

## CHAPTER 40

[Substitute House Bill No. 145]

## SUPERINTENDENT OF PUBLIC INSTRUCTION—DUTIES MODIFIED

AN ACT Relating to education; amending section 6, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.250; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120; amending section 1, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.100; amending section 2, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.102; amending section 4, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.106; amending section 5, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.108; amending section 6, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.110; amending section 8, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.114; amending section 9, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.116; amending section 1, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.350; repealing section 2, chapter 60, Laws of 1975 1st ex. sess. and RCW 28A.03.051; repealing section 23, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.036; repealing section 12, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.122; repealing section 16, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.756; repealing section 2, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.352; and repealing section 28A.98.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.98.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 6, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.250 are each amended to read as follows:

The superintendent of public instruction is hereby directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various private school groups in the state of Washington. (~~By July 1 of 1975, after consultation with the advisory committee herein created, the superintendent of public instruction shall make recommendations to the legislature concerning how the approval and accreditation processes for private schools can be improved.~~)

Sec. 2. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary

for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02-.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

~~(9) ((Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, educational service district superintendents and the boards of directors of the common schools:~~

~~((+)))~~ Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

~~((++))~~ (10) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel

throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

((+2)) (11) Hear and decide appeals as otherwise provided by law.

Sec. 3. Section 1, chapter 118, Laws of 1979 ex. sess. and RCW 28A-.31.100 are each amended to read as follows:

In enacting RCW 28A.31.100 through ((28A.31.122)) 28A.31.120, it is the judgment of the legislature that it is necessary to protect the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against certain vaccine-preventable diseases.

Sec. 4. Section 2, chapter 118, Laws of 1979 ex. sess. and RCW 28A-.31.102 are each amended to read as follows:

As used in RCW 28A.31.100 through ((28A.31.122)) 28A.31.120:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.31.100 through ((28A.31.122)) 28A.31.120 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260, each as now or hereafter amended.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

Sec. 5. Section 4, chapter 118, Laws of 1979 ex. sess. and RCW 28A-.31.106 are each amended to read as follows:

Any child shall be exempt in whole or in part from the immunization measures required by RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120 upon the presentation of any one or more of the following, on a form prescribed by the department of social and health services:

(1) A written certification signed by any physician licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: PROVIDED, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

(2) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the religious beliefs of the signator are contrary to the required immunization measures; and

(3) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.

Sec. 6. Section 5, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.108 are each amended to read as follows:

The requirements of RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120 shall not apply to any person eighteen years of age or older, nor shall they apply to any female person twelve years of age or older with respect to immunization for rubella.

Sec. 7. Section 6, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.110 are each amended to read as follows:

The immunizations required by RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120 may be obtained from any private or public source desired: PROVIDED, That the immunization is administered and records are made in accordance with the regulations of the state board of health. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization given in a form prescribed by the state board of health.

Sec. 8. Section 8, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.114 are each amended to read as follows:

Upon notification by the local health department, it shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.31.104 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance

with rules of the state board of education. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child from a school or day care center each local health department shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.31.104. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.31.104 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.31.118 and/or 28A.31.120, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

Sec. 9. Section 9, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.116 are each amended to read as follows:

The state board of health shall adopt and is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish the procedural and substantive requirements for full immunization and the form and substance of the proof thereof, to be required pursuant to RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120.

Sec. 10. Section 1, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.350 are each amended to read as follows:

Notwithstanding any other provision of law, any second ~~((or third))~~ class school district with an enrollment of three hundred students or less may provide housing for the superintendent of the school district, or any person acting in the capacity of superintendent, by such means and with such moneys as the school district shall determine: PROVIDED, That any second ~~((or third))~~ class school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That if such housing is exempt from real property taxation by virtue of school district ownership, the school district shall charge for such housing, rent at least equal to the amount of real property tax for which such housing would be liable were it not so owned.

NEW SECTION. Sec. 11. Section 2, chapter 60, Laws of 1975 1st ex. sess. and RCW 28A.03.051 are each repealed.

NEW SECTION. Sec. 12. Section 23, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.036 are each repealed.

NEW SECTION. Sec. 13. Section 12, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.122 are each repealed.

NEW SECTION. Sec. 14. Section 16, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.756 are each hereby repealed.

NEW SECTION. Sec. 15. Section 2, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.352 are each hereby repealed.

NEW SECTION. Sec. 16. Section 28A.98.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.98.020 are each repealed.

NEW SECTION. Sec. 17. If any provision of this 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.

Passed the House January 13, 1984.

Passed the Senate February 21, 1984.

Approved by the Governor February 29, 1984.

Filed in Office of Secretary of State February 29, 1984.

## CHAPTER 41

[Substitute House Bill No. 827]

### VOTERS' OR CANDIDATES' PAMPHLET—DECEPTIVELY SIMILAR PUBLICATIONS PROHIBITED

AN ACT Relating to voters' and candidates' pamphlets; adding a new section to chapter 29.04 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 29.04 RCW a new section to read as follows:

No person or entity may publish or distribute any campaign material that is deceptively similar in design or appearance to a voters' pamphlet or candidates' pamphlet or combination thereof, which pamphlet or combination was published by the secretary of state during the ten-year period prior to the publication or distribution by the person or entity. The secretary of state shall take reasonable measures to prevent or to stop violations of this section. Such measures may include, among others, petitioning the superior court for a temporary restraining order or other appropriate injunctive relief. In addition, the secretary may request the superior court to impose a civil fine on a violator of this section. The court is authorized to levy on and recover from each violator a civil fine not to exceed the greater of: (1) Two dollars for each copy of the deceptive material distributed, or (2) one thousand dollars. In addition, the violator shall be liable for the state's legal expenses and other costs resulting from the violation. Any funds recovered under this section shall be transmitted to the state treasurer for deposit in the general fund.

Passed the House January 16, 1984.

Passed the Senate February 21, 1984.

Approved by the Governor February 29, 1984.

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