
SENATE BILL 5112

State of Washington

61st Legislature

2009 Regular Session

By Senators Honeyford and King

Read first time 01/14/09. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the one hundred eighty-day school year
2 requirement; amending RCW 28A.150.220, 28A.150.250, 28A.150.290, and
3 28A.330.100; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The rising cost of fuel, utilities, and
6 other rapidly increasing expenses make it difficult for small school
7 districts to keep up with these basic needs while maintaining sound
8 educational programs for their students. In years to come, districts
9 may face the prospect of deep cuts to current educational offerings,
10 and with the cuts subsequent losses of students to nearby districts
11 that have the financial resources to offer more diverse educational
12 programs. Time must become an adjustable and flexible resource.
13 Today's school schedule must be modified to respond to the great
14 changes that reshaped life outside of school. The legislature finds
15 that while continuing to provide at least a minimum of one thousand
16 hours of student instruction by permitting districts to lengthen the
17 school day but allowing the flexibility to eliminate the requirement
18 for a specific minimum number of school days, schools can continue to

1 meet all of the other basic education program requirements while
2 allowing the district to maintain consistent educational programs and
3 staffing for students.

4 **Sec. 2.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
5 read as follows:

6 (1) Satisfaction of the basic education program requirements
7 identified in RCW 28A.150.210 shall be considered to be implemented by
8 the following program:

9 (a) Each school district shall make available to students enrolled
10 in kindergarten at least a total instructional offering of four hundred
11 fifty hours. The program shall include instruction in the essential
12 academic learning requirements under RCW 28A.630.885 and such other
13 subjects and such activities as the school district shall determine to
14 be appropriate for the education of the school district's students
15 enrolled in such program;

16 (b) Each school district shall make available to students enrolled
17 in grades one through twelve, at least a district-wide annual average
18 total instructional hour offering of one thousand hours. The state
19 board of education may define alternatives to classroom instructional
20 time for students in grades nine through twelve enrolled in alternative
21 learning experiences. The state board of education shall establish
22 rules to determine annual average instructional hours for districts
23 including fewer than twelve grades. The program shall include the
24 essential academic learning requirements under RCW 28A.630.885 and such
25 other subjects and such activities as the school district shall
26 determine to be appropriate for the education of the school district's
27 students enrolled in such group;

28 (c) If the essential academic learning requirements include a
29 requirement of languages other than English, the requirement may be met
30 by students receiving instruction in one or more American Indian
31 languages.

32 (2) Nothing contained in subsection (1) of this section shall be
33 construed to require individual students to attend school for any
34 particular number of hours per day or to take any particular courses.

35 (3) Each school district's kindergarten through twelfth grade basic
36 educational program shall be accessible to all students who are five
37 years of age, as provided by RCW 28A.225.160, and less than twenty-one

1 years of age (~~and shall consist of a minimum of one hundred eighty~~
2 ~~school days per school year in such grades as are conducted by a school~~
3 ~~district, and one hundred eighty half days of instruction, or~~
4 ~~equivalent, in kindergarten~~): PROVIDED, That effective May 1, 1979,
5 a school district may schedule the last five school days of the (~~one~~
6 ~~hundred and eighty day~~) school year for noninstructional purposes in
7 the case of students who are graduating from high school, including,
8 but not limited to, the observance of graduation and early release from
9 school upon the request of a student, and all such students may be
10 claimed as a full time equivalent student to the extent they could
11 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
12 28A.150.260.

13 (4) The state board of education shall adopt rules to implement and
14 ensure compliance with the program requirements imposed by this
15 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
16 program approval requirements as the state board may establish.

17 **Sec. 3.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
18 read as follows:

19 From those funds made available by the legislature for the current
20 use of the common schools, the superintendent of public instruction
21 shall distribute annually as provided in RCW 28A.510.250 to each school
22 district of the state operating a program approved by the state board
23 of education an amount which, when combined with an appropriate portion
24 of such locally available revenues, other than receipts from federal
25 forest revenues distributed to school districts pursuant to RCW
26 28A.520.010 and 28A.520.020, as the superintendent of public
27 instruction may deem appropriate for consideration in computing state
28 equalization support, excluding excess property tax levies, will
29 constitute a basic education allocation in dollars for each annual
30 average full time equivalent student enrolled, based upon one full
31 school year of (~~one hundred eighty days~~) a total instructional
32 offering of one thousand hours, except that for kindergartens one full
33 school year shall be (~~one hundred eighty half days of instruction~~) a
34 total instructional offering of four hundred fifty hours, or the
35 equivalent as provided in RCW 28A.150.220.

36 Basic education shall be considered to be fully funded by those
37 amounts of dollars appropriated by the legislature pursuant to RCW

1 28A.150.250 and 28A.150.260 to fund those program requirements
2 identified in RCW 28A.150.220 in accordance with the formula and ratios
3 provided in RCW 28A.150.260 and those amounts of dollars appropriated
4 by the legislature to fund the salary requirements of RCW 28A.150.100
5 and 28A.150.410.

6 Operation of a program approved by the state board of education,
7 for the purposes of this section, shall include a finding that the
8 ratio of students per classroom teacher in grades kindergarten through
9 three is not greater than the ratio of students per classroom teacher
10 in grades four and above for such district: PROVIDED, That for the
11 purposes of this section, "classroom teacher" shall be defined as an
12 instructional employee possessing at least a provisional certificate,
13 but not necessarily employed as a certificated employee, whose primary
14 duty is the daily educational instruction of students: PROVIDED
15 FURTHER, That the state board of education shall adopt rules and
16 regulations to insure compliance with the student/teacher ratio
17 provisions of this section, and such rules and regulations shall allow
18 for exemptions for those special programs and/or school districts which
19 may be deemed unable to practicably meet the student/teacher ratio
20 requirements of this section by virtue of a small number of students.

21 If a school district's basic education program fails to meet the
22 basic education requirements enumerated in RCW 28A.150.250,
23 28A.150.260, and 28A.150.220, the state board of education shall
24 require the superintendent of public instruction to withhold state
25 funds in whole or in part for the basic education allocation until
26 program compliance is assured: PROVIDED, That the state board of
27 education may waive this requirement in the event of substantial lack
28 of classroom space.

29 **Sec. 4.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
30 read as follows:

31 (1) The superintendent of public instruction shall have the power
32 and duty to make such rules (~~and regulations~~) as are necessary for
33 the proper administration of this chapter and RCW 28A.160.150 through
34 (~~28A.160.220~~) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
35 not inconsistent with the provisions thereof, and in addition to
36 require such reports as may be necessary to carry out his or her duties

1 under this chapter and RCW 28A.160.150 through (~~28A.160.220~~)
2 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

3 (2) The superintendent of public instruction shall have the
4 authority to make rules (~~and regulations~~) which establish the terms
5 and conditions for allowing school districts to receive state basic
6 education moneys as provided in RCW 28A.150.250 when said districts are
7 unable to fulfill for one or more schools as officially scheduled the
8 requirement of (~~a full school year of one hundred eighty days or~~) the
9 annual average total instructional hour offering imposed by RCW
10 28A.150.220 and 28A.150.260 due to one or more of the following
11 conditions:

12 (a) An unforeseen natural event, including, but not necessarily
13 limited to, a fire, flood, explosion, storm, earthquake, epidemic, or
14 volcanic eruption that has the direct or indirect effect of rendering
15 one or more school district facilities unsafe, unhealthy, inaccessible,
16 or inoperable; and

17 (b) An unforeseen mechanical failure or an unforeseen action or
18 inaction by one or more persons, including negligence and threats, that
19 (i) is beyond the control of both a school district board of directors
20 and its employees and (ii) has the direct or indirect effect of
21 rendering one or more school district facilities unsafe, unhealthy,
22 inaccessible, or inoperable. Such actions, inactions or mechanical
23 failures may include, but are not necessarily limited to, arson,
24 vandalism, riots, insurrections, bomb threats, bombings, delays in the
25 scheduled completion of construction projects, and the discontinuance
26 or disruption of utilities such as heating, lighting and water:
27 PROVIDED, That an unforeseen action or inaction shall not include any
28 labor dispute between a school district board of directors and any
29 employee of the school district.

30 A condition is foreseeable for the purposes of this subsection to
31 the extent a reasonably prudent person would have anticipated prior to
32 August first of the preceding school year that the condition probably
33 would occur during the ensuing school year because of the occurrence of
34 an event or a circumstance which existed during such preceding school
35 year or a prior school year. A board of directors of a school district
36 is deemed for the purposes of this subsection to have knowledge of
37 events and circumstances which are a matter of common knowledge within

1 the school district and of those events and circumstances which can be
2 discovered upon prudent inquiry or inspection.

3 (3) The superintendent of public instruction shall make every
4 effort to reduce the amount of paperwork required in administration of
5 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,
6 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
7 monitoring and evaluation processes used; to eliminate all duplicative
8 requests for information from local school districts; and to make every
9 effort to integrate and standardize information requests for other
10 state education acts and federal aid to education acts administered by
11 the superintendent of public instruction so as to reduce paperwork
12 requirements and duplicative information requests.

13 **Sec. 5.** RCW 28A.330.100 and 2006 c 263 s 417 are each amended to
14 read as follows:

15 Every board of directors of a school district of the first class,
16 in addition to the general powers for directors enumerated in this
17 title, shall have the power:

18 (1) To employ for a term of not exceeding three years a
19 superintendent of schools of the district, and for cause to dismiss him
20 or her, and to fix his or her duties and compensation;

21 (2) To employ, and for cause dismiss one or more assistant
22 superintendents and to define their duties and fix their compensation;

23 (3) To employ a business manager, attorneys, architects, inspectors
24 of construction, superintendents of buildings and a superintendent of
25 supplies, all of whom shall serve at the board's pleasure, and to
26 prescribe their duties and fix their compensation;

27 (4) To employ, and for cause dismiss, supervisors of instruction
28 and to define their duties and fix their compensation;

29 (5) To prescribe a course of study and a program of exercises which
30 shall be consistent with the course of study prepared by the
31 superintendent of public instruction for the use of the common schools
32 of this state;

33 (6) To, in addition to the minimum requirements imposed by this
34 title establish and maintain such grades and departments, including
35 night, high, kindergarten, vocational training and, except as otherwise
36 provided by law, industrial schools, and schools and departments for

1 the education and training of any class or classes of youth with
2 disabilities, as in the judgment of the board, best shall promote the
3 interests of education in the district;

4 (7) To ~~((determine the length of time over and above one hundred~~
5 ~~eighty days that school shall be maintained: PROVIDED, That for~~
6 ~~purposes of apportionment no district shall be credited with more than~~
7 ~~one hundred and eighty three days' attendance in any school year; and~~
8 ~~to))~~ fix the time for annual opening and closing of schools and for the
9 daily dismissal of pupils before the regular time for closing schools;

10 (8) To maintain a shop and repair department, and to employ, and
11 for cause dismiss, a foreman and the necessary help for the maintenance
12 and conduct thereof;

13 (9) To provide free textbooks and supplies for all children
14 attending school;

15 (10) To require of the officers or employees of the district to
16 give a bond for the honest performance of their duties in such penal
17 sum as may be fixed by the board with good and sufficient surety, and
18 to cause the premium for all bonds required of all such officers or
19 employees to be paid by the district: PROVIDED, That the board may, by
20 written policy, allow that such bonds may include a deductible proviso
21 not to exceed two percent of the officer's or employee's annual salary;

22 (11) To prohibit all secret fraternities and sororities among the
23 students in any of the schools of the said districts; and

24 (12) To appoint a practicing physician, resident of the school
25 district, who shall be known as the school district medical inspector,
26 and whose duty it shall be to decide for the board of directors all
27 questions of sanitation and health affecting the safety and welfare of
28 the public schools of the district who shall serve at the board's
29 pleasure: PROVIDED, That children shall not be required to submit to
30 vaccination against the will of their parents or guardian.

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