
SENATE BILL 5792

State of Washington 56th Legislature 1999 Regular Session

By Senator McAuliffe; by request of Board of Education

Read first time 02/08/1999. Referred to Committee on Education.

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, as any or all of these subjects are identified under RCW
20 28A.150.210 and for which essential academic learning requirements have
21 been established under RCW 28A.630.885(3)(a); it shall not include
22 courses of a vocational training nature and shall not include courses
23 deemed nonessential to the accrediting of the common schools or the
24 approval of private schools under RCW 28A.305.130.

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32 certification may be withdrawn if the board finds that a center fails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

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

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

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

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

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

35 (b) Revisions in such fees proposed by an education ~~((clinic))~~
36 center shall become effective after thirty days notice unless the
37 superintendent finds such a revision is unreasonable in which case the
38 revision shall not take effect ~~((: PROVIDED FURTHER, That)).~~ An

1 education ((~~elinie~~)) center may, within fifteen days after such a
2 finding by the superintendent, file notification of appeal with the
3 state board of education which shall, no later than its second
4 regularly scheduled meeting following notification of such appeal,
5 either grant or deny the proposed revision(~~(:—AND PROVIDED FURTHER,~~
6 ~~That))~~). The administration of any general education development test
7 shall not be a part of such initial diagnostic procedure.

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

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

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

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

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

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

32 Except as otherwise provided by law, it is the general policy of
33 the state that the common schools shall be open to the admission of all
34 persons who are five years of age and less than twenty-one years
35 residing in that school district. Except as otherwise provided by law
36 or rules adopted by the state board of education, ((~~the state board of~~
37 ~~education is hereby authorized to adopt rules in accordance with~~
38 ~~chapter 34.05 RCW which~~)) districts may establish uniform entry

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

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

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

19 (1) To have supervision over all matters pertaining to the public
20 schools of the state(~~(-)~~)*i*

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

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

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

37 (5) To prepare and from time to time to revise a manual of the
38 Washington state common school code, copies of which shall be provided

1 in such numbers as determined by the superintendent of public
2 instruction at no cost to those public agencies within the common
3 school system and which shall be sold at approximate actual cost of
4 publication and distribution per volume to all other public and
5 nonpublic agencies or individuals, said manual to contain Titles 28A
6 and 28C RCW, rules (~~and regulations~~) related to the common schools,
7 and such other matter as the state superintendent or the state board of
8 education shall determine. Proceeds of the sale of such code shall be
9 transmitted to the public printer who shall credit the state
10 superintendent's account within the state printing plant revolving fund
11 by a like amount(~~(-)~~)*i*

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

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

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

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

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

34 (~~((+10))~~) (11) To issue certificates as provided by law(~~(-)~~)*i*

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

1 (~~(12)~~) (13) With the assistance of the office of the attorney
2 general, to decide all points of law which may be submitted to the
3 superintendent in writing by any educational service district
4 superintendent, or that may be submitted to the superintendent by any
5 other person, upon appeal from the decision of any educational service
6 district superintendent; and the superintendent shall publish his or
7 her rulings and decisions from time to time for the information of
8 school officials and teachers; and the superintendent's decision shall
9 be final unless set aside by a court of competent jurisdiction(~~(-)~~);

10 (~~(13)~~) (14) To administer oaths and affirmations in the discharge
11 of the superintendent's official duties(~~(-)~~);

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

17 (~~(15)~~) (16) To administer family services and programs to promote
18 the state's policy as provided in RCW 74.14A.025(~~(-)~~);

19 (~~(16)~~) (17) To perform such other duties as may be required by
20 law.

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

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

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

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

35 (3) Investigate the character of the work required to be performed
36 as a condition of entrance to and graduation from any institution of
37 higher education in this state relative to such certification as
38 provided for in subsection (1) (~~(above)~~) of this section, and prepare

1 a list of accredited institutions of higher education of this and other
2 states whose graduates may be awarded such certificates((~~-~~))*i*

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

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

32 (5) Supervise the issuance of such certificates as provided for in
33 subsection (1) (~~above~~) of this section and specify the types and
34 kinds of certificates necessary for the several departments of the
35 common schools by rule (~~or regulation in accordance with RCW~~
36 ~~28A.410.010.~~)*i*

37 (6) Accredite, subject to such accreditation standards and
38 procedures as may be established by the state board of education, all
39 schools that apply for accreditation, and approve, subject to the

1 provisions of RCW 28A.195.010, private schools carrying out a program
2 for any or all of the grades kindergarten through twelve: PROVIDED,
3 That no private school may be approved that operates a kindergarten
4 program only: PROVIDED FURTHER, That no public or private schools
5 shall be placed upon the list of accredited schools so long as secret
6 societies are knowingly allowed to exist among its students by school
7 officials: PROVIDED FURTHER, That the state board may elect to require
8 all or certain classifications of the public schools to conduct and
9 participate in such preaccreditation examination and evaluation
10 processes as may now or hereafter be established by the board((-))i

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

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

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

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

1 (~~(9)~~) (11) Continuously reevaluate courses and adopt and enforce
2 (~~regulations~~) rules within the common schools so as to meet the
3 educational needs of students and articulate with the institutions of
4 higher education and unify the work of the public school system(~~(-)~~);

5 (~~(10)~~) (12) Carry out board powers and duties relating to the
6 organization and reorganization of school districts under RCW
7 28A.315.010 through 28A.315.680 and 28A.315.900(~~(-)~~);

8 (~~(11)~~) (13) By rule (~~or regulation promulgated~~) adopted upon
9 the advice of the chief of the Washington state patrol, through the
10 director of fire protection, provide for instruction of pupils in the
11 public and private schools carrying out a K through 12 program, or any
12 part thereof, so that in case of sudden emergency they shall be able to
13 leave their particular school building in the shortest possible time or
14 take such other steps as the particular emergency demands, and without
15 confusion or panic; such rules (~~and regulations~~) shall be published
16 and distributed to certificated personnel throughout the state whose
17 duties shall include a familiarization therewith as well as the means
18 of implementation thereof at their particular school(~~(-)~~); and

19 (~~(12)~~) (14) Hear and decide appeals as otherwise provided by law.

20 The state board of education (~~is given the authority to~~
21 ~~promulgate~~) may adopt information and rules dealing with the
22 prevention of child abuse for purposes of curriculum use in the common
23 schools.

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

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