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**SUBSTITUTE SENATE BILL 5138**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senator Carlson)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to the use of the Washington assessment of student  
2 learning for qualifying for the promise scholarship and other purposes;  
3 and amending RCW 28B.119.010, 28A.195.010, and 28A.200.010.

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

5 **Sec. 1.** RCW 28B.119.010 and 2002 c 204 s 2 are each amended to  
6 read as follows:

7 The higher education coordinating board shall design the Washington  
8 promise scholarship program based on the following parameters:

9 (1) Scholarships shall be awarded to students graduating from  
10 public and approved private high schools under chapter 28A.195 RCW  
11 ~~((and))~~, students participating in home-based instruction as provided  
12 in chapter 28A.200 RCW, and persons twenty-one years of age or younger  
13 receiving a GED certificate, who meet both an academic and a financial  
14 eligibility criteria.

15 (a) Academic eligibility criteria shall be defined as follows:

16 (i) ~~((Beginning with the graduating class of 2002,))~~ Students  
17 graduating from public and approved private high schools under chapter  
18 28A.195 RCW must be in the top ((fifteen)) ten percent of their

1 graduating class, as identified by each respective high school at the  
2 completion of the first term of the student's senior year; or

3 (ii) Students graduating from public high schools, approved private  
4 high schools under chapter 28A.195 RCW, and students participating in  
5 home-based instruction as provided in chapter 28A.200 RCW must equal or  
6 exceed a cumulative scholastic assessment test I score of twelve  
7 hundred on their first attempt or must equal or exceed a composite  
8 American college test score of twenty-seven on their first attempt; or

9 (iii) Any student who exceeds the standard on the reading and math  
10 components and meets the standard on the writing component of the high  
11 school Washington assessment of student learning the first time he or  
12 she takes the assessment.

13 (b) To meet the financial eligibility criteria, a student's family  
14 income shall not exceed one hundred thirty-five percent of the state  
15 median family income adjusted for family size, as determined by the  
16 higher education coordinating board for each graduating class.  
17 Students not meeting the eligibility requirements for the first year of  
18 scholarship benefits may reapply for the second year of benefits, but  
19 must still meet the income standard set by the board for the student's  
20 graduating class.

21 (2) Promise scholarships are not intended to supplant any grant,  
22 scholarship, or tax program related to postsecondary education. If the  
23 board finds that promise scholarships supplant or reduce any grant,  
24 scholarship, or tax program for categories of students, then the board  
25 shall adjust the financial eligibility criteria or the amount of  
26 scholarship to the level necessary to avoid supplanting.

27 (3) Within available funds, each qualifying student shall receive  
28 two consecutive annual awards, the value of each not to exceed the  
29 full-time annual resident tuition rates charged by Washington's  
30 community colleges. The higher education coordinating board shall  
31 award scholarships to as many students as possible from among those  
32 qualifying under this section.

33 (4) By October 15th of each year, the board shall determine the  
34 award amount of the scholarships, after taking into consideration the  
35 availability of funds.

36 (5) The scholarships may only be used for undergraduate coursework  
37 at accredited institutions of higher education in the state of  
38 Washington.

1 (6) The scholarships may be used for undergraduate coursework at  
2 Oregon institutions of higher education that are part of the border  
3 county higher education opportunity project in RCW 28B.80.806 when  
4 those institutions offer programs not available at accredited  
5 institutions of higher education in Washington state.

6 (7) The scholarships may be used for college-related expenses,  
7 including but not limited to, tuition, room and board, books, and  
8 materials.

9 (8) The scholarships may not be awarded to any student who is  
10 pursuing a degree in theology.

11 (9) The higher education coordinating board may establish  
12 satisfactory progress standards for the continued receipt of the  
13 promise scholarship.

14 (10) The higher education coordinating board shall establish the  
15 time frame within which the student must use the scholarship.

16 **Sec. 2.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to  
17 read as follows:

18 The legislature hereby recognizes that private schools should be  
19 subject only to those minimum state controls necessary to insure the  
20 health and safety of all the students in the state and to insure a  
21 sufficient basic education to meet usual graduation requirements. The  
22 state, any agency or official thereof, shall not restrict or dictate  
23 any specific educational or other programs for private schools except  
24 as hereinafter in this section provided.

25 Principals of private schools or superintendents of private school  
26 districts shall file each year with the state superintendent of public  
27 instruction a statement certifying that the minimum requirements  
28 hereinafter set forth are being met, noting any deviations. After  
29 review of the statement, the state superintendent will notify schools  
30 or school districts of those deviations which must be corrected. In  
31 case of major deviations, the school or school district may request and  
32 the state board of education may grant provisional status for one year  
33 in order that the school or school district may take action to meet the  
34 requirements. Minimum requirements shall be as follows:

35 (1) The minimum school year for instructional purposes shall  
36 consist of no less than one hundred eighty school days or the

1 equivalent in annual minimum program hour offerings as prescribed in  
2 RCW 28A.150.220.

3 (2) The school day shall be the same as that required in RCW  
4 28A.150.030 and 28A.150.220, except that the percentages of total  
5 program hour offerings as prescribed in RCW 28A.150.220 for basic  
6 skills, work skills, and optional subjects and activities shall not  
7 apply to private schools or private sectarian schools.

8 (3) All classroom teachers shall hold appropriate Washington state  
9 certification except as follows:

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

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

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

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

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

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

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

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

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

37 (6) The physical facilities of the school or district shall be  
38 adequate to meet the program offered by the school or district:

1 PROVIDED, That each school building shall meet reasonable health and  
2 fire safety requirements. (~~However, the state board shall not require~~  
3 ~~private school students to meet the student learning goals, obtain a~~  
4 ~~certificate of mastery to graduate from high school, to master the~~  
5 ~~essential academic learning requirements, or to be assessed pursuant to~~  
6 ~~RCW 28A.630.885. However, private schools may choose, on a voluntary~~  
7 ~~basis, to have their students master these essential academic learning~~  
8 ~~requirements, take these assessments, and obtain certificates of~~  
9 ~~mastery.~~) A residential dwelling of the parent, guardian, or  
10 custodian shall be deemed to be an adequate physical facility when a  
11 parent, guardian, or person having legal custody is instructing his or  
12 her child under subsection (4) of this section.

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

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

21 (9) The state board shall not require private school students to  
22 meet the student learning goals, obtain a certificate of mastery to  
23 graduate from high school, to master the essential academic learning  
24 requirements, or to be assessed pursuant to RCW 28A.655.060. However,  
25 private schools may choose, on a voluntary basis, to have their  
26 students master the essential academic learning requirements, take the  
27 assessments, and obtain certificates of mastery. Additionally, a  
28 student enrolled in a private school shall be permitted to take the  
29 assessments at an educational service district for the purpose of  
30 qualifying for a promise scholarship or any other purpose.

31 All decisions of policy, philosophy, selection of books, teaching  
32 material, curriculum, except as in subsection (7) above provided,  
33 school rules and administration, or other matters not specifically  
34 referred to in this section, shall be the responsibility of the  
35 administration and administrators of the particular private school  
36 involved.

1       **Sec. 3.** RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read  
2 as follows:

3       Each parent whose child is receiving home-based instruction under  
4 RCW 28A.225.010(4) shall have the duty to:

5       (1) File annually a signed declaration of intent that he or she is  
6 planning to cause his or her child to receive home-based instruction.  
7 The statement shall include the name and age of the child, shall  
8 specify whether a certificated person will be supervising the  
9 instruction, and shall be written in a format prescribed by the  
10 superintendent of public instruction. Each parent shall file the  
11 statement by September 15 of the school year or within two weeks of the  
12 beginning of any public school quarter, trimester, or semester with the  
13 superintendent of the public school district within which the parent  
14 resides or the district that accepts the transfer, and the student  
15 shall be deemed a transfer student of the nonresident district.  
16 Parents may apply for transfer under RCW 28A.225.220;

17       (2) Ensure that test scores or annual academic progress assessments  
18 and immunization records, together with any other records that are kept  
19 relating to the instructional and educational activities provided, are  
20 forwarded to any other public or private school to which the child  
21 transfers. At the time of a transfer to a public school, the  
22 superintendent of the local school district in which the child enrolls  
23 may require a standardized achievement test to be administered and  
24 shall have the authority to determine the appropriate grade and course  
25 level placement of the child after consultation with parents and review  
26 of the child's records; and

27       (3) Ensure that a standardized achievement test approved by the  
28 state board of education is administered annually to the child by a  
29 qualified individual or that an annual assessment of the student's  
30 academic progress is written by a certificated person who is currently  
31 working in the field of education. (~~The state board of education  
32 shall not require these children to meet the student learning goals,  
33 master the essential academic learning requirements, to take the  
34 assessments, or to obtain a certificate of mastery pursuant to RCW  
35 28A.630.885.~~) The standardized test administered or the annual  
36 academic progress assessment written shall be made a part of the  
37 child's permanent records. If, as a result of the annual test or

1 assessment, it is determined that the child is not making reasonable  
2 progress consistent with his or her age or stage of development, the  
3 parent shall make a good faith effort to remedy any deficiency.

4 (4) The state board of education shall not require these children  
5 to meet the student learning goals, master the essential academic  
6 learning requirements, to take the assessments, or to obtain a  
7 certificate of mastery pursuant to RCW 28A.655.060. However, a student  
8 receiving home-based instruction shall be permitted to take the  
9 Washington assessment of student learning at an educational service  
10 district for the purpose of qualifying for a promise scholarship or any  
11 other purpose.

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

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