
HOUSE BILL 3132

State of Washington 58th Legislature 2004 Regular Session

By Representatives Rockefeller, Simpson, D., Lantz and Haigh

Read first time 01/28/2004. Referred to Committee on Education.

1 AN ACT Relating to granting school district boards authority to
2 approve restructuring of alternative schools; and adding a new section
3 to chapter 28A.320 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
6 RCW to read as follows:

7 (1) The board of directors of a school district may approve a plan
8 submitted by the principal of an alternative school for restructuring
9 the alternative school consistent with the exemptions and the
10 applicable state and federal laws in subsection (2) of this section.
11 A school board may approve a proposed restructuring plan under this
12 section only after holding at least one public hearing and finding
13 that:

14 (a) The proposed plan is likely to provide more opportunities for
15 students to meet state and federal academic achievement goals;

16 (b) The proposed plan is designed to ensure compliance with the
17 applicable state and federal laws and other requirements in subsection
18 (2) of this section; and

1 (c) A sufficient number, as determined by the school board, of the
2 school's employees and parents support the proposed restructuring of
3 the school.

4 (2) An approved restructuring plan for an alternative school may
5 exempt the school from all state statutes and rules applicable to
6 school districts and school district boards of directors, except those
7 statutes and rules as provided in this subsection, and those statutes
8 and rules identified in the school's approved restructuring plan.

9 (a) An alternative school restructured under a plan approved by the
10 school district board of directors must:

11 (i) Comply with state and federal health, safety, parents' rights,
12 civil rights, and nondiscrimination laws applicable to school
13 districts, and to the same extent as school districts, including, but
14 not limited to: The family educational rights and privacy act, 20
15 U.S.C. Sec. 1232g; chapter 28A.640 RCW, sexual equality; and Title IX
16 of the education amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;

17 (ii) Participate in free and reduced priced meal programs to the
18 same extent as is required for other public schools;

19 (iii) Participate in nationally normed standardized achievement
20 tests as required in RCW 28A.230.190, 28A.230.193, and 28A.230.230 and
21 the elementary, middle school, and high school standards, requirements,
22 and assessment examinations as required in chapter 28A.655 RCW;

23 (iv) Employ certificated instructional staff as required in RCW
24 28A.410.010, however alternative schools may hire noncertificated
25 instructional staff of unusual competence and in exceptional cases as
26 specified in RCW 28A.150.260;

27 (v) Comply with the employee record check requirements in RCW
28 28A.400.303;

29 (vi) Be subject to financial examinations and audits as determined
30 by the state auditor, including annual audits for legal and fiscal
31 compliance;

32 (vii) Comply with the annual performance report under RCW
33 28A.655.110;

34 (viii) Follow the performance improvement goals and requirements
35 adopted by the academic achievement and accountability commission by
36 rule under RCW 28A.655.030;

37 (ix) Be subject to the accountability requirements of the federal
38 no child left behind act of 2001, including Title I requirements;

1 (x) Comply with and be subject to the requirements under the
2 individuals with disabilities education act, as amended in 1997;

3 (xi) Report at least annually to the board of directors of the
4 school district and to parents of children enrolled at the school on
5 progress toward the student performance goals specified in the
6 restructuring plan; and

7 (xii) Be subject to and comply with legislation enacted after the
8 effective date of this section governing the operation and management
9 of alternative schools.

10 (3) For purposes of this section, "alternative school" means a
11 school operated by and accountable to a school district board of
12 directors, that varies from the district's traditional educational
13 service delivery model, is designed to serve students with special or
14 unique needs or interests, may support a specific academic focus or
15 utilize nontraditional teaching and learning philosophies, and is
16 commonly regarded as an alternative to the district's other schools.

17 (4) The school district board of directors shall provide, for any
18 alternative school restructured under this section, prompt and timely
19 funding for the alternative school including regular apportionment,
20 special education, categorical, student achievement, and other nonbasic
21 education moneys. Allocations shall be based on the school's actual
22 staff mix ratio and the school's actual FTE enrollment.

--- END ---