AN ACT Relating to the emergency waiver of instructional hours and days at private schools; amending RCW 28A.195.040 and 28A.195.010; and declaring an emergency.

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

Sec. 1. RCW 28A.195.040 and 1990 c 33 s 177 are each amended to read as follows:

(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" means a natural event, mechanical failure, or an action or inaction by one or more persons, including negligence and threats, that (a) is beyond the
control of both a private school and its employees and (b) has the
direct or indirect effect of rendering one or more school facilities
unsafe, unhealthy, inaccessible, or inoperable. An emergency does not
include any labor or personnel dispute between the administrative or
executive authority of a private school and any employee of the
private school.

Sec. 2. RCW 28A.195.010 and 2019 c 252 s 108 are each amended to
read as follows:

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.

NEW SECTION. Sec. 3. 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.

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