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SENATE BILL 5138

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State of Washington

58th Legislature

2003 Regular Session

By Senator Carlson

Read first time 01/15/2003. Referred to Committee on Education.

1 AN ACT Relating to the use of the Washington assessment of student  
2 learning for qualifying for the promise scholarship and other purposes;  
3 and amending RCW 28B.119.010, 28A.195.010, and 28A.200.010.

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

5 **Sec. 1.** RCW 28B.119.010 and 2002 c 204 s 2 are each amended to  
6 read as follows:

7 The higher education coordinating board shall design the Washington  
8 promise scholarship program based on the following parameters:

9 (1) Scholarships shall be awarded to students graduating from  
10 public and approved private high schools under chapter 28A.195 RCW and  
11 students participating in home-based instruction as provided in chapter  
12 28A.200 RCW who meet both an academic and a financial eligibility  
13 criteria.

14 (a) Academic eligibility criteria shall be defined as follows:

15 (i) ~~((Beginning with the graduating class of 2002,))~~ Students  
16 graduating from public and approved private high schools under chapter  
17 28A.195 RCW must be in the top fifteen percent of their graduating  
18 class, as identified by each respective high school at the completion  
19 of the first term of the student's senior year; ~~((or))~~

1 (ii) Students graduating from public high schools, approved private  
2 high schools under chapter 28A.195 RCW, and students participating in  
3 home-based instruction as provided in chapter 28A.200 RCW must equal or  
4 exceed a cumulative scholastic assessment test I score of twelve  
5 hundred on their first attempt or must equal or exceed a composite  
6 American college test score of twenty-seven on their first attempt; or

7 (iii) Any student who meets the standard on the reading and math  
8 components of the high school Washington assessment of student  
9 learning.

10 (b) To meet the financial eligibility criteria, a student's family  
11 income shall not exceed one hundred thirty-five percent of the state  
12 median family income adjusted for family size, as determined by the  
13 higher education coordinating board for each graduating class.  
14 Students not meeting the eligibility requirements for the first year of  
15 scholarship benefits may reapply for the second year of benefits, but  
16 must still meet the income standard set by the board for the student's  
17 graduating class.

18 (2) Promise scholarships are not intended to supplant any grant,  
19 scholarship, or tax program related to postsecondary education. If the  
20 board finds that promise scholarships supplant or reduce any grant,  
21 scholarship, or tax program for categories of students, then the board  
22 shall adjust the financial eligibility criteria or the amount of  
23 scholarship to the level necessary to avoid supplanting.

24 (3) Within available funds, each qualifying student shall receive  
25 two consecutive annual awards, the value of each not to exceed the  
26 full-time annual resident tuition rates charged by Washington's  
27 community colleges. The higher education coordinating board shall  
28 award scholarships to as many students as possible from among those  
29 qualifying under this section.

30 (4) By October 15th of each year, the board shall determine the  
31 award amount of the scholarships, after taking into consideration the  
32 availability of funds.

33 (5) The scholarships may only be used for undergraduate coursework  
34 at accredited institutions of higher education in the state of  
35 Washington.

36 (6) The scholarships may be used for undergraduate coursework at  
37 Oregon institutions of higher education that are part of the border

1 county higher education opportunity project in RCW 28B.80.806 when  
2 those institutions offer programs not available at accredited  
3 institutions of higher education in Washington state.

4 (7) The scholarships may be used for college-related expenses,  
5 including but not limited to, tuition, room and board, books, and  
6 materials.

7 (8) The scholarships may not be awarded to any student who is  
8 pursuing a degree in theology.

9 (9) The higher education coordinating board may establish  
10 satisfactory progress standards for the continued receipt of the  
11 promise scholarship.

12 (10) The higher education coordinating board shall establish the  
13 time frame within which the student must use the scholarship.

14 **Sec. 2.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to  
15 read as follows:

16 The legislature hereby recognizes that private schools should be  
17 subject only to those minimum state controls necessary to insure the  
18 health and safety of all the students in the state and to insure a  
19 sufficient basic education to meet usual graduation requirements. The  
20 state, any agency or official thereof, shall not restrict or dictate  
21 any specific educational or other programs for private schools except  
22 as hereinafter in this section provided.

23 Principals of private schools or superintendents of private school  
24 districts shall file each year with the state superintendent of public  
25 instruction a statement certifying that the minimum requirements  
26 hereinafter set forth are being met, noting any deviations. After  
27 review of the statement, the state superintendent will notify schools  
28 or school districts of those deviations which must be corrected. In  
29 case of major deviations, the school or school district may request and  
30 the state board of education may grant provisional status for one year  
31 in order that the school or school district may take action to meet the  
32 requirements. Minimum requirements shall be as follows:

33 (1) The minimum school year for instructional purposes shall  
34 consist of no less than one hundred eighty school days or the  
35 equivalent in annual minimum program hour offerings as prescribed in  
36 RCW 28A.150.220.

1 (2) The school day shall be the same as that required in RCW  
2 28A.150.030 and 28A.150.220, except that the percentages of total  
3 program hour offerings as prescribed in RCW 28A.150.220 for basic  
4 skills, work skills, and optional subjects and activities shall not  
5 apply to private schools or private sectarian schools.

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

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

11 (b) In exceptional cases, people of unusual competence but without  
12 certification may teach students so long as a certified person  
13 exercises general supervision. Annual written statements shall be  
14 submitted to the office of the superintendent of public instruction  
15 reporting and explaining such circumstances.

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

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

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

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

29 (d) Each student's progress be evaluated by the certified person;  
30 and

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

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

35 (6) The physical facilities of the school or district shall be  
36 adequate to meet the program offered by the school or district:  
37 PROVIDED, That each school building shall meet reasonable health and  
38 fire safety requirements. (~~However, the state board shall not require~~

1 ~~private school students to meet the student learning goals, obtain a~~  
2 ~~certificate of mastery to graduate from high school, to master the~~  
3 ~~essential academic learning requirements, or to be assessed pursuant to~~  
4 ~~RCW 28A.630.885. However, private schools may choose, on a voluntary~~  
5 ~~basis, to have their students master these essential academic learning~~  
6 ~~requirements, take these assessments, and obtain certificates of~~  
7 ~~mastery.))~~ A residential dwelling of the parent, guardian, or  
8 custodian shall be deemed to be an adequate physical facility when a  
9 parent, guardian, or person having legal custody is instructing his or  
10 her child under subsection (4) of this section.

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

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

19 (9) The state board shall not require private school students to  
20 meet the student learning goals, obtain a certificate of mastery to  
21 graduate from high school, to master the essential academic learning  
22 requirements, or to be assessed pursuant to RCW 28A.655.060. However,  
23 private schools may choose, on a voluntary basis, to have their  
24 students master the essential academic learning requirements, take the  
25 assessments, and obtain certificates of mastery. Additionally, a  
26 student enrolled in a private school shall be permitted to take the  
27 assessments at an educational service district for the purpose of  
28 qualifying for a promise scholarship or any other purpose.

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

35 **Sec. 3.** RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read  
36 as follows:

1 Each parent whose child is receiving home-based instruction under  
2 RCW 28A.225.010(4) shall have the duty to:

3 (1) File annually a signed declaration of intent that he or she is  
4 planning to cause his or her child to receive home-based instruction.  
5 The statement shall include the name and age of the child, shall  
6 specify whether a certificated person will be supervising the  
7 instruction, and shall be written in a format prescribed by the  
8 superintendent of public instruction. Each parent shall file the  
9 statement by September 15 of the school year or within two weeks of the  
10 beginning of any public school quarter, trimester, or semester with the  
11 superintendent of the public school district within which the parent  
12 resides or the district that accepts the transfer, and the student  
13 shall be deemed a transfer student of the nonresident district.  
14 Parents may apply for transfer under RCW 28A.225.220;

15 (2) Ensure that test scores or annual academic progress assessments  
16 and immunization records, together with any other records that are kept  
17 relating to the instructional and educational activities provided, are  
18 forwarded to any other public or private school to which the child  
19 transfers. At the time of a transfer to a public school, the  
20 superintendent of the local school district in which the child enrolls  
21 may require a standardized achievement test to be administered and  
22 shall have the authority to determine the appropriate grade and course  
23 level placement of the child after consultation with parents and review  
24 of the child's records; and

25 (3) Ensure that a standardized achievement test approved by the  
26 state board of education is administered annually to the child by a  
27 qualified individual or that an annual assessment of the student's  
28 academic progress is written by a certificated person who is currently  
29 working in the field of education. (~~The state board of education  
30 shall not require these children to meet the student learning goals,  
31 master the essential academic learning requirements, to take the  
32 assessments, or to obtain a certificate of mastery pursuant to RCW  
33 28A.630.885. The standardized test administered or the annual academic  
34 progress assessment written shall be made a part of the child's  
35 permanent records.~~) If, as a result of the annual test or assessment,  
36 it is determined that the child is not making reasonable progress  
37 consistent with his or her age or stage of development, the parent  
38 shall make a good faith effort to remedy any deficiency.

1       (4) The state board of education shall not require these children  
2 to meet the student learning goals, master the essential academic  
3 learning requirements, to take the assessments, or to obtain a  
4 certificate of mastery pursuant to RCW 28A.655.060. However, a student  
5 receiving home-based instruction shall be permitted to take the  
6 Washington assessment of student learning at an educational service  
7 district for the purpose of qualifying for a promise scholarship or any  
8 other purpose. The standardized test administered or the annual  
9 academic progress assessment written shall be made a part of the  
10 child's permanent records.

11       Failure of a parent to comply with the duties in this section shall  
12 be deemed a failure of such parent's child to attend school without  
13 valid justification under RCW 28A.225.020. Parents who do comply with  
14 the duties set forth in this section shall be presumed to be providing  
15 home-based instruction as set forth in RCW 28A.225.010(4).

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