

---

SENATE BILL 5949

---

State of Washington

65th Legislature

2017 2nd Special Session

By Senator Chase

1 AN ACT Relating to private school testing and high school  
2 graduation requirements; and amending RCW 28A.195.010 and  
3 28A.655.061.

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

5 **Sec. 1.** RCW 28A.195.010 and 2009 c 548 s 303 are each amended to  
6 read as follows:

7 The legislature hereby recognizes that private schools should be  
8 subject only to those minimum state controls necessary to ((insure))  
9 ensure the health and safety of all the students in the state, ensure  
10 that the schools are accountable for measurable student achievement,  
11 and to ((insure)) ensure a sufficient basic education to meet usual  
12 graduation requirements. The state, any agency or official thereof,  
13 shall not restrict or dictate any specific educational or other  
14 programs for private schools except as hereinafter in this section  
15 provided.

16 Principals of private schools or superintendents of private  
17 school districts shall file each year with the state superintendent  
18 of public instruction a statement certifying that the minimum  
19 requirements hereinafter set forth are being met, noting any  
20 deviations. After review of the statement, the state superintendent  
21 will notify schools or school districts of those deviations which

1 must be corrected. In case of major deviations, the school or school  
2 district may request and the state board of education may grant  
3 provisional status for one year in order that the school or school  
4 district may take action to meet the requirements. (~~The state board  
5 of education shall not require private school students to meet the  
6 student learning goals, obtain a certificate of academic achievement,  
7 or a certificate of individual achievement to graduate from high  
8 school, to master the essential academic learning requirements, or to  
9 be assessed pursuant to RCW 28A.655.061. However, private schools may  
10 choose, on a voluntary basis, to have their students master these  
11 essential academic learning requirements, take the assessments, and  
12 obtain a certificate of academic achievement or a certificate of  
13 individual achievement.~~) Minimum requirements shall be as follows:

14 (1) The minimum school year for instructional purposes shall  
15 consist of no less than one hundred eighty school days or the  
16 equivalent in annual minimum instructional hour offerings, with a  
17 school-wide annual average total instructional hour offering of one  
18 thousand hours for students enrolled in grades one through twelve,  
19 and at least four hundred fifty hours for students enrolled in  
20 kindergarten.

21 (2) The school day shall be the same as defined in RCW  
22 28A.150.203.

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

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

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

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

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

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

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

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

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

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

15 (6) The physical facilities of the school or district shall be  
16 adequate to meet the program offered by the school or district:  
17 PROVIDED, That each school building shall meet reasonable health and  
18 fire safety requirements. A residential dwelling of the parent,  
19 guardian, or custodian shall be deemed to be an adequate physical  
20 facility when a parent, guardian, or person having legal custody is  
21 instructing his or her child under subsection (4) of this section.

22 (7) Private school curriculum shall include instruction of the  
23 basic skills of occupational education, science, mathematics,  
24 language, social studies, history, health, reading, writing,  
25 spelling, and the development of appreciation of art and music, all  
26 in sufficient units for meeting state board of education graduation  
27 requirements.

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

31 (9) All students must be assessed pursuant to RCW 28A.655.061 and  
32 required to earn a certificate of academic achievement, or a  
33 certificate of individual achievement pursuant to RCW 28A.155.045 to  
34 graduate from high school.

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

1       **Sec. 2.** RCW 28A.655.061 and 2015 3rd sp.s. c 42 s 2 are each  
2 amended to read as follows:

3       (1) The high school assessment system shall include but need not  
4 be limited to the statewide student assessment, opportunities for a  
5 student to retake the content areas of the assessment in which the  
6 student was not successful, and, if approved by the legislature  
7 pursuant to subsection (10) of this section, one or more objective  
8 alternative assessments for a student to demonstrate achievement of  
9 state academic standards. The objective alternative assessments for  
10 each content area shall be comparable in rigor to the skills and  
11 knowledge that the student must demonstrate on the statewide student  
12 assessment for each content area.

13       (2) Subject to the conditions in this section, a certificate of  
14 academic achievement shall be obtained and is evidence that the  
15 students have successfully met the state standard in the content  
16 areas included in the certificate. With the exception of students  
17 satisfying the provisions of RCW 28A.155.045 or 28A.655.0611,  
18 acquisition of the certificate is required for graduation from a  
19 public high school but is not the only requirement for graduation.

20       (3)(a) Beginning with the graduating class of 2008 through the  
21 graduating class of 2015, with the exception of students satisfying  
22 the provisions of RCW 28A.155.045, a student who meets the state  
23 standards on the reading, writing, and mathematics high school  
24 statewide student assessment shall earn a certificate of academic  
25 achievement. The mathematics assessment shall be the end-of-course  
26 assessment for the first year of high school mathematics that  
27 assesses the standards common to algebra I and integrated mathematics  
28 I or the end-of-course assessment for the second year of high school  
29 mathematics that assesses standards common to geometry and integrated  
30 mathematics II.

31       (b) As the state transitions from reading and writing assessments  
32 to an English language arts assessment and from end-of-course  
33 assessments to a comprehensive assessment for high school  
34 mathematics, a student in a graduating class of 2016 through 2018  
35 shall earn a certificate of academic achievement if the student meets  
36 the state standard as follows:

37       (i) Students in the graduating class of 2016 may use the results  
38 from:

39       (A) The reading and writing assessment or the English language  
40 arts assessment developed with the multistate consortium; and

1 (B) The end-of-course assessment for the first year of high  
2 school mathematics, the end-of-course assessment for the second year  
3 of high school mathematics, or the comprehensive mathematics  
4 assessment developed with the multistate consortium.

5 (ii) Students in the graduating classes of 2017 and 2018 may use  
6 the results from:

7 (A) The tenth grade English language arts assessment developed by  
8 the superintendent of public instruction using resources from the  
9 multistate consortium or the English language arts assessment  
10 developed with the multistate consortium; and

11 (B) The end-of-course assessment for the first year of high  
12 school mathematics, the end-of-course assessment for the second year  
13 of high school mathematics, or the comprehensive mathematics  
14 assessment developed with the multistate consortium.

15 (c) Beginning with the graduating class of 2019, a student who  
16 meets the state standards on the high school English language arts  
17 assessment developed with the multistate consortium and the  
18 comprehensive mathematics assessment developed with the multistate  
19 consortium shall earn a certificate of academic achievement.

20 (d) If a student does not successfully meet the state standards  
21 in one or more content areas required for the certificate of academic  
22 achievement, then the student may retake the assessment in the  
23 content area at least twice a year at no cost to the student. If the  
24 student successfully meets the state standards on a retake of the  
25 assessment then the student shall earn a certificate of academic  
26 achievement. Once objective alternative assessments are authorized  
27 pursuant to subsection (10) of this section, a student may use the  
28 objective alternative assessments to demonstrate that the student  
29 successfully meets the state standards for that content area if the  
30 student has taken the statewide student assessment at least once. If  
31 the student successfully meets the state standards on the objective  
32 alternative assessments then the student shall earn a certificate of  
33 academic achievement.

34 (4) Beginning with the graduating class of 2017, a student must  
35 meet the state standards in science in addition to the other content  
36 areas required under subsection (3) of this section on the statewide  
37 student assessment, a retake, or the objective alternative  
38 assessments in order to earn a certificate of academic achievement.

39 (5) The state board of education may not require the acquisition  
40 of the certificate of academic achievement for students in home-based

1 instruction under chapter 28A.200 RCW(~~(, for students enrolled in~~  
2 ~~private schools under chapter 28A.195 RCW,~~) or for students  
3 satisfying the provisions of RCW 28A.155.045.

4 (6) A student may retain and use the highest result from each  
5 successfully completed content area of the high school assessment.

6 (7) School districts must make available to students the  
7 following options:

8 (a) To retake the statewide student assessment at least twice a  
9 year in the content areas in which the student did not meet the state  
10 standards if the student is enrolled in a public school; or

11 (b) To retake the statewide student assessment at least twice a  
12 year in the content areas in which the student did not meet the state  
13 standards if the student is enrolled in a high school completion  
14 program at a community or technical college. The superintendent of  
15 public instruction and the state board for community and technical  
16 colleges shall jointly identify means by which students in these  
17 programs can be assessed.

18 (8) Students who achieve the standard in a content area of the  
19 high school assessment but who wish to improve their results shall  
20 pay for retaking the assessment, using a uniform cost determined by  
21 the superintendent of public instruction.

22 (9) Opportunities to retake the assessment at least twice a year  
23 shall be available to each school district.

24 (10)(a) The office of the superintendent of public instruction  
25 shall develop options for implementing objective alternative  
26 assessments, which may include an appeals process for students'  
27 scores, for students to demonstrate achievement of the state academic  
28 standards. The objective alternative assessments shall be comparable  
29 in rigor to the skills and knowledge that the student must  
30 demonstrate on the statewide student assessment and be objective in  
31 its determination of student achievement of the state standards.  
32 Before any objective alternative assessments in addition to those  
33 authorized in RCW 28A.655.065 or (b) of this subsection are used by a  
34 student to demonstrate that the student has met the state standards  
35 in a content area required to obtain a certificate, the legislature  
36 shall formally approve the use of any objective alternative  
37 assessments through the omnibus appropriations act or by statute or  
38 concurrent resolution.

39 (b)(i) A student's score on the mathematics, reading or English,  
40 or writing portion of the SAT or the ACT may be used as an objective

1 alternative assessment under this section for demonstrating that a  
2 student has met or exceeded the state standards for the certificate  
3 of academic achievement. The state board of education shall identify  
4 the scores students must achieve on the relevant portion of the SAT  
5 or ACT to meet or exceed the state standard in the relevant content  
6 area on the statewide student assessment. A student's score on the  
7 science portion of the ACT or the science subject area tests of the  
8 SAT may be used as an objective alternative assessment under this  
9 section as soon as the state board of education determines that  
10 sufficient data is available to identify reliable equivalent scores  
11 for the science content area of the statewide student assessment.  
12 After the first scores are established, the state board may increase  
13 but not decrease the scores required for students to meet or exceed  
14 the state standards.

15 (ii) A student who scores at least a three on the grading scale  
16 of one to five for selected AP examinations may use the score as an  
17 objective alternative assessment under this section for demonstrating  
18 that a student has met or exceeded state standards for the  
19 certificate of academic achievement. A score of three on the AP  
20 examinations in calculus or statistics may be used as an alternative  
21 assessment for the mathematics portion of the statewide student  
22 assessment. A score of three on the AP examinations in English  
23 language and composition may be used as an alternative assessment for  
24 the writing portion of the statewide student assessment; and for the  
25 English language arts portion of the assessment developed with the  
26 multistate consortium, once established in the 2014-15 school year. A  
27 score of three on the AP examinations in English literature and  
28 composition, macroeconomics, microeconomics, psychology, United  
29 States history, world history, United States government and politics,  
30 or comparative government and politics may be used as an alternative  
31 assessment for the reading portion of the statewide student  
32 assessment; and for the English language arts portion of the  
33 assessment developed with the multistate consortium, once established  
34 in the 2014-15 school year. A score of three on the AP examination in  
35 biology, physics, chemistry, or environmental science may be used as  
36 an alternative assessment for the science portion of the statewide  
37 student assessment.

38 (iii) A student who scores at least a four on selected externally  
39 administered international baccalaureate (IB) examinations may use  
40 the score as an objective alternative assessment under this section

1 for demonstrating that the student has met or exceeded state  
2 standards for the certificate of academic achievement. A score of  
3 four on the higher level IB examinations for any of the IB English  
4 language and literature courses or for any of the IB individuals and  
5 societies courses may be used as an alternative assessment for the  
6 reading, writing, or English language arts portions of the statewide  
7 student assessment. A score of four on the higher level IB  
8 examinations for any of the IB mathematics courses may be used as an  
9 alternative assessment for the mathematics portion of the statewide  
10 student assessment. A score of four on the higher level IB  
11 examinations for IB biology, chemistry, or physics may be used as an  
12 alternative assessment for the science portion of the statewide  
13 student assessment.

14 (11) To help assure continued progress in academic achievement as  
15 a foundation for high school graduation and to assure that students  
16 are on track for high school graduation, each school district shall  
17 prepare plans for and notify students and their parents or legal  
18 guardians as provided in this subsection. Student learning plans are  
19 required for eighth grade students who were not successful on any or  
20 all of the content areas of the state assessment during the previous  
21 school year or who may not be on track to graduate due to credit  
22 deficiencies or absences. The parent or legal guardian shall be  
23 notified about the information in the student learning plan,  
24 preferably through a parent conference and at least annually. To the  
25 extent feasible, schools serving English language learner students  
26 and their parents shall translate the plan into the primary language  
27 of the family. The plan shall include the following information as  
28 applicable:

- 29 (a) The student's results on the state assessment;
- 30 (b) If the student is in the transitional bilingual program, the  
31 score on his or her Washington language proficiency test II;
- 32 (c) Any credit deficiencies;
- 33 (d) The student's attendance rates over the previous two years;
- 34 (e) The student's progress toward meeting state and local  
35 graduation requirements;
- 36 (f) The courses, competencies, and other steps needed to be taken  
37 by the student to meet state academic standards and stay on track for  
38 graduation;
- 39 (g) Remediation strategies and alternative education options  
40 available to students, including informing students of the option to



1 continue to receive instructional services after grade twelve or  
2 until the age of twenty-one;

3 (h) The alternative assessment options available to students  
4 under this section and RCW 28A.655.065;

5 (i) School district programs, high school courses, and career and  
6 technical education options available for students to meet graduation  
7 requirements; and

8 (j) Available programs offered through skill centers or community  
9 and technical colleges, including the college high school diploma  
10 options under RCW 28B.50.535.

--- END ---