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**HOUSE BILL 2038**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives McClintock, Couture, Waters, Rude, Jacobsen, Cheney, and Griffey

AN ACT Relating to collecting data on student transfers and withdrawals from public schools and school districts; amending RCW 28A.200.010; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes that emerging trends in recent years show a decline in enrollment in elementary and secondary public schools and an increase in the number of students participating in private schools and home-based instruction.

(2) Between the 2018-19 and 2022-23 school years, the number of students enrolled in private schools increased by more than 10 percent to almost 82,000 students and the number of students registered for home-based instruction statewide increased by 28 percent to more than 28,000 students. During this same four-year period, however, public school enrollment declined by more than 20,000, a decrease of more than two percent.

(3) The legislature finds that the increasingly frequent parental preferences for nonpublic education options have occurred without a corresponding collection of data that could help school officials, policymakers, and the public: (a) More fully understand why parents are forgoing public schools; and (b) make informed choices in the shared objective of supporting the education needs of all students.

(4) The legislature, therefore, intends to direct the office of the superintendent of public instruction to create and administer a voluntary survey for parents to complete when they transfer or withdraw students from public schools or school districts.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall create an online survey for parents or guardians to complete, at their option, upon transferring or withdrawing a student from a public school or school district. The purpose of the survey, which must be operational by September 1, 2024, is to collect data for school officials, policymakers, and the public regarding the reasons that parents or guardians transfer or withdraw students from public schools and school districts.

(2)(a) Public schools must notify parents or guardians of the survey and provide a link to the survey upon receiving a request from a parent or guardian to transfer or withdraw a student.

(b) Each school district that maintains a website must post a link to the survey on their website and the homepage for each school within the district. Public schools and school districts should make the survey link available through their internet-based communications and other digital and nondigital communications.

(3)(a) Beginning December 1, 2025, and annually thereafter, the office of the superintendent of public instruction shall provide a summary of the data received through the survey during the previous 12 months to:

(i) The public schools and school districts from which survey responses from parents or guardians originated; and

(ii) The education and fiscal committees of the legislature. Summaries provided in accordance with this subsection (3)(a) must conform to RCW 43.01.036.

(b) The office of the superintendent of public instruction shall post and maintain on its website the data summaries required by (a) of this subsection (3).

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

**Sec.**  RCW 28A.200.010 and 2019 c 252 s 109 are each amended to read as follows:

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

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

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

(c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, learn the state learning standards, or take the assessments under RCW 28A.655.070. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) A school district superintendent who receives a declaration in accordance with subsection (1) of this section for a student who is withdrawing from a public school to receive home-based instruction shall provide the parents with a link to the survey required by section 2 of this act.

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

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