

2 SHB 1770 - S COMM AMD  
3 By Committee on Education

4 ADOPTED 4/15/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** During 1997 and 1998, a committee of the  
8 state board of education reviewed all board rules and related  
9 authorizing statutes. Based on the findings and recommendations  
10 resulting from the review, the state board prepared a report to the  
11 legislature requesting action be taken. It is the intent of this act  
12 to implement recommendations of the state board of education.

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

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

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

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

22 (b) Operates on a clinical, client centered basis. This shall  
23 include, but not be limited to, performing diagnosis of individual  
24 educational abilities, determination and setting of individual goals,  
25 prescribing and providing individual courses of instruction therefor,  
26 and evaluation of each individual client's progress in his or her  
27 educational program.

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

34 (2) For purposes of this chapter, basic academic skills shall  
35 include the study of mathematics, speech, language, reading and

1 composition, science, history, literature and political science or  
2 civics; it shall not include courses of a vocational training nature  
3 and shall not include courses deemed nonessential to the accrediting of  
4 the common schools or the approval of private schools under RCW  
5 28A.305.130.

6 (3) The state board of education shall certify an education center  
7 only upon application and (a) determination that such school comes  
8 within the definition thereof as set forth in subsection (1) (~~above~~)  
9 of this section and (b) demonstration on the basis of actual  
10 educational performance of such applicants' students which shows after  
11 consideration of their students' backgrounds, educational gains that  
12 are a direct result of the applicants' educational program. Such  
13 certification may be withdrawn if the board finds that a center fails  
14 to provide adequate instruction in basic academic skills. No education  
15 center certified by the state board of education pursuant to this  
16 section shall be deemed a common school under RCW 28A.150.020 or a  
17 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

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

20 Only eligible common school dropouts shall be enrolled in a  
21 certified education center for reimbursement by the superintendent of  
22 public instruction as provided in RCW 28A.205.040. A person is not an  
23 eligible common school dropout if: (1) The person has completed high  
24 school, (2) the person has not reached his or her twelfth birthday or  
25 has passed his or her twentieth birthday, (3) the person shows  
26 proficiency beyond the high school level in a test approved by the  
27 (~~superintendent of public instruction~~) state board of education to be  
28 given as part of the initial diagnostic procedure, or (4) less than one  
29 month has passed after the person has dropped out of any common school  
30 and the education center has not received written verification from a  
31 school official of the common school last attended in this state that  
32 the person is no longer in attendance at the school. A person is an  
33 eligible common school dropout even if one month has not passed since  
34 the person dropped out if the board of directors or its designee, of  
35 that common school, requests the center to admit the person because the  
36 person has dropped out or because the person is unable to attend a  
37 particular common school because of disciplinary reasons, including  
38 suspension and/or expulsion. The fact that any person may be subject

1 to RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140, 28A.200.010,  
2 and 28A.200.020 shall not affect his or her qualifications as an  
3 eligible common school dropout under this chapter.

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

6 (1)(a) From funds appropriated for that purpose, the superintendent  
7 of public instruction shall pay fees to a certified ~~((elinie))~~ center  
8 on a monthly basis for each student enrolled in compliance with RCW  
9 28A.205.020~~((, fees in accordance with the following conditions:~~

10 ~~((1)(a) The fee for the initial diagnostic procedure shall be not~~  
11 ~~more than fifty dollars per student, and hourly fees for each student~~  
12 ~~shall be sixteen dollars if the class size is no greater than one, ten~~  
13 ~~dollars if the class size is at least two and no greater than five, and~~  
14 ~~five dollars if the class size is at least six: PROVIDED, That)).~~ The  
15 superintendent shall set fees by rule.

16 (b) Revisions in such fees proposed by an education ~~((elinie))~~  
17 center shall become effective after thirty days notice unless the  
18 superintendent finds such a revision is unreasonable in which case the  
19 revision shall not take effect~~((:— PROVIDED FURTHER, That)).~~ An  
20 education ((elinie)) center may, within fifteen days after such a  
21 finding by the superintendent, file notification of appeal with the  
22 state board of education which shall, no later than its second  
23 regularly scheduled meeting following notification of such appeal,  
24 either grant or deny the proposed revision~~((:— AND PROVIDED FURTHER,~~  
25 ~~That)).~~ The administration of any general education development test  
26 shall not be a part of such initial diagnostic procedure.

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

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

32 (2) Payments shall be made from available funds first to those  
33 ~~((elinie(s)—which))~~ centers that have in the judgment of the  
34 superintendent demonstrated superior performance based upon  
35 consideration of students' educational gains taking into account such  
36 students' backgrounds, and upon consideration of cost effectiveness.  
37 In considering the cost effectiveness of nonprofit ~~((elinies))~~ centers  
38 the superintendent shall take into account not only payments made under

1 this section but also factors such as tax exemptions, direct and  
2 indirect subsidies or any other cost to taxpayers at any level of  
3 government which result from such nonprofit status.

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

7 (4) If total funds for this purpose approach depletion, the  
8 superintendent shall notify the ~~((elinies))~~ centers of the date after  
9 which further funds for reimbursement of the ~~((elinies'))~~ centers'  
10 services will be exhausted.

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

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

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

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

1 (1) To have supervision over all matters pertaining to the public  
2 schools of the state((-))i

3 (2) To report to the governor and the legislature such information  
4 and data as may be required for the management and improvement of the  
5 schools((-))i

6 (3) To prepare and have printed such forms, registers, courses of  
7 study, rules ((~~and regulations~~)) for the government of the common  
8 schools, ((~~questions prepared for the examination of persons as~~  
9 ~~provided for in RCW 28A.305.130(9),~~) and such other material and books  
10 as may be necessary for the discharge of the duties of teachers and  
11 officials charged with the administration of the laws relating to the  
12 common schools, and to distribute the same to educational service  
13 district superintendents((-))i

14 (4) To travel, without neglecting his or her other official duties  
15 as superintendent of public instruction, for the purpose of attending  
16 educational meetings or conventions, of visiting schools, of consulting  
17 educational service district superintendents or other school  
18 officials((-))i

19 (5) To prepare and from time to time to revise a manual of the  
20 Washington state common school code, copies of which shall be provided  
21 in such numbers as determined by the superintendent of public  
22 instruction at no cost to those public agencies within the common  
23 school system and which shall be sold at approximate actual cost of  
24 publication and distribution per volume to all other public and  
25 nonpublic agencies or individuals, said manual to contain Titles 28A  
26 and 28C RCW, rules ((~~and regulations~~)) related to the common schools,  
27 and such other matter as the state superintendent or the state board of  
28 education shall determine. Proceeds of the sale of such code shall be  
29 transmitted to the public printer who shall credit the state  
30 superintendent's account within the state printing plant revolving fund  
31 by a like amount((-))i

32 (6) To act as ex officio member and the chief executive officer of  
33 the state board of education((-))i

34 (7) To file all papers, reports and public documents transmitted to  
35 the superintendent by the school officials of the several counties or  
36 districts of the state, each year separately. Copies of all papers  
37 filed in the superintendent's office, and the superintendent's official  
38 acts, may, or upon request, shall be certified by the superintendent

1 and attested by the superintendent's official seal, and when so  
2 certified shall be evidence of the papers or acts so certified to((-))i

3 (8) To require annually, on or before the 15th day of August, of  
4 the president, manager, or principal of every educational institution  
5 in this state, a report as required by the superintendent of public  
6 instruction; and it is the duty of every president, manager or  
7 principal, to complete and return such forms within such time as the  
8 superintendent of public instruction shall direct((-))i

9 (9) To keep in the superintendent's office a record of all teachers  
10 receiving certificates to teach in the common schools of this  
11 state((-))i

12 (10) To issue certificates as provided by law((-))i

13 (11) To keep in the superintendent's office at the capital of the  
14 state, all books and papers pertaining to the business of the  
15 superintendent's office, and to keep and preserve in the  
16 superintendent's office a complete record of statistics, as well as a  
17 record of the meetings of the state board of education((-))i

18 (12) With the assistance of the office of the attorney general, to  
19 decide all points of law which may be submitted to the superintendent  
20 in writing by any educational service district superintendent, or that  
21 may be submitted to the superintendent by any other person, upon appeal  
22 from the decision of any educational service district superintendent;  
23 and the superintendent shall publish his or her rulings and decisions  
24 from time to time for the information of school officials and teachers;  
25 and the superintendent's decision shall be final unless set aside by a  
26 court of competent jurisdiction((-))i

27 (13) To administer oaths and affirmations in the discharge of the  
28 superintendent's official duties((-))i

29 (14) To deliver to his or her successor, at the expiration of the  
30 superintendent's term of office, all records, books, maps, documents  
31 and papers of whatever kind belonging to the superintendent's office or  
32 which may have been received by the superintendent's for the use of the  
33 superintendent's office((-))i

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

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

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

1 RCW 28A.315.350  
2 RCW 28A.315.380  
3 RCW 28A.315.390  
4 RCW 28A.315.400  
5 RCW 28A.315.410  
6 RCW 28A.315.420  
7 RCW 28A.315.430  
8 RCW 28A.315.440

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

11 RCW 28A.315.450  
12 RCW 28A.315.650  
13 RCW 28A.315.470  
14 RCW 28A.315.480  
15 RCW 28A.315.490  
16 RCW 28A.315.500  
17 RCW 28A.315.530  
18 RCW 28A.315.510  
19 RCW 28A.315.540

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

22 RCW 28A.315.570  
23 RCW 28A.315.460  
24 RCW 28A.315.600  
25 RCW 28A.315.610  
26 RCW 28A.315.620  
27 RCW 28A.315.630  
28 RCW 28A.315.670  
29 RCW 28A.315.680  
30 RCW 28A.315.550

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

33 RCW 28A.315.560  
34 RCW 28A.315.580  
35 RCW 28A.315.590  
36 RCW 28A.315.593

1 RCW 28A.315.660  
2 RCW 28A.315.597  
3 RCW 28A.315.640

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

6 (1) RCW 28A.04.172 (Post-baccalaureate professional teacher  
7 preparation program--Masters degree--Implementation--Standards) and  
8 1987 c 525 s 214; and

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

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12 By Committee on Education

13 ADOPTED 4/15/99

14 On page 1, line 2 of the title, after "authority;" strike the  
15 remainder of the title and insert "amending RCW 28A.205.010,  
16 28A.205.020, 28A.205.040, 28A.225.160, and 28A.300.040; adding new  
17 chapters to Title 28A RCW; creating a new section; recodifying RCW  
18 28A.315.350, 28A.315.380, 28A.315.390, 28A.315.400, 28A.315.410,  
19 28A.315.420, 28A.315.430, 28A.315.440, 28A.315.450, 28A.315.650,  
20 28A.315.470, 28A.315.480, 28A.315.490, 28A.315.500, 28A.315.530,  
21 28A.315.510, 28A.315.540, 28A.315.570, 28A.315.460, 28A.315.600,  
22 28A.315.610, 28A.315.620, 28A.315.630, 28A.315.670, 28A.315.680,  
23 28A.315.550, 28A.315.560, 28A.315.580, 28A.315.590, 28A.315.593,  
24 28A.315.660, 28A.315.597, and 28A.315.640; and repealing RCW 28A.04.172  
25 and 28A.410.013."

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