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HOUSE BILL 1131

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Rude and Callan; by request of State Board of Education

Prefiled 01/08/21.

1 AN ACT Relating to the emergency waiver of instructional hours  
2 and days at private schools; amending RCW 28A.195.040 and  
3 28A.195.010; and declaring an emergency.

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

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

7 (1) The state board of education shall promulgate rules and  
8 regulations for the enforcement of RCW 28A.195.010 through  
9 28A.195.040, 28A.225.010, and 28A.305.130, including a provision  
10 which denies approval to any school engaging in a policy of racial  
11 segregation or discrimination.

12 (2) The state board of education has the authority to make rules  
13 and regulations that establish the terms and conditions for allowing  
14 private schools to maintain their approval status when private  
15 schools are unable to fulfill the requirement of a full school year  
16 of one hundred eighty days or the annual average total instructional  
17 hour offering imposed by RCW 28A.195.010 due to a significant  
18 disruption resulting from an emergency.

19 (3) For purposes of this section, "emergency" means a natural  
20 event, mechanical failure, or an action or inaction by one or more  
21 persons, including negligence and threats, that (a) is beyond the

1 control of both a private school and its employees and (b) has the  
2 direct or indirect effect of rendering one or more school facilities  
3 unsafe, unhealthy, inaccessible, or inoperable. An emergency does not  
4 include any labor or personnel dispute between the administrative or  
5 executive authority of a private school and any employee of the  
6 private school.

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

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

16 The administrative or executive authority of private schools or  
17 private school districts shall file each year with the state board of  
18 education a statement certifying that the minimum requirements  
19 hereinafter set forth are being met, noting any deviations. The state  
20 board of education may request clarification or additional  
21 information. After review of the statement, the state board of  
22 education will notify schools or school districts of any concerns,  
23 deficiencies, and deviations which must be corrected. If there are  
24 any unresolved concerns, deficiencies, or deviations, the school or  
25 school district may request or the state board of education on its  
26 own initiative may grant provisional status for one year in order  
27 that the school or school district may take action to meet the  
28 requirements. The state board of education shall not require private  
29 school students to meet the student learning goals, to learn the  
30 state learning standards, or to be assessed pursuant to RCW  
31 28A.655.070. However, private schools may choose, on a voluntary  
32 basis, to have their students learn these state learning standards or  
33 take the assessments. Minimum requirements shall be as follows:

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

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

3 (2) The school day shall be the same as defined in RCW  
4 28A.150.203.

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

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

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

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

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

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

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

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

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

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

37 (6) The physical facilities of the school or district shall be  
38 adequate to meet the program offered by the school or district:  
39 PROVIDED, That each school building shall meet reasonable health and  
40 fire safety requirements. A residential dwelling of the parent,

1 guardian, or custodian shall be deemed to be an adequate physical  
2 facility when a parent, guardian, or person having legal custody is  
3 instructing his or her child under subsection (4) of this section.

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

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

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

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of  
21 the state government and its existing public institutions, and takes  
22 effect immediately.

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