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**SUBSTITUTE SENATE BILL 5479**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators Hargrove, Hochstatter and Oke)

Read first time 03/01/95.

1 AN ACT Relating to clarifying transfers under the public school  
2 open enrollment program; and amending RCW 28A.200.010, 28A.225.220, and  
3 28A.225.225.

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

5 **Sec. 1.** RCW 28A.200.010 and 1993 c 336 s 1103 are each amended to  
6 read as follows:

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

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

1 shall be deemed a transfer student of the nonresident district.  
2 Parents may apply for transfer under RCW 28A.225.220;

3 (2) Ensure that test scores or annual academic progress assessments  
4 and immunization records, together with any other records that are kept  
5 relating to the instructional and educational activities provided, are  
6 forwarded to any other public or private school to which the child  
7 transfers. At the time of a transfer to a public school, the  
8 superintendent of the local school district in which the child enrolls  
9 may require a standardized achievement test to be administered and  
10 shall have the authority to determine the appropriate grade and course  
11 level placement of the child after consultation with parents and review  
12 of the child's records; and

13 (3) Ensure that a standardized achievement test approved by the  
14 state board of education is administered annually to the child by a  
15 qualified individual or that an annual assessment of the student's  
16 academic progress is written by a certificated person who is currently  
17 working in the field of education. The state board of education shall  
18 not require these children to meet the student learning goals, master  
19 the essential academic learning requirements, to take the assessments,  
20 or to obtain a certificate of mastery pursuant to RCW 28A.630.885. The  
21 standardized test administered or the annual academic progress  
22 assessment written shall be made a part of the child's permanent  
23 records. If, as a result of the annual test or assessment, it is  
24 determined that the child is not making reasonable progress consistent  
25 with his or her age or stage of development, the parent shall make a  
26 good faith effort to remedy any deficiency.

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

32 **Sec. 2.** RCW 28A.225.220 and 1993 c 336 s 1008 are each amended to  
33 read as follows:

34 (1) Any board of directors may make agreements with adults choosing  
35 to attend school: PROVIDED, That unless such arrangements are approved  
36 by the state superintendent of public instruction, a reasonable tuition  
37 charge, fixed by the state superintendent of public instruction, shall  
38 be paid by such students as best may be accommodated therein.

1 (2) A district is strongly encouraged to honor the request of a  
2 parent or guardian for his or her child to attend a school in another  
3 district or the request of a parent or guardian for his or her child to  
4 transfer as a student receiving home-based instruction.

5 (3) A district shall release a student to a nonresident district  
6 that agrees to accept the student if:

7 (a) A financial, educational, safety, or health condition affecting  
8 the student would likely be reasonably improved as a result of the  
9 transfer; or

10 (b) Attendance at the school in the nonresident district is more  
11 accessible to the parent's place of work or to the location of child  
12 care; or

13 (c) There is a special hardship or detrimental condition.

14 (4) A district may deny the request of a resident student to  
15 transfer to a nonresident district if the release of the student would  
16 adversely affect the district's existing desegregation plan.

17 (5) For the purpose of helping a district assess the quality of its  
18 education program, a resident school district may request an optional  
19 exit interview or questionnaire with the parents or guardians of a  
20 child transferring to another district. No parent or guardian may be  
21 forced to attend such an interview or complete the questionnaire.

22 (6) Beginning with the 1993-94 school year, school districts may  
23 not charge transfer fees or tuition for nonresident students enrolled  
24 under subsection (3) of this section and RCW 28A.225.225.  
25 Reimbursement of a high school district for cost of educating high  
26 school pupils of a nonhigh school district shall not be deemed a  
27 transfer fee as affecting the apportionment of current state school  
28 funds.

29 **Sec. 3.** RCW 28A.225.225 and 1994 c 293 s 1 are each amended to  
30 read as follows:

31 (1) All districts accepting applications from nonresident students  
32 or from students receiving home-based instruction for admission to the  
33 district's schools shall consider equally all applications received.  
34 Each school district shall adopt a policy establishing rational, fair,  
35 and equitable standards for acceptance and rejection of applications by  
36 June 30, 1990. The policy may include rejection of nonresident  
37 students if acceptance of these students would result in the district  
38 experiencing a financial hardship.

1       (2) The district shall provide to applicants written notification  
2 of the approval or denial of the application in a timely manner. If  
3 the application is rejected, the notification shall include the reason  
4 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

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