
SENATE BILL 6343

State of Washington

58th Legislature

2004 Regular Session

By Senators Doumit, Carlson, Fairley, Winsley, McAuliffe, Regala, Prentice, Kohl-Welles, Berkey, Fraser, Kline, Thibaudeau, Eide, Haugen, Spanel and B. Sheldon

Read first time 01/19/2004. Referred to Committee on Education.

1 AN ACT Relating to mandatory school attendance; amending RCW
2 28A.225.010 and 28A.200.010; creating a new section; and providing an
3 effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the importance of
6 obtaining an education has increased significantly during the past
7 several decades. For a child to obtain a quality education, it is
8 important that instruction and assistance be provided to the child at
9 an early age. Children learn quickly when they are young, and if
10 instruction is not available they will likely fall behind their peers.
11 This instruction may be provided by parents in home-school settings, or
12 through more formal schooling opportunities.

13 The legislature further finds that while the majority of children
14 are regularly attending school or are being homeschooled by the age of
15 six, a small number of children are not. Under current law, children
16 are not required to attend school until they are eight years of age.
17 It is the intent of the legislature to lower the age of compulsory
18 education, and thereby better ensure that children are provided an
19 education at an early age.

1 By lowering the age of compulsory attendance, the legislature does
2 not intend to change the laws governing the provision of home-based
3 instruction, including changing the age when registration is required,
4 testing is required, or course offerings are required.

5 **Sec. 2.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
6 read as follows:

7 (1) All parents in this state of any child (~~eight~~) six years of
8 age by midnight August 31st and under eighteen years of age shall cause
9 such child to attend the public school of the district in which the
10 child resides and such child shall have the responsibility to and
11 therefore shall attend for the full time when such school may be in
12 session unless:

13 (a) The child is attending an approved private school for the same
14 time or is enrolled in an extension program as provided in RCW
15 28A.195.010(4);

16 (b) The child is receiving home-based instruction as provided in
17 subsection (4) of this section;

18 (c) The child is attending an education center as provided in
19 chapter 28A.205 RCW;

20 (d) The school district superintendent of the district in which the
21 child resides shall have excused such child from attendance because the
22 child is physically or mentally unable to attend school, is attending
23 a residential school operated by the department of social and health
24 services, is incarcerated in an adult correctional facility, or has
25 been temporarily excused upon the request of his or her parents for
26 purposes agreed upon by the school authorities and the parent:
27 PROVIDED, That such excused absences shall not be permitted if deemed
28 to cause a serious adverse effect upon the student's educational
29 progress: PROVIDED FURTHER, That students excused for such temporary
30 absences may be claimed as full time equivalent students to the extent
31 they would otherwise have been so claimed for the purposes of RCW
32 28A.150.250 and 28A.150.260 and shall not affect school district
33 compliance with the provisions of RCW 28A.150.220; or

34 (e) The child is sixteen years of age or older and:

35 (i) The child is regularly and lawfully employed and either the
36 parent agrees that the child should not be required to attend school or
37 the child is emancipated in accordance with chapter 13.64 RCW;

1 (ii) The child has already met graduation requirements in
2 accordance with state board of education rules and regulations; or

3 (iii) The child has received a certificate of educational
4 competence under rules and regulations established by the state board
5 of education under RCW 28A.305.190.

6 (2) A parent for the purpose of this chapter means a parent,
7 guardian, or person having legal custody of a child.

8 (3) An approved private school for the purposes of this chapter and
9 chapter 28A.200 RCW shall be one approved under regulations established
10 by the state board of education pursuant to RCW 28A.305.130.

11 (4) For the purposes of this chapter and chapter 28A.200 RCW,
12 instruction shall be home-based for students eight years of age or
13 older if it consists of planned and supervised instructional and
14 related educational activities, including a curriculum and instruction
15 in the basic skills of occupational education, science, mathematics,
16 language, social studies, history, health, reading, writing, spelling,
17 and the development of an appreciation of art and music, provided for
18 a number of hours equivalent to the total annual program hours per
19 grade level established for approved private schools under RCW
20 28A.195.010 and 28A.195.040 and if such activities are:

21 (a) Provided by a parent who is instructing his or her child only
22 and are supervised by a certificated person. A certificated person for
23 purposes of this chapter and chapter 28A.200 RCW shall be a person
24 certified under chapter 28A.410 RCW. For purposes of this section,
25 "supervised by a certificated person" means: The planning by the
26 certificated person and the parent of objectives consistent with this
27 subsection; a minimum each month of an average of one contact hour per
28 week with the child being supervised by the certificated person; and
29 evaluation of such child's progress by the certificated person. The
30 number of children supervised by the certificated person shall not
31 exceed thirty for purposes of this subsection; or

32 (b) Provided by a parent who is instructing his or her child only
33 and who has either earned forty-five college level quarter credit hours
34 or its equivalent in semester hours or has completed a course in home-
35 based instruction at a postsecondary institution or a vocational-
36 technical institute; or

37 (c) Provided by a parent who is deemed sufficiently qualified to

1 provide home-based instruction by the superintendent of the local
2 school district in which the child resides.

3 (5) The legislature recognizes that home-based instruction is less
4 structured and more experiential than the instruction normally provided
5 in a classroom setting. Therefore, the provisions of subsection (4) of
6 this section relating to the nature and quantity of instructional and
7 related educational activities shall be liberally construed.

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

10 Each parent whose child over the age of eight is receiving home-
11 based instruction under RCW 28A.225.010(4) shall have the duty to:

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

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

34 (3) Ensure that a standardized achievement test approved by the
35 state board of education is administered annually to the child by a
36 qualified individual or that an annual assessment of the student's
37 academic progress is written by a certificated person who is currently

1 working in the field of education. The state board of education shall
2 not require these children to meet the student learning goals, master
3 the essential academic learning requirements, to take the assessments,
4 or to obtain a certificate of mastery pursuant to RCW ((~~28A.630.885~~)
5 28A.655.060). The standardized test administered or the annual academic
6 progress assessment written shall be made a part of the child's
7 permanent records. If, as a result of the annual test or assessment,
8 it is determined that the child is not making reasonable progress
9 consistent with his or her age or stage of development, the parent
10 shall make a good faith effort to remedy any deficiency.

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

16 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004.

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