall also apply to students
- 2 enrolled in high school on April 11, 1990, who took the courses before
- 3 attending high school.))
- 4 **Sec. 5.** RCW 28A.230.190 and 1990 c 101 s 6 are each amended to 5 read as follows:
- 6 (1) Every school district ((is encouraged to)) shall test pupils in
- 7 grade two by ((an assessment device designed or selected by the school
- 8 district)) a standardized norm-referenced achievement test developed by
- 9 the superintendent of public instruction with the assistance of school
- 10 <u>districts</u>. This test shall be used to help teachers in identifying
- 11 those pupils in need of assistance in the skills of reading, writing,
- 12 <u>and</u> mathematics((<del>, and language arts. The test results are not to be</del>
- 13 compiled by the superintendent of public instruction, but are only to
- 14 be used by the local school district)).
- 15 (2) The superintendent of public instruction shall prepare and
- 16 conduct, with the assistance of school districts, a standardized norm-
- 17 referenced achievement test to be given annually to all pupils in grade
- 18 four. The test shall ((assess)) ascertain students' ((skill))
- 19 <u>achievement</u> in reading, <u>writing</u>, mathematics, ((and language arts and
- 20 shall focus upon appropriate input variables)) social studies, and
- 21 science.
- 22 (3) Results of ((such)) tests <u>under this section</u> shall be compiled
- 23 by the superintendent of public instruction((, who shall make those
- 24 results available)) and reported annually to the legislature, to all
- 25 local school districts, and subsequently to parents of those children
- 26 tested. The results shall allow parents to ascertain the achievement
- 27 levels ((and input variables)) of their children as compared with the
- 28 other students within the district, the state and, if applicable, the
- 29 nation.
- 30 (((3) The superintendent of public instruction shall report
- 31 annually to the legislature on the achievement levels of students in
- 32 grade four.))
- 33 NEW SECTION. Sec. 6. A new section is added to chapter 28A.150
- 34 RCW to read as follows:
- 35 After the effective date of this section, the state shall not
- 36 accept federal goals 2000 funding, nor shall it participate in any

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- 1 goals 2000 programs. Local school districts shall not enter into
- 2 agreements with the federal government for goals 2000 funding.
- 3 **Sec. 7.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to 4 read as follows:
- The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.
- 12 Principals of private schools or superintendents of private school 13 districts shall file each year with the state superintendent of public 14 instruction a statement certifying that the minimum requirements 15 hereinafter set forth are being met, noting any deviations. After 16 review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. 17 18 case of major deviations, the school or school district may request and 19 the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the 20 requirements. Minimum requirements shall be as follows: 21
- (1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.
- 26 (2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total 28 program hour offerings as prescribed in RCW 28A.150.220 for basic 29 skills, work skills, and optional subjects and activities shall not 30 apply to private schools or private sectarian schools.
- 31 (3) All classroom teachers shall hold appropriate Washington state 32 certification except as follows:
- 33 (a) Teachers for religious courses or courses for which no 34 counterpart exists in public schools shall not be required to obtain a 35 state certificate to teach those courses.
- 36 (b) In exceptional cases, people of unusual competence but without 37 certification may teach students so long as a certified person 38 exercises general supervision. Annual written statements shall be

((submitted to the office of the superintendent of public instruction reporting and explaining such circumstances)) maintained by the school for review at the request of the superintendent of public instruction.

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- (4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:
- 8 (a) The parent, guardian, or custodian be under the supervision of 9 an employee of the approved private school who is certified under 10 chapter 28A.410 RCW;
- (b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;
- (c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;
- 17 (d) Each student's progress be evaluated by the certified person; 18 and
- 19 (e) The certified employee shall not supervise more than thirty 20 students enrolled in the approved private school's extension program.
  - (5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.
  - (6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. ((However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery.)) A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.
- (7) Private school curriculum shall include instruction of the basic skills of ((occupational education,)) science, mathematics, ((language,)) social studies, ((history, health,)) reading, and

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- writing, ((spelling, and the development of appreciation of art and music,)) all in sufficient units for meeting state board of education graduation requirements.
- 4 (8) Each school or school district shall be required to maintain 5 up-to-date policy statements related to the administration and 6 operation of the school or school district.
- All decisions of policy, philosophy, selection of books, teaching 8 material, curriculum, except as in subsection (7) above provided, 9 school rules and administration, or other matters not specifically 10 referred to in this section, shall be the responsibility of the 11 administration and administrators of the particular private school 12 involved.
- 13 **Sec. 8.** RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read 14 as follows:
- Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:
- (1) File annually a signed declaration of intent that he or she is 17 18 planning to cause his or her child to receive home-based instruction. 19 The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the 20 instruction, and shall be written in a format prescribed by the 21 superintendent of public instruction. Each parent shall file the 22 23 statement by September 15 of the school year or within two weeks of the 24 beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent 25 26 resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. 27 Parents may apply for transfer under RCW 28A.225.220; 28
- 29 (2) Ensure that test scores or annual academic progress assessments 30 and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are 31 forwarded to any other public or private school to which the child 32 33 transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls 34 may require a standardized achievement test to be administered and 35 36 shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review 37 of the child's records; and 38

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. ((The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of mastery pursuant to RCW 28A.630.885.)) The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

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

NEW SECTION. Sec. 9. A new section is added to chapter 28A.230 RCW to read as follows:

- (1) Every school district board of directors, as part of the self-study procedures under RCW 28A.320.200 for its districts, shall adopt academic standards in reading, writing, and mathematics to improve student achievement and performance. Each school district must evidence citizen participation in defining these academic standards. Student performance shall be measured by testing the improvement of students' skills with emphasis in reading, writing, and mathematics. These academic standards shall be locally developed and tested annually in each grade. The annual tests in this subsection are in addition to the requirements of RCW 28A.230.190, 28A.230.230, and 28A.230.240.
- (2) Districts shall provide notification of these academic standards and hold at least two public hearings, to be held on alternating weekdays, during the evening hours on these standards.
- (3) The school district board of directors shall file reports on student scores on the tests under this section with the office of the superintendent of public instruction and shall make copies of these

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- reports available to the parents or legal guardians of the students 1 tested and to the residents of the school district. 2
- 3 (4) Test scores shall indicate if a student is performing below 4 grade level in any subject or if there are problems in reading,
- writing, or mathematics. Local school districts are encouraged to 5
- retain students at the current grade level if test scores indicate help 6
- is needed in reading, writing, or mathematics. The teacher and parent 7
- 8 or legal guardian shall develop a student action plan, reviewed by the
- 9 principal, designed to improve the student's academic achievement in each academic subject where the student's test score is below grade
- level. The plan should provide flexibility to ensure that the student 11
- develops appropriate academic skills. The plan shall be included in 12
- 13 the permanent student file.
- 14 NEW SECTION. Sec. 10. The following acts or parts of acts are
- 15 each repealed:

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- 16 (1) 1992 c 141 s 1 (uncodified);
- (2) RCW 28A.150.205 and 1992 c 141 s 502; 17
- 18 (3) 1993 c 371 s 2 & 1992 c 141 s 503;
- (4) 1995 c 77 s 3 & 1992 c 141 s 507; 19
- (5) 1992 c 141 s 504; 20
- (6) RCW 28A.300.135 and 1993 c 336 s 502; 21
- (7) RCW 28A.300.138 and 1994 c 245 s 1 & 1993 c 336 s 301; 22
- 23 (8) 1994 c 245 s 11 & 1992 c 141 s 508 (uncodified);
- 24 (9) RCW 28A.320.015 and 1992 c 141 s 301;
- 25 (10) RCW 28A.415.250 and 1993 c 336 s 401, 1991 c 116 s 19, 1990 c
- 33 s 403, 1987 c 507 s 1, & 1985 c 399 s 1; 26
- 27 (11) RCW 28A.415.260 and 1993 c 336 s 402;
- (12) RCW 28A.415.270 and 1996 c 233 s 1 & 1993 c 336 s 404; 28
- 29 (13) RCW 28A.415.280 and 1996 c 233 s 2 & 1993 c 336 s 405;
- 30 (14) RCW 28A.415.300 and 1993 c 336 s 407;
- (15) RCW 28A.415.310 and 1993 c 336 s 408; 31
- (16) RCW 28A.630.878 and 1993 c 336 s 603, 1993 c 335 s 9, & 1992 32
- 33 c 137 s 11;
- (17) RCW 28A.630.879 and 1993 c 336 s 602; 34
- (18) 1993 c 336 s 601 (uncodified); 35
- 36 (19) RCW 28A.630.883 and 1993 c 336 s 201;
- 37 (20) RCW 28A.630.885 and 1995 c 335 s 505, 1995 c 209 s 1, & 1994
- c 245 s 13; 38

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(21) RCW 28A.630.945 and 1995 c 208 s 1;
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       (22) RCW 28A.630.950 and 1993 c 336 s 1001;
       (23) RCW 28A.630.951 and 1993 c 336 s 1002;
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       (24) RCW 28A.630.952 and 1995 c 335 s 506, 1994 c 245 s 4, & 1993
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  c 336 s 1003;
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       (25) RCW 28A.630.953 and 1993 c 336 s 1004;
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       (26) RCW 28A.630.954 and 1993 c 336 s 1005;
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       (27) RCW 28A.650.005 and 1993 c 336 s 701; and
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       (28) RCW 70.190.040 and 1993 c 336 s 901.
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