

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1770

56th Legislature
1999 Regular Session

Passed by the House April 20, 1999
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 15, 1999
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1770** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

1 **Sec. 2.** RCW 28A.205.010 and 1993 c 211 s 1 are each amended to
2 read as follows:

3 (1) As used in this chapter, unless the context thereof shall
4 clearly indicate to the contrary:

5 "Education center" means any private school operated on a profit or
6 nonprofit basis which does the following:

7 (a) Is devoted to the teaching of basic academic skills, including
8 specific attention to improvement of student motivation for achieving,
9 and employment orientation.

10 (b) Operates on a clinical, client centered basis. This shall
11 include, but not be limited to, performing diagnosis of individual
12 educational abilities, determination and setting of individual goals,
13 prescribing and providing individual courses of instruction therefor,
14 and evaluation of each individual client's progress in his or her
15 educational program.

16 (c) Conducts courses of instruction by professionally trained
17 personnel certificated by the state board of education according to
18 rules (~~(and regulations promulgated)~~) adopted for the purposes of this
19 chapter and providing, for certification purposes, that a year's
20 teaching experience in an education center shall be deemed equal to a
21 year's teaching experience in a common or private school.

22 (2) For purposes of this chapter, basic academic skills shall
23 include the study of mathematics, speech, language, reading and
24 composition, science, history, literature and political science or
25 civics; it shall not include courses of a vocational training nature
26 and shall not include courses deemed nonessential to the accrediting of
27 the common schools or the approval of private schools under RCW
28 28A.305.130.

29 (3) The state board of education shall certify an education center
30 only upon application and (a) determination that such school comes
31 within the definition thereof as set forth in subsection (1) (~~(above)~~)
32 of this section and (b) demonstration on the basis of actual
33 educational performance of such applicants' students which shows after
34 consideration of their students' backgrounds, educational gains that
35 are a direct result of the applicants' educational program. Such
36 certification may be withdrawn if the board finds that a center fails
37 to provide adequate instruction in basic academic skills. No education
38 center certified by the state board of education pursuant to this

1 section shall be deemed a common school under RCW 28A.150.020 or a
2 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

3 **Sec. 3.** RCW 28A.205.020 and 1997 c 265 s 7 are each amended to
4 read as follows:

5 Only eligible common school dropouts shall be enrolled in a
6 certified education center for reimbursement by the superintendent of
7 public instruction as provided in RCW 28A.205.040. A person is not an
8 eligible common school dropout if: (1) The person has completed high
9 school, (2) the person has not reached his or her twelfth birthday or
10 has passed his or her twentieth birthday, (3) the person shows
11 proficiency beyond the high school level in a test approved by the
12 ~~((superintendent of public instruction))~~ state board of education to be
13 given as part of the initial diagnostic procedure, or (4) less than one
14 month has passed after the person has dropped out of any common school
15 and the education center has not received written verification from a
16 school official of the common school last attended in this state that
17 the person is no longer in attendance at the school. A person is an
18 eligible common school dropout even if one month has not passed since
19 the person dropped out if the board of directors or its designee, of
20 that common school, requests the center to admit the person because the
21 person has dropped out or because the person is unable to attend a
22 particular common school because of disciplinary reasons, including
23 suspension and/or expulsion. The fact that any person may be subject
24 to RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140, 28A.200.010,
25 and 28A.200.020 shall not affect his or her qualifications as an
26 eligible common school dropout under this chapter.

27 **Sec. 4.** RCW 28A.205.040 and 1990 c 33 s 183 are each amended to
28 read as follows:

29 (1)(a) From funds appropriated for that purpose, the superintendent
30 of public instruction shall pay fees to a certified ~~((clinic))~~ center
31 on a monthly basis for each student enrolled in compliance with RCW
32 28A.205.020 ~~((, fees in accordance with the following conditions:~~

33 ~~(1)(a) The fee for the initial diagnostic procedure shall be not~~
34 ~~more than fifty dollars per student, and hourly fees for each student~~
35 ~~shall be sixteen dollars if the class size is no greater than one, ten~~
36 ~~dollars if the class size is at least two and no greater than five, and~~

1 ~~five dollars if the class size is at least six: PROVIDED, That~~). The
2 superintendent shall set fees by rule.

3 (b) Revisions in such fees proposed by an education ((~~elinie~~))
4 center shall become effective after thirty days notice unless the
5 superintendent finds such a revision is unreasonable in which case the
6 revision shall not take effect(~~(: PROVIDED FURTHER, That)~~). An
7 education ((~~elinie~~)) center may, within fifteen days after such a
8 finding by the superintendent, file notification of appeal with the
9 state board of education which shall, no later than its second
10 regularly scheduled meeting following notification of such appeal,
11 either grant or deny the proposed revision(~~(: AND PROVIDED FURTHER,~~
12 ~~That)~~). The administration of any general education development test
13 shall not be a part of such initial diagnostic procedure.

14 ((~~b~~)) (c) Reimbursements shall not be made for students who are
15 absent.

16 ((~~e~~)) (d) No ((~~elinie~~)) center shall make any charge to any
17 student, or the student's parent, guardian or custodian, for whom a fee
18 is being received under the provisions of this section.

19 (2) Payments shall be made from available funds first to those
20 ((~~elinie(s) which~~)) centers that have in the judgment of the
21 superintendent demonstrated superior performance based upon
22 consideration of students' educational gains taking into account such
23 students' backgrounds, and upon consideration of cost effectiveness.
24 In considering the cost effectiveness of nonprofit ((~~elinies~~)) centers
25 the superintendent shall take into account not only payments made under
26 this section but also factors such as tax exemptions, direct and
27 indirect subsidies or any other cost to taxpayers at any level of
28 government which result from such nonprofit status.

29 (3) To be eligible for such payment, every such ((~~elinie~~)) center,
30 without prior notice, shall permit a review of its accounting records
31 by personnel of the state auditor during normal business hours.

32 (4) If total funds for this purpose approach depletion, the
33 superintendent shall notify the ((~~elinies~~)) centers of the date after
34 which further funds for reimbursement of the ((~~elinies'~~)) centers'
35 services will be exhausted.

36 **Sec. 5.** RCW 28A.225.160 and 1986 c 166 s 1 are each amended to
37 read as follows:

1 Except as otherwise provided by law, it is the general policy of
2 the state that the common schools shall be open to the admission of all
3 persons who are five years of age and less than twenty-one years
4 residing in that school district. Except as otherwise provided by law
5 or rules adopted by the state board of education, (~~the state board of~~
6 ~~education is hereby authorized to adopt rules in accordance with~~
7 ~~chapter 34.05 RCW which~~) districts may establish uniform entry
8 qualifications, including but not limited to birth date requirements,
9 for admission to kindergarten and first grade programs of the common
10 schools. Such rules may provide for exceptions based upon the ability,
11 or the need, or both, of an individual student. For the purpose of
12 complying with any rule adopted by the state board of education which
13 authorizes a preadmission screening process as a prerequisite to
14 granting exceptions to the uniform entry qualifications, a school
15 district may collect fees (~~not to exceed seventy five dollars per~~
16 ~~preadmission student~~) to cover expenses incurred in the administration
17 of (~~such a~~) any preadmission screening process: PROVIDED, That in so
18 establishing such fee or fees, the district shall adopt regulations for
19 waiving and reducing such fees in the cases of those persons whose
20 families, by reason of their low income, would have difficulty in
21 paying the entire amount of such fees.

22 **Sec. 6.** RCW 28A.300.040 and 1992 c 198 s 6 are each amended to
23 read as follows:

24 In addition to any other powers and duties as provided by law, the
25 powers and duties of the superintendent of public instruction shall be:

26 (1) To have supervision over all matters pertaining to the public
27 schools of the state(~~-~~);*i*

28 (2) To report to the governor and the legislature such information
29 and data as may be required for the management and improvement of the
30 schools(~~-~~);*i*

31 (3) To prepare and have printed such forms, registers, courses of
32 study, rules (~~and regulations~~) for the government of the common
33 schools, (~~questions prepared for the examination of persons as~~
34 ~~provided for in RCW 28A.305.130(9),~~) and such other material and books
35 as may be necessary for the discharge of the duties of teachers and
36 officials charged with the administration of the laws relating to the
37 common schools, and to distribute the same to educational service
38 district superintendents(~~-~~);*i*

1 (4) To travel, without neglecting his or her other official duties
2 as superintendent of public instruction, for the purpose of attending
3 educational meetings or conventions, of visiting schools, of consulting
4 educational service district superintendents or other school
5 officials((~~-~~))*i*

6 (5) To prepare and from time to time to revise a manual of the
7 Washington state common school code, copies of which shall be provided
8 in such numbers as determined by the superintendent of public
9 instruction at no cost to those public agencies within the common
10 school system and which shall be sold at approximate actual cost of
11 publication and distribution per volume to all other public and
12 nonpublic agencies or individuals, said manual to contain Titles 28A
13 and 28C RCW, rules ((~~and regulations~~)) related to the common schools,
14 and such other matter as the state superintendent or the state board of
15 education shall determine. Proceeds of the sale of such code shall be
16 transmitted to the public printer who shall credit the state
17 superintendent's account within the state printing plant revolving fund
18 by a like amount((~~-~~))*i*

19 (6) To act as ex officio member and the chief executive officer of
20 the state board of education((~~-~~))*i*

21 (7) To file all papers, reports and public documents transmitted to
22 the superintendent by the school officials of the several counties or
23 districts of the state, each year separately. Copies of all papers
24 filed in the superintendent's office, and the superintendent's official
25 acts, may, or upon request, shall be certified by the superintendent
26 and attested by the superintendent's official seal, and when so
27 certified shall be evidence of the papers or acts so certified to((~~-~~))*i*

28 (8) To require annually, on or before the 15th day of August, of
29 the president, manager, or principal of every educational institution
30 in this state, a report as required by the superintendent of public
31 instruction; and it is the duty of every president, manager or
32 principal, to complete and return such forms within such time as the
33 superintendent of public instruction shall direct((~~-~~))*i*

34 (9) To keep in the superintendent's office a record of all teachers
35 receiving certificates to teach in the common schools of this
36 state((~~-~~))*i*

37 (10) To issue certificates as provided by law((~~-~~))*i*

38 (11) To keep in the superintendent's office at the capital of the
39 state, all books and papers pertaining to the business of the

1 superintendent's office, and to keep and preserve in the
2 superintendent's office a complete record of statistics, as well as a
3 record of the meetings of the state board of education((~~-~~))*i*

4 (12) With the assistance of the office of the attorney general, to
5 decide all points of law which may be submitted to the superintendent
6 in writing by any educational service district superintendent, or that
7 may be submitted to the superintendent by any other person, upon appeal
8 from the decision of any educational service district superintendent;
9 and the superintendent shall publish his or her rulings and decisions
10 from time to time for the information of school officials and teachers;
11 and the superintendent's decision shall be final unless set aside by a
12 court of competent jurisdiction((~~-~~))*i*

13 (13) To administer oaths and affirmations in the discharge of the
14 superintendent's official duties((~~-~~))*i*

15 (14) To deliver to his or her successor, at the expiration of the
16 superintendent's term of office, all records, books, maps, documents
17 and papers of whatever kind belonging to the superintendent's office or
18 which may have been received by the superintendent's for the use of the
19 superintendent's office((~~-~~))*i*

20 (15) To administer family services and programs to promote the
21 state's policy as provided in RCW 74.14A.025((~~-~~))*i*

22 (16) To perform such other duties as may be required by law.

23 NEW SECTION. **Sec. 7.** The following sections are each recodified
24 as a new chapter in Title 28A RCW:

25 RCW 28A.315.350

26 RCW 28A.315.380

27 RCW 28A.315.390

28 RCW 28A.315.400

29 RCW 28A.315.410

30 RCW 28A.315.420

31 RCW 28A.315.430

32 RCW 28A.315.440

33 NEW SECTION. **Sec. 8.** The following sections are each recodified
34 as a new chapter in Title 28A RCW:

35 RCW 28A.315.450

36 RCW 28A.315.650

37 RCW 28A.315.470

1 RCW 28A.315.480
2 RCW 28A.315.490
3 RCW 28A.315.500
4 RCW 28A.315.530
5 RCW 28A.315.510
6 RCW 28A.315.540

7 NEW SECTION. **Sec. 9.** The following sections are each recodified
8 as a new chapter in Title 28A RCW:

9 RCW 28A.315.570
10 RCW 28A.315.460
11 RCW 28A.315.600
12 RCW 28A.315.610
13 RCW 28A.315.620
14 RCW 28A.315.630
15 RCW 28A.315.670
16 RCW 28A.315.680
17 RCW 28A.315.550

18 NEW SECTION. **Sec. 10.** The following sections are each recodified
19 as a new chapter in Title 28A RCW:

20 RCW 28A.315.560
21 RCW 28A.315.580
22 RCW 28A.315.590
23 RCW 28A.315.593
24 RCW 28A.315.660
25 RCW 28A.315.597
26 RCW 28A.315.640

27 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 28A.04.172 (Post-baccalaureate professional teacher
30 preparation program--Masters degree--Implementation--Standards) and
31 1987 c 525 s 214; and

32 (2) RCW 28A.410.013 (Teacher assessment for certification--Study--
33 Report to the legislature) and 1995 c 222 s 1.

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