
SENATE BILL 5296

State of Washington

55th Legislature

1997 Regular Session

By Senators Franklin, Kohl, Winsley, Prentice, Patterson, Long, Fairley, Hochstatter, McAuliffe, Hargrove, Oke and Wood

Read first time 01/22/97. Referred to Committee on Education.

1 AN ACT Relating to record checks for private school employees;
2 amending RCW 28A.195.010; adding a new section to chapter 28A.195 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that to ensure the
6 safety of Washington's private school students, additional safeguards
7 are necessary. The legislature intends to improve student safety by
8 requiring background checks of employees who will have unsupervised
9 access to students.

10 In addition to the requirements of this act, the legislature
11 strongly encourages each private school to require a background check
12 for employees hired before the effective date of this section and any
13 volunteers who have unsupervised access to students.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.195
15 RCW to read as follows:

16 If an administrator of a private school or private school district
17 or a contractor of a private school or private school district hires
18 employees who will have regularly scheduled unsupervised access to

1 children, the administrator or contractor shall require a record check
2 through the Washington state patrol criminal identification system
3 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and
4 through the federal bureau of investigation before hiring an employee.
5 The record check shall include a fingerprint check using a complete
6 Washington state criminal identification fingerprint card. The
7 requesting entity shall provide a copy of the record report to the
8 applicant. When necessary, applicants may be employed on a conditional
9 basis pending completion of the investigation. The record check
10 requirement shall be waived for any applicant who has had a record
11 check within the previous two years. The applicant shall pay the costs
12 associated with the record check.

13 **Sec. 3.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to
14 read as follows:

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

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

32 (1) The minimum school year for instructional purposes shall
33 consist of no less than one hundred eighty school days or the
34 equivalent in annual minimum program hour offerings as prescribed in
35 RCW 28A.150.220.

36 (2) The school day shall be the same as that required in RCW
37 28A.150.030 and 28A.150.220, except that the percentages of total
38 program hour offerings as prescribed in RCW 28A.150.220 for basic

1 skills, work skills, and optional subjects and activities shall not
2 apply to private schools or private sectarian schools.

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

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

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

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

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

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

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

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

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

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

32 (6) The physical facilities of the school or district shall be
33 adequate to meet the program offered by the school or district:
34 PROVIDED, That each school building shall meet reasonable health and
35 fire safety requirements. However, the state board shall not require
36 private school students to meet the student learning goals, obtain a
37 certificate of mastery to graduate from high school, to master the
38 essential academic learning requirements, or to be assessed pursuant to
39 RCW 28A.630.885. However, private schools may choose, on a voluntary

1 basis, to have their students master these essential academic learning
2 requirements, take these assessments, and obtain certificates of
3 mastery. A residential dwelling of the parent, guardian, or custodian
4 shall be deemed to be an adequate physical facility when a parent,
5 guardian, or person having legal custody is instructing his or her
6 child under subsection (4) of this section.

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

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

15 (9) Each employee hired after the effective date of this section
16 who will have regularly scheduled unsupervised access to children shall
17 undergo a record check as required by section 2 of this act.

18 All decisions of policy, philosophy, selection of books, teaching
19 material, curriculum, except as in subsection (7) above provided,
20 school rules and administration, or other matters not specifically
21 referred to in this section, shall be the responsibility of the
22 administration and administrators of the particular private school
23 involved.

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