

**Chapter 28A.205 RCW
EDUCATION CENTERS**

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**RCW 28A.205.010 "Education center," "basic academic skills,"
defined—Certification as education center and withdrawal of
certification.** (1) As used in this chapter, unless the context
thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit
or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills,
including specific attention to improvement of student motivation for
achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall
include, but not be limited to, performing diagnosis of individual
educational abilities, determination and setting of individual goals,
prescribing and providing individual courses of instruction therefor,
and evaluation of each individual client's progress in his or her
educational program.

(c) Conducts courses of instruction by professionally trained
personnel certificated by the Washington professional educator
standards board according to rules adopted for the purposes of this
chapter and providing, for certification purposes, that a year's
teaching experience in an education center shall be deemed equal to a
year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall
include the study of mathematics, speech, language, reading and
composition, science, history, literature and political science or
civics; it shall not include courses of a vocational training nature
and shall not include courses deemed nonessential to the accrediting
or the approval of private schools under RCW 28A.305.130.

(3) The superintendent of public instruction shall certify an
education center only upon application and (a) determination that such
school comes within the definition thereof as set forth in subsection
(1) of this section and (b) demonstration on the basis of actual
educational performance of such applicants' students which shows after
consideration of their students' backgrounds, educational gains that
are a direct result of the applicants' educational program. Such
certification may be withdrawn if the superintendent finds that a

center fails to provide adequate instruction in basic academic skills. No education center certified by the superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050. [2006 c 263 § 408; 2005 c 497 § 214; 1999 c 348 § 2; 1993 c 211 § 1; 1990 c 33 § 180; 1983 c 3 § 38; 1977 ex.s. c 341 § 1. Formerly RCW 28A.97.010.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Intent—1999 c 348: "During 1997 and 1998, a committee of the state board of education reviewed all board rules and related authorizing statutes. Based on the findings and recommendations resulting from the review, the state board prepared a report to the legislature requesting action be taken. It is the intent of this act to implement recommendations of the state board of education." [1999 c 348 § 1.]

Severability—1977 ex.s. c 341: "If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 341 § 7.]

RCW 28A.205.020 Common school dropouts—Reimbursement. Only eligible common school dropouts shall be enrolled in a certified education center for reimbursement by the superintendent of public instruction as provided in RCW 28A.205.040. A person is not an eligible common school dropout if: (1) The person has completed high school, (2) the person has not reached his or her twelfth birthday or has passed his or her twentieth birthday, (3) the person shows proficiency beyond the high school level in a test approved by the state board of education to be given as part of the initial diagnostic procedure, or (4) less than one month has passed after the person has dropped out of any common school and the education center has not received written verification from a school official of the common school last attended in this state that the person is no longer in attendance at the school. A person is an eligible common school dropout even if one month has not passed since the person dropped out if the board of directors or its designee, of that common school, requests the center to admit the person because the person has dropped out or because the person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion. The fact that any person may be subject to RCW 28A.225.010 through 28A.225.140, 28A.200.010, and 28A.200.020 shall not affect his or her qualifications as an eligible common school dropout under this chapter. [1999 c 348 § 3; 1997 c 265 § 7; 1993 c 211 § 2; 1990 c 33 § 181; 1979 ex.s. c 174 § 1; 1977 ex.s. c 341 § 2. Formerly RCW 28A.97.020.]

Intent—1999 c 348: See note following RCW 28A.205.010.

Severability—1997 c 265: See note following RCW 13.40.160.

Severability—1979 ex.s. c 174: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 174 § 4.]

Severability—1977 ex.s. c 341: See note following RCW 28A.205.010.

RCW 28A.205.030 Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate. The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: PROVIDED, That such individual shall be placed with the class he or she would be in had he or she not dropped out and graduate with that class, if the student's ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified education center student sixteen years of age or older, upon completion of an individual student program, is eligible to take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 as given throughout the state. [2013 c 39 § 6. Prior: 1993 c 218 § 2; 1993 c 211 § 3; 1990 c 33 § 182; 1977 ex.s. c 341 § 3. Formerly RCW 28A.97.030.]

Severability—1977 ex.s. c 341: See note following RCW 28A.205.010.

RCW 28A.205.040 Fees—Rules—Priority for payment—Review of records. (1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020. The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect. The administration of any test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 shall not be a part of such initial diagnostic procedure.

(c) Reimbursements shall not be made for students who are absent.

(d) No center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost

effectiveness of nonprofit centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the centers of the date after which further funds for reimbursement of the centers' services will be exhausted. [2013 c 39 § 7; 2006 c 263 § 412; 1999 c 348 § 4; 1990 c 33 § 183; 1979 ex.s. c 174 § 2; 1977 ex.s. c 341 § 4. Formerly RCW 28A.97.040.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1999 c 348: See note following RCW 28A.205.010.

Severability—1979 ex.s. c 174: See note following RCW 28A.205.020.

Severability—1977 ex.s. c 341: See note following RCW 28A.205.010.

RCW 28A.205.050 Rules. In accordance with chapter 34.05 RCW, the administrative procedure act, the Washington professional educator standards board with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules to carry out the purpose and intent of this chapter. [2005 c 497 § 215; 1995 c 335 § 201; 1993 c 211 § 4; 1990 c 33 § 184; 1977 ex.s. c 341 § 5. Formerly RCW 28A.97.050.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

Severability—1977 ex.s. c 341: See note following RCW 28A.205.010.

RCW 28A.205.070 Allocation of funds—Criteria—Duties of superintendent. In allocating funds appropriated for education centers, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation. [2006 c 263 § 409; 1993 c 211 § 6; 1990 c 33 § 185; 1985 c 434 § 3. Formerly RCW 28A.97.120.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1985 c 434: "It is the intent of this act to provide for an equitable distribution of funds appropriated for educational clinics, to stabilize existing programs, and to provide a system for orderly expansion or retrenchment in the event of future increases or reductions in program appropriations." [1985 c 434 § 1.]

RCW 28A.205.080 Legislative findings—Distribution of funds—Cooperation with school districts. The legislature recognizes that education centers provide a necessary and effective service for students who have dropped out of common school programs. Education centers have demonstrated success in preparing such youth for productive roles in society and are an integral part of the state's program to address the needs of students who have dropped out of school. The superintendent of public instruction shall distribute funds, consistent with legislative appropriations, allocated specifically for education centers in accord with chapter 28A.205 RCW.

The legislature encourages school districts to explore cooperation with education centers pursuant to RCW 28A.150.305. [1997 c 265 § 8; 1993 c 211 § 7; 1990 c 33 § 186; 1987 c 518 § 220. Formerly RCW 28A.97.125.]

Severability—1997 c 265: See note following RCW 13.40.160.

Intent—1994 c 166; 1987 c 518: See note following RCW 43.216.525.

Severability—1987 c 518: See note following RCW 43.216.525.

RCW 28A.205.090 Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment. The superintendent shall include the education centers program in the biennial budget request. Contracts between the superintendent of public instruction and the education centers shall include quarterly plans which provide for relatively stable student enrollment but take into consideration anticipated seasonal variations in enrollment in the individual centers. Funds which are not expended by a center during the quarter for which they were planned may be carried forward to subsequent quarters of the fiscal year. The superintendent shall make payments to the centers on a monthly basis pursuant to RCW 28A.205.040. [1993 c 211 § 8; 1990 c 33 § 187; 1985 c 434 § 4. Formerly RCW 28A.97.130.]

Intent—1985 c 434: See note following RCW 28A.205.070.