

**Chapter 28A.195 RCW  
PRIVATE SCHOOLS**

**Sections**

- 28A.195.010 Private schools—Exemptions from student learning goals, state learning standards, and high school assessments—Minimum requirements.
- 28A.195.020 Private schools—Rights recognized.
- 28A.195.030 Private schools—Actions appealable under Administrative Procedure Act.
- 28A.195.040 Private schools—Board rules for enforcement—Racial segregation or discrimination prohibited—Board rules for emergencies.
- 28A.195.050 Private school advisory committee.
- 28A.195.060 Private schools must report attendance.
- 28A.195.070 Official transcript withholding—Transmittal of information.
- 28A.195.080 Record checks—Findings—Authority to require.
- 28A.195.090 Online school programs.
- 28A.195.100 Notifications—Appeals.

**RCW 28A.195.010 Private schools—Exemptions from student learning goals, state learning standards, and high school assessments—Minimum requirements.** The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

The administrative or executive authority of private schools or private school districts shall file each year with the state board of education a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. The state board of education may request clarification or additional information. After review of the statement, the state board of education will notify schools or school districts of any concerns, deficiencies, and deviations which must be corrected. If there are any unresolved concerns, deficiencies, or deviations, the school or school district may request or the state board of education on its own initiative may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, to learn the state learning standards, or to be assessed pursuant to RCW 28A.655.070. However, private schools may choose, on a voluntary basis, to have their students learn these state learning standards or take the assessments. Minimum requirements shall be as follows:

(1) Except as provided in RCW 28A.195.040, the minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students

enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

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

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

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

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the state board of education reporting and explaining such circumstances.

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

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

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

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

(d) Each student's progress be evaluated by the certificated person; and

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

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

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

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

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

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

school involved. [2021 c 8 § 2; 2019 c 252 § 108; 2018 c 177 § 201; 2009 c 548 § 303; 2004 c 19 § 106; 1993 c 336 § 1101; (1992 c 141 § 505 repealed by 1993 c 336 § 1102); 1990 c 33 § 176. Prior: 1985 c 441 § 4; 1985 c 16 § 1; 1983 c 56 § 1; 1977 ex.s. c 359 § 9; 1975 1st ex.s. c 275 § 71; 1974 ex.s. c 92 § 2. Formerly RCW 28A.02.201.]

**Effective date—2021 c 8:** See note following RCW 28A.195.040.

**Intent—2019 c 252:** See note following RCW 28A.655.250.

**Effective dates—2018 c 177 §§ 201, 202, 501-504, 507, and 701:** See note following RCW 28A.150.222.

**Finding—Intent—2018 c 177:** See note following RCW 28A.305.905.

**Intent—2009 c 548:** See RCW 28A.150.1981.

**Finding—2009 c 548:** See note following RCW 28A.410.270.

**Intent—Finding—2009 c 548:** See note following RCW 28A.305.130.

**Part headings and captions not law—Effective date—2004 c 19:** See notes following RCW 28A.230.090.

**Findings—Intent—Part headings not law—1993 c 336:** See notes following RCW 28A.150.210.

**Findings—1993 c 336:** See note following RCW 28A.150.210.

**Findings—Part headings—Severability—1992 c 141:** See notes following RCW 28A.410.040.

**Severability—1985 c 441:** See note following RCW 28A.225.010.

**Severability—1983 c 56:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 56 § 18.]

**Effective date—Severability—1977 ex.s. c 359:** See notes following RCW 28A.150.200.

*Authorization for private school students to ride buses—Conditions:* RCW 28A.160.020.

*Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants—Budgets:* RCW 28A.320.080.

*Home-based instruction:* RCW 28A.200.010.

*Immunization program, private schools as affecting:* RCW 28A.210.060 through 28A.210.170.

*Part-time students—Defined—Enrollment in public schools authorized:*  
RCW 28A.150.350.

*Program of basic education, RCW 28A.195.010 as part of:* RCW  
28A.150.200.

*Real property—Sale—Notice and hearing—Appraisal—Broker or real  
estate appraiser services—Real estate sales contracts—Limitation:*  
RCW 28A.335.120.

*Surplus school property, rental, lease or use of—Authorized—  
Limitations:* RCW 28A.335.040.

*Surplus texts and other educational aids, notice of availability—  
Student priority as to texts:* RCW 28A.335.180.

**RCW 28A.195.020 Private schools—Rights recognized.** The state recognizes the following rights of every private school:

(1) To teach their religious beliefs and doctrines, if any; to pray in class and in assemblies; to teach patriotism including requiring students to salute the flag of the United States if that be the custom of the particular private school.

(2) To require that there shall be on file the written consent of parents or guardians of students prior to the administration of any psychological test or the conduct of any type of group therapy. [1974 ex.s. c 92 § 3; 1971 ex.s. c 215 § 5. Formerly RCW 28A.02.220.]

**Severability—1971 ex.s. c 215:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 215 § 8.]

**RCW 28A.195.030 Private schools—Actions appealable under Administrative Procedure Act.** Any private school may appeal the actions of the state board of education as provided in chapter 34.05 RCW. [2018 c 177 § 202; 1974 ex.s. c 92 § 4; 1971 ex.s. c 215 § 6. Formerly RCW 28A.02.230.]

**Effective dates—2018 c 177 §§ 201, 202, 501-504, 507, and 701:**  
See note following RCW 28A.150.222.

**Finding—Intent—2018 c 177:** See note following RCW 28A.305.905.

**RCW 28A.195.040 Private schools—Board rules for enforcement—Racial segregation or discrimination prohibited—Board rules for emergencies.** (1) The state board of education shall promulgate rules and regulations for the enforcement of RCW 28A.195.010 through 28A.195.040, 28A.225.010, and 28A.305.130, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

(2) The state board of education has the authority to make rules and regulations that establish the terms and conditions for allowing

private schools to maintain their approval status when private schools are unable to fulfill the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.195.010 due to a significant disruption resulting from an emergency.

(3) For purposes of this section, "emergency" has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official. [2021 c 8 § 1; 1990 c 33 § 177; 1983 c 3 § 29; 1974 ex.s. c 92 § 5; 1971 ex.s. c 215 § 7. Formerly RCW 28A.02.240.]

**Effective date—2021 c 8:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 2, 2021]." [2021 c 8 § 3.]

**RCW 28A.195.050 Private school advisory committee.** The superintendent of public instruction is hereby directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various private school groups in the state of Washington. [1984 c 40 § 1; 1974 ex.s. c 92 § 6. Formerly RCW 28A.02.250.]

**Severability—1984 c 40:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 40 § 17.]

**RCW 28A.195.060 Private schools must report attendance.** The administrative or executive authority of every private school in this state must report to the superintendent of public instruction on or before the thirtieth day of June in each year, on forms to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state. [2018 c 177 § 203; 1975 1st ex.s. c 275 § 70; 1969 ex.s. c 176 § 111; 1969 ex.s. c 223 § 28A.48.055. Prior: 1933 c 28 § 14; 1913 c 158 § 1; 1909 c 97 p 313 § 6; RRS § 4876. Formerly RCW 28A.48.055, 28.48.055, 28.27.020.]

**Finding—Intent—2018 c 177:** See note following RCW 28A.305.905.

**Rights preserved—Severability—1969 ex.s. c 176:** See notes following RCW 28A.310.010.

**RCW 28A.195.070 Official transcript withholding—Transmittal of information.** If a student who previously attended an approved private school enrolls in a public school but has not paid tuition, fees, or fines at the approved private school, the approved private school may withhold the student's official transcript, but shall transmit information to the public school about the student's academic performance, special placement, immunization records, and records of disciplinary action. [1997 c 266 § 5.]

**Findings—Intent—Severability—1997 c 266:** See notes following RCW 28A.600.455.

**RCW 28A.195.080 Record checks—Findings—Authority to require.**

(1) The legislature finds additional safeguards are necessary to ensure safety of school children attending private schools in the state of Washington. Private schools approved under this chapter are authorized to require that employees who have regularly scheduled unsupervised access to children, whether current employees on May 5, 1999, or applicants for employment on or after May 5, 1999, undergo a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. Employees or applicants for employment who have completed a record check in accordance with RCW 28A.410.010 shall not be required to undergo a record check under this section. The superintendent of public instruction shall provide a copy of the record report to the employee or applicant. If an employee or applicant has undergone a record check as authorized under this section, additional record checks shall not be required unless required by other provisions of law.

(2) The approved private school, the employee, or the applicant shall pay the costs associated with the record check authorized in this section.

(3) Applicants may be employed on a conditional basis pending completion of the investigation. If the employee or applicant has had a record check within the previous two years, the approved private school or contractor may waive any record check required by the approved private school under subsection (1) of this section. [1999 c 187 § 1.]

**Effective date—1999 c 187:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 5, 1999]." [1999 c 187 § 2.]

**RCW 28A.195.090 Online school programs.** (1) If a private school that has been approved under this chapter by the state board of education seeks approval also to offer and administer an online school program as defined under RCW 28A.250.010, including under contract with a third party, the requirements for minimum instructional hour offerings under RCW 28A.195.010(1) shall be deemed met for the online school program. A residential dwelling of a parent, guardian, or custodian shall be deemed an adequate physical facility for students enrolled in the online school program. The online school program is not required to be offered for the same grade levels as the approved private school.

(2) The state board of education may approve an online school program under this section that meets other applicable requirements under this chapter.

(3) No private school offering and administering an online program under this section, third party that contracts with a private

school to offer and administer an online program, or parent or guardian providing an online program may receive state funding to provide the program. [2013 c 161 § 2.]

**Findings—2013 c 161:** "The legislature supports student access to a variety of educational options, both public and private. However, state policies regarding the approval of private schools were created before online learning was possible. Consequently, these policies do not provide for approval criteria that are sufficiently flexible to accommodate online learning. While some policy adjustments have been made to permit public online choices, current law does not provide a clear process for private schools to obtain state approval to offer similar learning options." [2013 c 161 § 1.]

**RCW 28A.195.100 Notifications—Appeals.** The administrator of a private school approved under this chapter must comply with the notification provisions of RCW 28A.320.163 that apply to superintendents, designees of superintendents, and principals. [2020 c 167 § 2.]