
SUBSTITUTE HOUSE BILL 1770

State of Washington 56th Legislature 1999 Regular Session

By House Committee on Education (originally sponsored by Representatives Stensen and Talcott; by request of Board of Education)

Read first time 03/01/1999.

1 AN ACT Relating to the recommendations of the state board of
2 education based on its review of its statutory authority; amending RCW
3 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, 28A.300.040, and
4 28A.305.130; adding new chapters to Title 28A RCW; creating a new
5 section; recodifying RCW 28A.315.350, 28A.315.380, 28A.315.390,
6 28A.315.400, 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.440,
7 28A.315.450, 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490,
8 28A.315.500, 28A.315.530, 28A.315.510, 28A.315.540, 28A.315.570,
9 28A.315.460, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630,
10 28A.315.670, 28A.315.680, 28A.315.550, 28A.315.560, 28A.315.580,
11 28A.315.590, 28A.315.593, 28A.315.660, 28A.315.597, and 28A.315.640;
12 and repealing RCW 28A.04.172, 28A.410.010, and 28A.410.013.

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

14 NEW SECTION. **Sec. 1.** During 1997 and 1998, a committee of the
15 state board of education reviewed all board rules and related
16 authorizing statutes. Based on the findings and recommendations
17 resulting from the review, the state board prepared a report to the
18 legislature requesting action be taken. It is the intent of this act
19 to implement recommendations of the state board of education.

1 **Sec. 2.** RCW 28A.205.010 and 1993 c 211 s 1 are each amended to
2 read as follows:

3 (1) As used in this chapter, unless the context thereof shall
4 clearly indicate to the contrary:

5 "Education center" means any private school operated on a profit or
6 nonprofit basis which does the following:

7 (a) Is devoted to the teaching of basic academic skills, including
8 specific attention to improvement of student motivation for achieving,
9 and employment orientation.

10 (b) Operates on a clinical, client centered basis. This shall
11 include, but not be limited to, performing diagnosis of individual
12 educational abilities, determination and setting of individual goals,
13 prescribing and providing individual courses of instruction therefor,
14 and evaluation of each individual client's progress in his or her
15 educational program.

16 (c) Conducts courses of instruction by professionally trained
17 personnel certificated by the state board of education according to
18 rules (~~(and regulations promulgated)~~) adopted for the purposes of this
19 chapter and providing, for certification purposes, that a year's
20 teaching experience in an education center shall be deemed equal to a
21 year's teaching experience in a common or private school.

22 (2) For purposes of this chapter, basic academic skills shall
23 include the study of mathematics, speech, language, reading and
24 composition, science, history, literature and political science or
25 civics, as any or all of these subjects are identified under RCW
26 28A.150.210 and for which essential academic learning requirements have
27 been established under RCW 28A.630.885(3)(a); it shall not include
28 courses of a vocational training nature and shall not include courses
29 deemed nonessential to the accrediting of the common schools or the
30 approval of private schools under RCW 28A.305.130.

31 (3) The state board of education shall certify an education center
32 only upon application and (a) determination that such school comes
33 within the definition thereof as set forth in subsection (1) (~~(above)~~)
34 of this section and (b) demonstration on the basis of actual
35 educational performance of such applicants' students which shows after
36 consideration of their students' backgrounds, educational gains that
37 are a direct result of the applicants' educational program. Such
38 certification may be withdrawn if the board finds that a center fails
39 to provide adequate instruction in basic academic skills. No education

1 center certified by the state board of education pursuant to this
2 section shall be deemed a common school under RCW 28A.150.020 or a
3 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

4 **Sec. 3.** RCW 28A.205.020 and 1997 c 265 s 7 are each amended to
5 read as follows:

6 Only eligible common school dropouts shall be enrolled in a
7 certified education center for reimbursement by the superintendent of
8 public instruction as provided in RCW 28A.205.040. A person is not an
9 eligible common school dropout if: (1) The person has completed high
10 school, (2) the person has not reached his or her twelfth birthday or
11 has passed his or her twentieth birthday, (3) the person shows
12 proficiency beyond the high school level in a test approved by the
13 ~~((superintendent of public instruction))~~ state board of education to be
14 given as part of the initial diagnostic procedure, or (4) less than one
15 month has passed after the person has dropped out of any common school
16 and the education center has not received written verification from a
17 school official of the common school last attended in this state that
18 the person is no longer in attendance at the school. A person is an
19 eligible common school dropout even if one month has not passed since
20 the person dropped out if the board of directors or its designee, of
21 that common school, requests the center to admit the person because the
22 person has dropped out or because the person is unable to attend a
23 particular common school because of disciplinary reasons, including
24 suspension and/or expulsion. The fact that any person may be subject
25 to RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140, 28A.200.010,
26 and 28A.200.020 shall not affect his or her qualifications as an
27 eligible common school dropout under this chapter.

28 **Sec. 4.** RCW 28A.205.040 and 1990 c 33 s 183 are each amended to
29 read as follows:

30 (1)(a) From funds appropriated for that purpose, the superintendent
31 of public instruction shall pay fees to a certified ~~((clinic))~~ center
32 on a monthly basis for each student enrolled in compliance with RCW
33 28A.205.020 ~~((, fees in accordance with the following conditions:~~

34 ~~(1)(a) The fee for the initial diagnostic procedure shall be not~~
35 ~~more than fifty dollars per student, and hourly fees for each student~~
36 ~~shall be sixteen dollars if the class size is no greater than one, ten~~
37 ~~dollars if the class size is at least two and no greater than five, and~~

1 ~~five dollars if the class size is at least six: PROVIDED, That~~). The
2 superintendent shall set fees by rule.

3 (b) Revisions in such fees proposed by an education ((~~elinie~~))
4 center shall become effective after thirty days notice unless the
5 superintendent finds such a revision is unreasonable in which case the
6 revision shall not take effect(~~(:— PROVIDED FURTHER, That)~~). An
7 education ((~~elinie~~)) center may, within fifteen days after such a
8 finding by the superintendent, file notification of appeal with the
9 state board of education which shall, no later than its second
10 regularly scheduled meeting following notification of such appeal,
11 either grant or deny the proposed revision(~~(:— AND PROVIDED FURTHER,~~
12 ~~That)~~). The administration of any general education development test
13 shall not be a part of such initial diagnostic procedure.

14 ((~~b~~)) (c) Reimbursements shall not be made for students who are
15 absent.

16 ((~~e~~)) (d) No ((~~elinie~~)) center shall make any charge to any
17 student, or the student's parent, guardian or custodian, for whom a fee
18 is being received under the provisions of this section.

19 (2) Payments shall be made from available funds first to those
20 ((~~elinie(s)—which~~)) centers that have in the judgment of the
21 superintendent demonstrated superior performance based upon
22 consideration of students' educational gains taking into account such
23 students' backgrounds, and upon consideration of cost effectiveness.
24 In considering the cost effectiveness of nonprofit ((~~elinies~~)) centers
25 the superintendent shall take into account not only payments made under
26 this section but also factors such as tax exemptions, direct and
27 indirect subsidies or any other cost to taxpayers at any level of
28 government which result from such nonprofit status.

29 (3) To be eligible for such payment, every such ((~~elinie~~)) center,
30 without prior notice, shall permit a review of its accounting records
31 by personnel of the state auditor during normal business hours.

32 (4) If total funds for this purpose approach depletion, the
33 superintendent shall notify the ((~~elinies~~)) centers of the date after
34 which further funds for reimbursement of the ((~~elinies'~~)) centers'
35 services will be exhausted.

36 **Sec. 5.** RCW 28A.225.160 and 1986 c 166 s 1 are each amended to
37 read as follows:

1 Except as otherwise provided by law, it is the general policy of
2 the state that the common schools shall be open to the admission of all
3 persons who are five years of age and less than twenty-one years
4 residing in that school district. Except as otherwise provided by law
5 or rules adopted by the state board of education, (~~the state board of~~
6 ~~education is hereby authorized to adopt rules in accordance with~~
7 ~~chapter 34.05 RCW which~~) districts may establish uniform entry
8 qualifications, including but not limited to birth date requirements,
9 for admission to kindergarten and first grade programs of the common
10 schools. Such rules may provide for exceptions based upon the ability,
11 or the need, or both, of an individual student. For the purpose of
12 complying with any rule adopted by the state board of education which
13 authorizes a preadmission screening process as a prerequisite to
14 granting exceptions to the uniform entry qualifications, a school
15 district may collect fees (~~not to exceed seventy five dollars per~~
16 ~~preadmission student~~) to cover expenses incurred in the administration
17 of (~~such a~~) any preadmission screening process: PROVIDED, That in so
18 establishing such fee or fees, the district shall adopt regulations for
19 waiving and reducing such fees in the cases of those persons whose
20 families, by reason of their low income, would have difficulty in
21 paying the entire amount of such fees.

22 **Sec. 6.** RCW 28A.300.040 and 1992 c 198 s 6 are each amended to
23 read as follows:

24 In addition to any other powers and duties as provided by law, the
25 powers and duties of the superintendent of public instruction shall be:

26 (1) To have supervision over all matters pertaining to the public
27 schools of the state(~~-~~);

28 (2) To report to the governor and the legislature such information
29 and data as may be required for the management and improvement of the
30 schools(~~-~~);

31 (3) To prepare and have printed such forms, registers, courses of
32 study, rules (~~and regulations~~) for the government of the common
33 schools, (~~questions prepared for the examination of persons as~~
34 ~~provided for in RCW 28A.305.130(9),~~) and such other material and books
35 as may be necessary for the discharge of the duties of teachers and
36 officials charged with the administration of the laws relating to the
37 common schools, and to distribute the same to educational service
38 district superintendents(~~-~~);

1 (4) To travel, without neglecting his or her other official duties
2 as superintendent of public instruction, for the purpose of attending
3 educational meetings or conventions, of visiting schools, of consulting
4 educational service district superintendents or other school
5 officials(~~(-)~~);

6 (5) To prepare and from time to time to revise a manual of the
7 Washington state common school code, copies of which shall be provided
8 in such numbers as determined by the superintendent of public
9 instruction at no cost to those public agencies within the common
10 school system and which shall be sold at approximate actual cost of
11 publication and distribution per volume to all other public and
12 nonpublic agencies or individuals, said manual to contain Titles 28A
13 and 28C RCW, rules (~~(and regulations)~~) related to the common schools,
14 and such other matter as the state superintendent or the state board of
15 education shall determine. Proceeds of the sale of such code shall be
16 transmitted to the public printer who shall credit the state
17 superintendent's account within the state printing plant revolving fund
18 by a like amount(~~(-)~~);

19 (6) To act as ex officio member and the chief executive officer of
20 the state board of education(~~(-)~~);

21 (7) To act as the administrator for rules adopted under RCW
22 28A.305.130 (1) through (5), (7), and (8), including the power to issue
23 any certificates or permits and revoke the same in accordance with
24 state board of education rules;

25 (8) To file all papers, reports and public documents transmitted to
26 the superintendent by the school officials of the several counties or
27 districts of the state, each year separately. Copies of all papers
28 filed in the superintendent's office, and the superintendent's official
29 acts, may, or upon request, shall be certified by the superintendent
30 and attested by the superintendent's official seal, and when so
31 certified shall be evidence of the papers or acts so certified to(~~(-)~~);

32 (~~((+8))~~) (9) To require annually, on or before the 15th day of
33 August, of the president, manager, or principal of every educational
34 institution in this state, a report as required by the superintendent
35 of public instruction; and it is the duty of every president, manager
36 or principal, to complete and return such forms within such time as the
37 superintendent of public instruction shall direct(~~(-)~~);

1 (~~(9)~~) (10) To keep in the superintendent's office a record of all
2 teachers receiving certificates to teach in the common schools of this
3 state(~~(-)~~);

4 (~~(10)~~) (11) To issue certificates as provided by law(~~(-)~~);

5 (~~(11)~~) (12) To keep in the superintendent's office at the capital
6 of the state, all books and papers pertaining to the business of the
7 superintendent's office, and to keep and preserve in the
8 superintendent's office a complete record of statistics, as well as a
9 record of the meetings of the state board of education(~~(-)~~);

10 (~~(12)~~) (13) With the assistance of the office of the attorney
11 general, to decide all points of law which may be submitted to the
12 superintendent in writing by any educational service district
13 superintendent, or that may be submitted to the superintendent by any
14 other person, upon appeal from the decision of any educational service
15 district superintendent; and the superintendent shall publish his or
16 her rulings and decisions from time to time for the information of
17 school officials and teachers; and the superintendent's decision shall
18 be final unless set aside by a court of competent jurisdiction(~~(-)~~);

19 (~~(13)~~) (14) To administer oaths and affirmations in the discharge
20 of the superintendent's official duties(~~(-)~~);

21 (~~(14)~~) (15) To deliver to his or her successor, at the expiration
22 of the superintendent's term of office, all records, books, maps,
23 documents and papers of whatever kind belonging to the superintendent's
24 office or which may have been received by the superintendent's for the
25 use of the superintendent's office(~~(-)~~);

26 (~~(15)~~) (16) To administer family services and programs to promote
27 the state's policy as provided in RCW 74.14A.025(~~(-)~~);

28 (~~(16)~~) (17) To perform such other duties as may be required by
29 law.

30 **Sec. 7.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read
31 as follows:

32 In addition to any other powers and duties as provided by law, the
33 state board of education shall:

34 (1) Approve or disapprove the program of courses leading to
35 teacher, school administrator, and school specialized personnel
36 certification offered by all institutions of higher education within
37 the state which may be accredited and whose graduates may become
38 entitled to receive such certification(~~(-)~~);

1 (2) Conduct every five years a review of the program approval
2 standards, including the minimum standards for teachers,
3 administrators, and educational staff associates, to reflect research
4 findings and assure continued improvement of preparation programs for
5 teachers, administrators, and educational staff associates((-))i

6 (3) Investigate the character of the work required to be performed
7 as a condition of entrance to and graduation from any institution of
8 higher education in this state relative to such certification as
9 provided for in subsection (1) ((above)) of this section, and prepare
10 a list of accredited institutions of higher education of this and other
11 states whose graduates may be awarded such certificates((-))i

12 (4)(a) The state board of education shall adopt rules to allow a
13 teacher certification candidate to fulfill, in part, teacher
14 preparation program requirements through work experience as a
15 classified teacher's aide in a public school or private school meeting
16 the requirements of RCW 28A.195.010. The rules shall include, but are
17 not limited to, limitations based upon the recency of the teacher
18 preparation candidate's teacher aide work experience, and limitations
19 based on the amount of work experience that may apply toward teacher
20 preparation program requirements under this chapter((-))i

21 (b) The state board of education shall require that at the time of
22 the individual's enrollment in a teacher preparation program, the
23 supervising teacher and the building principal shall jointly provide to
24 the teacher preparation program of the higher education institution at
25 which the teacher candidate is enrolled, a written assessment of the
26 performance of the teacher candidate. The assessment shall contain
27 such information as determined by the state board of education and
28 shall include: Evidence that at least fifty percent of the candidate's
29 work as a classified teacher's aide was involved in instructional
30 activities with children under the supervision of a certificated
31 teacher and that the candidate worked a minimum of six hundred thirty
32 hours for one school year; the type of work performed by the candidate;
33 and a recommendation of whether the candidate's work experience as a
34 classified teacher's aide should be substituted for teacher preparation
35 program requirements. In compliance with such rules as may be
36 established by the state board of education under this section, the
37 teacher preparation programs of the higher education institution where
38 the candidate is enrolled shall make the final determination as to what

1 teacher preparation program requirements may be fulfilled by teacher
2 aide work experience((-))i

3 (5) Supervise the issuance of such certificates as provided for in
4 subsection (1) (~~above~~) of this section and specify the types and
5 kinds of certificates necessary for the several departments of the
6 common schools by rule (~~or regulation in accordance with RCW~~
7 ~~28A.410.010.~~)i

8 (6) Accredite, subject to such accreditation standards and
9 procedures as may be established by the state board of education, all
10 schools that apply for accreditation, and approve, subject to the
11 provisions of RCW 28A.195.010, private schools carrying out a program
12 for any or all of the grades kindergarten through twelve: PROVIDED,
13 That no private school may be approved that operates a kindergarten
14 program only: PROVIDED FURTHER, That no public or private schools
15 shall be placed upon the list of accredited schools so long as secret
16 societies are knowingly allowed to exist among its students by school
17 officials: PROVIDED FURTHER, That the state board may elect to require
18 all or certain classifications of the public schools to conduct and
19 participate in such preaccreditation examination and evaluation
20 processes as may now or hereafter be established by the board((-))i

21 (7) Establish, publish, and enforce rules determining eligibility
22 for and certification of personnel employed in the common schools of
23 this state, including certification for emergency or temporary,
24 substitute, or provisional duty and under such certificates or permits
25 as the board shall deem proper or as otherwise prescribed by law. The
26 rules shall require that the initial application for certification
27 shall require a record check of the applicant through the Washington
28 state patrol criminal identification system and through the federal
29 bureau of investigation at the applicant's expense. The record check
30 shall include a fingerprint check using a complete Washington state
31 criminal identification fingerprint card. The superintendent of public
32 instruction may waive the record check for any applicant who has had a
33 record check within the two years before application;

34 (8) In establishing rules pertaining to the qualifications of
35 instructors of American sign language, consult with the national
36 association of the deaf, "sign instructors guidance network"
37 (s.i.g.n.), and the Washington state association of the deaf for
38 evaluation and certification of sign language instructors;

1 ~~(9)~~ Make rules (~~and regulations~~) governing the establishment in
2 any existing nonhigh school district of any secondary program or any
3 new grades in grades nine through twelve. Before any such program or
4 any new grades are established the district must obtain prior approval
5 of the state board~~((~~-~~))~~;

6 ~~((8))~~ (10) Prepare such outline of study for the common schools
7 as the board shall deem necessary, and prescribe such rules for the
8 general government of the common schools, as shall seek to secure
9 regularity of attendance, prevent truancy, secure efficiency, and
10 promote the true interest of the common schools~~((~~-~~))~~;

11 ~~((9))~~ (11) Continuously reevaluate courses and adopt and enforce
12 (~~regulations~~) rules within the common schools so as to meet the
13 educational needs of students and articulate with the institutions of
14 higher education and unify the work of the public school system~~((~~-~~))~~;

15 ~~((10))~~ (12) Carry out board powers and duties relating to the
16 organization and reorganization of school districts under RCW
17 28A.315.010 through 28A.315.680 (as recodified by this act) and
18 28A.315.900~~((~~-~~))~~;

19 ~~((11))~~ (13) By rule (~~or regulation promulgated~~) adopted upon
20 the advice of the chief of the Washington state patrol, through the
21 director of fire protection, provide for instruction of pupils in the
22 public and private schools carrying out a K through 12 program, or any
23 part thereof, so that in case of sudden emergency they shall be able to
24 leave their particular school building in the shortest possible time or
25 take such other steps as the particular emergency demands, and without
26 confusion or panic; such rules (~~and regulations~~) shall be published
27 and distributed to certificated personnel throughout the state whose
28 duties shall include a familiarization therewith as well as the means
29 of implementation thereof at their particular school~~((~~-~~))~~; and

30 ~~((12))~~ (14) Hear and decide appeals as otherwise provided by law.
31 The state board of education (~~is given the authority to~~
32 ~~promulgate~~) may adopt information and rules dealing with the
33 prevention of child abuse for purposes of curriculum use in the common
34 schools.

35 NEW SECTION. Sec. 8. The following sections are each recodified
36 as a new chapter in Title 28A RCW:

37 RCW 28A.315.350

38 RCW 28A.315.380

1 RCW 28A.315.390
2 RCW 28A.315.400
3 RCW 28A.315.410
4 RCW 28A.315.420
5 RCW 28A.315.430
6 RCW 28A.315.440

7 NEW SECTION. **Sec. 9.** The following sections are each recodified
8 as a new chapter in Title 28A RCW:

9 RCW 28A.315.450
10 RCW 28A.315.650
11 RCW 28A.315.470
12 RCW 28A.315.480
13 RCW 28A.315.490
14 RCW 28A.315.500
15 RCW 28A.315.530
16 RCW 28A.315.510
17 RCW 28A.315.540

18 NEW SECTION. **Sec. 10.** The following sections are each recodified
19 as a new chapter in Title 28A RCW:

20 RCW 28A.315.570
21 RCW 28A.315.460
22 RCW 28A.315.600
23 RCW 28A.315.610
24 RCW 28A.315.620
25 RCW 28A.315.630
26 RCW 28A.315.670
27 RCW 28A.315.680
28 RCW 28A.315.550

29 NEW SECTION. **Sec. 11.** The following sections are each recodified
30 as a new chapter in Title 28A RCW:

31 RCW 28A.315.560
32 RCW 28A.315.580
33 RCW 28A.315.590
34 RCW 28A.315.593
35 RCW 28A.315.660
36 RCW 28A.315.597

1 RCW 28A.315.640

2 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 28A.04.172 (Post-baccalaureate professional teacher
5 preparation program--Masters degree--Implementation--Standards) and
6 1987 c 525 s 214;

7 (2) RCW 28A.410.010 (Certification--State board duty--Rules and
8 regulations--Record check--Superintendent of public instruction as
9 administrator) and 1992 c 159 s 3 & 1992 c 60 s 2; and

10 (3) RCW 28A.410.013 (Teacher assessment for certification--Study--
11 Report to the legislature) and 1995 c 222 s 1.

--- END ---