
SUBSTITUTE SENATE BILL 5792

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Education (originally sponsored by Senator McAuliffe; by request of Board of Education)

Read first time 03/03/1999.

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; creating a new section; and repealing RCW 28A.410.010.

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

6 NEW SECTION. **Sec. 1.** During 1997 and 1998, a committee of the
7 state board of education reviewed all board rules and related
8 authorizing statutes. Based on the findings and recommendations
9 resulting from the review, the state board prepared a report to the
10 legislature requesting action be taken. It is the intent of this act
11 to implement recommendations of the state board of education.

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

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

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

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

4 (b) Operates on a clinical, client centered basis. This shall
5 include, but not be limited to, performing diagnosis of individual
6 educational abilities, determination and setting of individual goals,
7 prescribing and providing individual courses of instruction therefor,
8 and evaluation of each individual client's progress in his or her
9 educational program.

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

16 (2) For purposes of this chapter, basic academic skills shall
17 include the study of mathematics, speech, language, reading and
18 composition, science, history, literature and political science or
19 civics; it shall not include courses of a vocational training nature
20 and shall not include courses deemed nonessential to the accrediting of
21 the common schools or the approval of private schools under RCW
22 28A.305.130.

23 (3) The state board of education shall certify an education center
24 only upon application and (a) determination that such school comes
25 within the definition thereof as set forth in subsection (1) (~~above~~)
26 of this section and (b) demonstration on the basis of actual
27 educational performance of such applicants' students which shows after
28 consideration of their students' backgrounds, educational gains that
29 are a direct result of the applicants' educational program. Such
30 certification may be withdrawn if the board finds that a center fails
31 to provide adequate instruction in basic academic skills. No education
32 center certified by the state board of education pursuant to this
33 section shall be deemed a common school under RCW 28A.150.020 or a
34 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

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

37 Only eligible common school dropouts shall be enrolled in a
38 certified education center for reimbursement by the superintendent of

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

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

23 (1)(a) From funds appropriated for that purpose, the superintendent
24 of public instruction shall pay fees to a certified (~~elinie~~) center
25 on a monthly basis for each student enrolled in compliance with RCW
26 28A.205.020(~~, fees in accordance with the following conditions:~~

27 ~~(1)(a) The fee for the initial diagnostic procedure shall be not~~
28 ~~more than fifty dollars per student, and hourly fees for each student~~
29 ~~shall be sixteen dollars if the class size is no greater than one, ten~~
30 ~~dollars if the class size is at least two and no greater than five, and~~
31 ~~five dollars if the class size is at least six: PROVIDED, That)). The~~
32 superintendent shall set fees by rule.

33 (b) Revisions in such fees proposed by an education (~~elinie~~)
34 center shall become effective after thirty days notice unless the
35 superintendent finds such a revision is unreasonable in which case the
36 revision shall not take effect(~~(:— PROVIDED FURTHER, That)). An~~
37 education (~~elinie~~) center may, within fifteen days after such a
38 finding by the superintendent, file notification of appeal with the

1 state board of education which shall, no later than its second
2 regularly scheduled meeting following notification of such appeal,
3 either grant or deny the proposed revision(~~(:—AND PROVIDED FURTHER,~~
4 ~~That))~~). The administration of any general education development test
5 shall not be a part of such initial diagnostic procedure.

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

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

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

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

24 (4) If total funds for this purpose approach depletion, the
25 superintendent shall notify the ~~(elinies))~~ centers of the date after
26 which further funds for reimbursement of the ~~(elinies')~~ centers'
27 services will be exhausted.

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

30 Except as otherwise provided by law, it is the general policy of
31 the state that the common schools shall be open to the admission of all
32 persons who are five years of age and less than twenty-one years
33 residing in that school district. Except as otherwise provided by law
34 or rules adopted by the state board of education, ~~((the state board of~~
35 ~~education is hereby authorized to adopt rules in accordance with~~
36 ~~chapter 34.05 RCW which))~~ districts may establish uniform entry
37 qualifications, including but not limited to birth date requirements,
38 for admission to kindergarten and first grade programs of the common

1 schools. Such rules may provide for exceptions based upon the ability,
2 or the need, or both, of an individual student. For the purpose of
3 complying with any rule adopted by the state board of education which
4 authorizes a preadmission screening process as a prerequisite to
5 granting exceptions to the uniform entry qualifications, a school
6 district may collect fees (~~((not to exceed seventy five dollars per
7 preadmission student))~~) to cover expenses incurred in the administration
8 of ~~((such a))~~ any preadmission screening process: PROVIDED, That in so
9 establishing such fee or fees, the district shall adopt regulations for
10 waiving and reducing such fees in the cases of those persons whose
11 families, by reason of their low income, would have difficulty in
12 paying the entire amount of such fees.

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

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

17 (1) To have supervision over all matters pertaining to the public
18 schools of the state~~(())~~*i*

19 (2) To report to the governor and the legislature such information
20 and data as may be required for the management and improvement of the
21 schools~~(())~~*i*

22 (3) To prepare and have printed such forms, registers, courses of
23 study, rules ~~((and regulations))~~ for the government of the common
24 schools, ~~((questions prepared for the examination of persons as
25 provided for in RCW 28A.305.130(9),))~~ and such other material and books
26 as may be necessary for the discharge of the duties of teachers and
27 officials charged with the administration of the laws relating to the
28 common schools, and to distribute the same to educational service
29 district superintendents~~(())~~*i*

30 (4) To travel, without neglecting his or her other official duties
31 as superintendent of public instruction, for the purpose of attending
32 educational meetings or conventions, of visiting schools, of consulting
33 educational service district superintendents or other school
34 officials~~(())~~*i*

35 (5) To prepare and from time to time to revise a manual of the
36 Washington state common school code, copies of which shall be provided
37 in such numbers as determined by the superintendent of public
38 instruction at no cost to those public agencies within the common

1 school system and which shall be sold at approximate actual cost of
2 publication and distribution per volume to all other public and
3 nonpublic agencies or individuals, said manual to contain Titles 28A
4 and 28C RCW, rules (~~(and regulations)~~) related to the common schools,
5 and such other matter as the state superintendent or the state board of
6 education shall determine. Proceeds of the sale of such code shall be
7 transmitted to the public printer who shall credit the state
8 superintendent's account within the state printing plant revolving fund
9 by a like amount(~~(-)~~)*i*

10 (6) To act as ex officio member and the chief executive officer of
11 the state board of education(~~(-)~~)*i*

12 (7) To act as the administrator for rules adopted under RCW
13 28A.305.130 (1) through (5), (7), and (8), including the power to issue
14 any certificates or permits and revoke the same in accordance with
15 state board of education rules;

16 (8) To file all papers, reports and public documents transmitted to
17 the superintendent by the school officials of the several counties or
18 districts of the state, each year separately. Copies of all papers
19 filed in the superintendent's office, and the superintendent's official
20 acts, may, or upon request, shall be certified by the superintendent
21 and attested by the superintendent's official seal, and when so
22 certified shall be evidence of the papers or acts so certified to(~~(-)~~)*i*

23 (~~((+8))~~) (9) To require annually, on or before the 15th day of
24 August, of the president, manager, or principal of every educational
25 institution in this state, a report as required by the superintendent
26 of public instruction; and it is the duty of every president, manager
27 or principal, to complete and return such forms within such time as the
28 superintendent of public instruction shall direct(~~(-)~~)*i*

29 (~~((+9))~~) (10) To keep in the superintendent's office a record of all
30 teachers receiving certificates to teach in the common schools of this
31 state(~~(-)~~)*i*

32 (~~((+10))~~) (11) To issue certificates as provided by law(~~(-)~~)*i*

33 (~~((+11))~~) (12) To keep in the superintendent's office at the capital
34 of the state, all books and papers pertaining to the business of the
35 superintendent's office, and to keep and preserve in the
36 superintendent's office a complete record of statistics, as well as a
37 record of the meetings of the state board of education(~~(-)~~)*i*

38 (~~((+12))~~) (13) With the assistance of the office of the attorney
39 general, to decide all points of law which may be submitted to the

1 superintendent in writing by any educational service district
2 superintendent, or that may be submitted to the superintendent by any
3 other person, upon appeal from the decision of any educational service
4 district superintendent; and the superintendent shall publish his or
5 her rulings and decisions from time to time for the information of
6 school officials and teachers; and the superintendent's decision shall
7 be final unless set aside by a court of competent jurisdiction((-))i

8 ((+13+)) (14) To administer oaths and affirmations in the discharge
9 of the superintendent's official duties((-))i

10 ((+14+)) (15) To deliver to his or her successor, at the expiration
11 of the superintendent's term of office, all records, books, maps,
12 documents and papers of whatever kind belonging to the superintendent's
13 office or which may have been received by the superintendent's for the
14 use of the superintendent's office((-))i

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

17 ((+16+)) (17) To perform such other duties as may be required by
18 law.

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

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

23 (1) Approve or disapprove the program of courses leading to
24 teacher, school administrator, and school specialized personnel
25 certification offered by all institutions of higher education within
26 the state which may be accredited and whose graduates may become
27 entitled to receive such certification((-))i

28 (2) Conduct every five years a review of the program approval
29 standards, including the minimum standards for teachers,
30 administrators, and educational staff associates, to reflect research
31 findings and assure continued improvement of preparation programs for
32 teachers, administrators, and educational staff associates((-))i

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

1 (4)(a) The state board of education shall adopt rules to allow a
2 teacher certification candidate to fulfill, in part, teacher
3 preparation program requirements through work experience as a
4 classified teacher's aide in a public school or private school meeting
5 the requirements of RCW 28A.195.010. The rules shall include, but are
6 not limited to, limitations based upon the recency of the teacher
7 preparation candidate's teacher aide work experience, and limitations
8 based on the amount of work experience that may apply toward teacher
9 preparation program requirements under this chapter((~~-~~))*i*

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

30 (5) Supervise the issuance of such certificates as provided for in
31 subsection (1) ((~~above~~)) of this section and specify the types and
32 kinds of certificates necessary for the several departments of the
33 common schools by rule ((~~or regulation in accordance with RCW~~
34 ~~28A.410.010.~~))*i*

35 (6) Accredite, subject to such accreditation standards and
36 procedures as may be established by the state board of education, all
37 schools that apply for accreditation, and approve, subject to the
38 provisions of RCW 28A.195.010, private schools carrying out a program
39 for any or all of the grades kindergarten through twelve: PROVIDED,

1 That no private school may be approved that operates a kindergarten
2 program only: PROVIDED FURTHER, That no public or private schools
3 shall be placed upon the list of accredited schools so long as secret
4 societies are knowingly allowed to exist among its students by school
5 officials: PROVIDED FURTHER, That the state board may elect to require
6 all or certain classifications of the public schools to conduct and
7 participate in such preaccreditation examination and evaluation
8 processes as may now or hereafter be established by the board((-))i

9 (7) Establish, publish, and enforce rules determining eligibility
10 for and certification of personnel employed in the common schools of
11 this state, including certification for emergency or temporary,
12 substitute, or provisional duty and under such certificates or permits
13 as the board shall deem proper or as otherwise prescribed by law. The
14 rules shall require that the initial application for certification
15 shall require a record check of the applicant through the Washington
16 state patrol criminal identification system and through the federal
17 bureau of investigation at the applicant's expense. The record check
18 shall include a fingerprint check using a complete Washington state
19 criminal identification fingerprint card. The superintendent of public
20 instruction may waive the record check for any applicant who has had a
21 record check within the two years before application;

22 (8) In establishing rules pertaining to the qualifications of
23 instructors of American sign language, consult with the national
24 association of the deaf, "sign instructors guidance network"
25 (s.i.g.n.), and the Washington state association of the deaf for
26 evaluation and certification of sign language instructors;

27 (9) Make rules ((and regulations)) governing the establishment in
28 any existing nonhigh school district of any secondary program or any
29 new grades in grades nine through twelve. Before any such program or
30 any new grades are established the district must obtain prior approval
31 of the state board((-))i

32 ((+8)) (10) Prepare such outline of study for the common schools
33 as the board shall deem necessary, and prescribe such rules for the
34 general government of the common schools, as shall seek to secure
35 regularity of attendance, prevent truancy, secure efficiency, and
36 promote the true interest of the common schools((-))i

37 ((+9)) (11) Continuously reevaluate courses and adopt and enforce
38 ((regulations)) rules within the common schools so as to meet the

1 educational needs of students and articulate with the institutions of
2 higher education and unify the work of the public school system((~~-~~));
3 ((~~10~~)) (12) Carry out board powers and duties relating to the
4 organization and reorganization of school districts under RCW
5 28A.315.010 through 28A.315.680 and 28A.315.900((~~-~~));
6 ((~~11~~)) (13) By rule ((~~or regulation promulgated~~)) adopted upon
7 the advice of the chief of the Washington state patrol, through the
8 director of fire protection, provide for instruction of pupils in the
9 public and private schools carrying out a K through 12 program, or any
10 part thereof, so that in case of sudden emergency they shall be able to
11 leave their particular school building in the shortest possible time or
12 take such other steps as the particular emergency demands, and without
13 confusion or panic; such rules ((~~and regulations~~)) shall be published
14 and distributed to certificated personnel throughout the state whose
15 duties shall include a familiarization therewith as well as the means
16 of implementation thereof at their particular school((~~-~~)); and
17 ((~~12~~)) (14) Hear and decide appeals as otherwise provided by law.
18 The state board of education ((~~is given the authority to~~
19 ~~promulgate~~)) may adopt information and rules dealing with the
20 prevention of child abuse for purposes of curriculum use in the common
21 schools.

22 NEW SECTION. Sec. 8. RCW 28A.410.010 (Certification--State board
23 duty--Rules and regulations--Record check--Superintendent of public
24 instruction as administrator) and 1992 c 159 s 3 & 1992 c 60 s 2 are
25 each repealed.

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