

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1770**

Chapter 348, Laws of 1999

(partial veto)

56th Legislature  
1999 Regular Session

COMMON SCHOOL PROVISIONS--BOARD OF EDUCATION RECOMMENDATIONS

EFFECTIVE DATE: 7/25/99

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

CLYDE BALLARD  
**Speaker of the House of Representatives**

FRANK CHOPP  
**Speaker of the House of Representatives**

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

BRAD OWEN  
**President of the Senate**

Approved May 17, 1999, with the  
exception of sections 7, 8, 9 and 10,  
which are vetoed.

GARY LOCKE  
**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.

DEAN R. FOSTER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 17, 1999 - 3:14 p.m.

**Secretary of State  
State of Washington**

---

**SUBSTITUTE HOUSE BILL 1770**

---

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Stensen and Talcott; by request of Board of Education)

Read first time 03/01/1999.

1            AN ACT Relating to the recommendations of the state board of  
2 education based on its review of its statutory authority; amending RCW  
3 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, and 28A.300.040;  
4 adding new chapters to Title 28A RCW; creating a new section;  
5 recodifying RCW 28A.315.350, 28A.315.380, 28A.315.390, 28A.315.400,  
6 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.440, 28A.315.450,  
7 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490, 28A.315.500,  
8 28A.315.530, 28A.315.510, 28A.315.540, 28A.315.570, 28A.315.460,  
9 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 28A.315.670,  
10 28A.315.680, 28A.315.550, 28A.315.560, 28A.315.580, 28A.315.590,  
11 28A.315.593, 28A.315.660, 28A.315.597, and 28A.315.640; and repealing  
12 RCW 28A.04.172 and 28A.410.013.

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

14            NEW SECTION.    **Sec. 1.** During 1997 and 1998, a committee of the  
15 state board of education reviewed all board rules and related  
16 authorizing statutes. Based on the findings and recommendations  
17 resulting from the review, the state board prepared a report to the  
18 legislature requesting action be taken. It is the intent of this act  
19 to implement recommendations of the state board of education.

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(~~-~~);

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(~~-~~);

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(~~-~~);

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 ***\*Sec. 7 was vetoed. See message at end of chapter.***

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

36 ***RCW 28A.315.450***

37 ***RCW 28A.315.650***



1 RCW 28A.315.470

2 RCW 28A.315.480

3 RCW 28A.315.490

4 RCW 28A.315.500

5 RCW 28A.315.530

6 RCW 28A.315.510

7 RCW 28A.315.540

8 \*Sec. 8 was vetoed. See message at end of chapter.

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

11 RCW 28A.315.570

12 RCW 28A.315.460

13 RCW 28A.315.600

14 RCW 28A.315.610

15 RCW 28A.315.620

16 RCW 28A.315.630

17 RCW 28A.315.670

18 RCW 28A.315.680

19 RCW 28A.315.550

20 \*Sec. 9 was vetoed. See message at end of chapter.

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

23 RCW 28A.315.560

24 RCW 28A.315.580

25 RCW 28A.315.590

26 RCW 28A.315.593

27 RCW 28A.315.660

28 RCW 28A.315.597

29 RCW 28A.315.640

30 \*Sec. 10 was vetoed. See message at end of chapter.

31 NEW SECTION. Sec. 11. The following acts or parts of acts are  
32 each repealed:

33 (1) RCW 28A.04.172 (Post-baccalaureate professional teacher  
34 preparation program--Masters degree--Implementation--Standards) and  
35 1987 c 525 s 214; and

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

Passed the House April 20, 1999.  
Passed the Senate April 15, 1999.  
Approved by the Governor May 17, 1999, with the exception of  
certain items that were vetoed.  
Filed in Office of Secretary of State May 17, 1999.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 7, 8,  
3 9, and 10, Substitute House Bill No. 1770 entitled:

4 "AN ACT Relating to the recommendations of the state board of  
5 education based on its review of its statutory authority;"

6 Substitute House Bill No. 1770 implements many of the  
7 recommendations of the Mandate Review Committee convened by the State  
8 Board of Education to study all of the Board's rules and related laws.

9 However, Sections 7, 8, 9, and 10 of the bill amend the same  
10 statutes as sections 803, 804, 805 and 806 of Engrossed Second  
11 Substitute House Bill No. 1477, which I signed on May 14, 1999. Also,  
12 sections 803 through 806 of E2SHB 1477 contain additional sections for  
13 recodification that were left out of sections 7 through 10 of SHB 1770.

14 For these reasons, I have vetoed sections 7, 8, 9, and 10 of  
15 Substitute House Bill No. 1770.

16 With the exception of sections 7, 8, 9, and 10, Substitute House  
17 Bill No. 1770 is approved."