
SUBSTITUTE HOUSE BILL 1842

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Education (originally sponsored by Representatives Honeyford, Clements, Boldt, Lisk, McMorris, Koster, Skinner, Johnson, L. Thomas and Mulliken)

Read first time 03/05/97.

1 AN ACT Relating to the minimum length of school years; amending RCW
2 28A.150.220, 28A.150.220, 28A.190.030, 28A.195.010, and 28A.410.080;
3 providing a contingent effective date; and providing a contingent
4 expiration date.

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

6 **Sec. 1.** RCW 28A.150.220 and 1995 c 77 s 1 are each amended to read
7 as follows:

8 (1) For the purposes of this section and RCW 28A.150.250 and
9 28A.150.260:

10 (a) The term "total program hour offering" shall mean those hours
11 when students are provided the opportunity to engage in educational
12 activity planned by and under the direction of school district staff,
13 as directed by the administration and board of directors of the
14 district, inclusive of intermissions for class changes, recess and
15 teacher/parent-guardian conferences which are planned and scheduled by
16 the district for the purpose of discussing students' educational needs
17 or progress, and exclusive of time actually spent for meals.

18 (b) "Instruction in work skills" shall include instruction in one
19 or more of the following areas: Industrial arts, home and family life

1 education, business and office education, distributive education,
2 agricultural education, health occupations education, vocational
3 education, trade and industrial education, technical education and
4 career education.

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

8 (a) Each school district shall make available to students in
9 kindergarten at least a total program offering of four hundred fifty
10 hours. The program shall include reading, arithmetic, language skills
11 and such other subjects and such activities as the school district
12 shall determine to be appropriate for the education of the school
13 district's students enrolled in such program;

14 (b) Each school district shall make available to students in grades
15 one through three, at least a total program hour offering of two
16 thousand seven hundred hours. A minimum of ninety-five percent of the
17 total program hour offerings shall be in the basic skills areas of
18 reading/language arts (which may include languages other than English,
19 including American Indian languages), mathematics, social studies,
20 science, music, art, health and physical education. The remaining five
21 percent of the total program hour offerings may include such subjects
22 and activities as the school district shall determine to be appropriate
23 for the education of the school district's students in such grades;

24 (c) Each school district shall make available to students in grades
25 four through six at least a total program hour offering of two thousand
26 nine hundred seventy hours. A minimum of ninety percent of the total
27 program hour offerings shall be in the basic skills areas of reading/
28 language arts (which may include languages other than English,
29 including American Indian languages), mathematics, social studies,
30 science, music, art, health and physical education. The remaining ten
31 percent of the total program hour offerings may include such subjects
32 and activities as the school district shall determine to be appropriate
33 for the education of the school district's students in such grades;

34 (d) Each school district shall make available to students in grades
35 seven through eight, at least a total program hour offering of one
36 thousand nine hundred eighty hours. A minimum of eighty-five percent
37 of the total program hour offerings shall be in the basic skills areas
38 of reading/language arts (which may include languages other than
39 English, including American Indian languages), mathematics, social

1 studies, science, music, art, health and physical education. A minimum
2 of ten percent of the total program hour offerings shall be in the area
3 of work skills. The remaining five percent of the total program hour
4 offerings may include such subjects and activities as the school
5 district shall determine to be appropriate for the education of the
6 school district's students in such grades;

7 (e) Each school district shall make available to students in grades
8 nine through twelve at least a total program hour offering of four
9 thousand three hundred twenty hours. A minimum of sixty percent of the
10 total program hour offerings shall be in the basic skills areas of
11 language arts, languages other than English, which may be American
12 Indian languages, mathematics, social studies, science, music, art,
13 health and physical education. A minimum of twenty percent of the
14 total program hour offerings shall be in the area of work skills. The
15 remaining twenty percent of the total program hour offerings may
16 include traffic safety or such subjects and activities as the school
17 district shall determine to be appropriate for the education of the
18 school district's students in such grades, with not less than one-half
19 thereof in basic skills and/or work skills: PROVIDED, That each school
20 district shall have the option of including grade nine within the
21 program hour offering requirements of grades seven and eight so long as
22 such requirements for grades seven through nine are increased to two
23 thousand nine hundred seventy hours and such requirements for grades
24 ten through twelve are decreased to three thousand two hundred forty
25 hours.

26 (3) In order to provide flexibility to the local school districts
27 in the setting of their curricula, and in order to maintain the intent
28 of this legislation, which is to stress the instruction of basic skills
29 and work skills, any local school district may establish minimum course
30 mix percentages that deviate by up to five percentage points above or
31 below those minimums required by subsection (2) of this section, so
32 long as the total program hour requirement is still met.

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

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

1 eighty school days per school year in such grades as are conducted by
2 a school district, and one hundred eighty half-days of instruction, or
3 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
4 school district may schedule the last five school days of the one
5 hundred and eighty day school year for noninstructional purposes in the
6 case of students who are graduating from high school, including, but
7 not limited to, the observance of graduation and early release from
8 school upon the request of a student(~~(, and all such students)~~).

9 (b) A school's program may consist of less than the minimum one
10 hundred eighty day school year required by (a) of this subsection if
11 the school is closed due to declaration by the governor that the county
12 in which the school is located is a disaster area. The school year
13 shall be one hundred eighty days minus the number of days, in excess of
14 five, that the school is closed due to the disaster. If a school
15 district is closed on a school day due to the disaster, the school
16 district shall apply certificated and classified employees' time or
17 salary toward in-service training and planning to improve student
18 learning for all students, consistent with the student learning goals
19 in RCW 28A.150.210.

20 (c) Students subject to (a) or (b) of this subsection may be
21 claimed as a full time equivalent student to the extent they could
22 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
23 28A.150.260.

24 (6) The state board of education shall adopt rules to implement and
25 ensure compliance with the program requirements imposed by this
26 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
27 program approval requirements as the state board may establish:
28 PROVIDED, That each school district board of directors shall establish
29 the basis and means for determining and monitoring the district's
30 compliance with the basic skills and work skills percentage and course
31 requirements of this section. The certification of the board of
32 directors and the superintendent of a school district that the district
33 is in compliance with such basic skills and work skills requirements
34 may be accepted by the superintendent of public instruction and the
35 state board of education.

36 (7) Special education programs for students with disabilities,
37 vocational-technical institute programs, state institution and state
38 residential school programs, all of which programs are conducted for
39 the common school age, kindergarten through secondary school program

1 students encompassed by this section, shall be exempt from the basic
2 skills and work skills percentage and course requirements of this
3 section in order that the unique needs, abilities or limitations of
4 such students may be met.

5 (8) Any school district may petition the state board of education
6 for a reduction in the total program hour offering requirements for one
7 or more of the grade level groupings specified in this section. The
8 state board of education shall grant all such petitions that are
9 accompanied by an assurance that the minimum total program hour
10 offering requirements in one or more other grade level groupings will
11 be exceeded concurrently by no less than the number of hours of the
12 reduction.

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

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

18 (a) Each school district shall make available to students enrolled
19 in kindergarten at least a total instructional offering of four hundred
20 fifty hours. The program shall include instruction in the essential
21 academic learning requirements under RCW 28A.630.885 and such other
22 subjects and such activities as the school district shall determine to
23 be appropriate for the education of the school district's students
24 enrolled in such program;

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

37 (c) If the essential academic learning requirements include a
38 requirement of languages other than English, the requirement may be met

1 by students receiving instruction in one or more American Indian
2 languages.

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

6 (3)(a) Each school district's kindergarten through twelfth grade
7 basic educational program shall be accessible to all students who are
8 five years of age, as provided by RCW 28A.225.160, and less than
9 twenty-one years of age and shall consist of a minimum of one hundred
10 eighty school days per school year in such grades as are conducted by
11 a school district, and one hundred eighty half-days of instruction, or
12 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
13 school district may schedule the last five school days of the one
14 hundred and eighty day school year for noninstructional purposes in the
15 case of students who are graduating from high school, including, but
16 not limited to, the observance of graduation and early release from
17 school upon the request of a student(~~(, and all such students)~~).

18 (b) A school's program may consist of less than the minimum one
19 hundred eighty day school year required by (a) of this subsection if
20 the school is closed due to declaration by the governor that the county
21 in which the school is located is a disaster area. The school year
22 shall be one hundred eighty days minus the number of days, in excess of
23 five, that the school is closed due to the disaster. If a school
24 district is closed on a school day due to the disaster, the school
25 district shall apply certificated and classified employees' time or
26 salary toward in-service training and planning to improve student
27 learning for all students, consistent with the student learning goals
28 in RCW 28A.150.210.

29 (c) Students subject to (a) or (b) of this subsection may be
30 claimed as a full time equivalent student to the extent they could
31 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
32 28A.150.260.

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

37 **Sec. 3.** RCW 28A.190.030 and 1995 c 77 s 19 are each amended to
38 read as follows:

1 Each school district within which there is located a residential
2 school shall, singly or in concert with another school district
3 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
4 39.34 RCW, conduct a program of education, including related student
5 activities, for residents of the residential school. Except as
6 otherwise provided for by contract pursuant to RCW 28A.190.050, the
7 duties and authority of a school district and its employees to conduct
8 such a program shall be limited to the following:

9 (1) The employment, supervision and control of administrators,
10 teachers, specialized personnel and other persons, deemed necessary by
11 the school district for the conduct of the program of education;

12 (2) The purchase, lease or rental and provision of textbooks, maps,
13 audio-visual equipment, paper, writing instruments, physical education
14 equipment and other instructional equipment, materials and supplies,
15 deemed necessary by the school district for the conduct of the program
16 of education;

17 (3) The development and implementation, in consultation with the
18 superintendent or chief administrator of the residential school or his
19 or her designee, of the curriculum;

20 (4) The conduct of a program of education, including related
21 student activities, for residents who are three years of age and less
22 than twenty-one years of age, and have not met high school graduation
23 requirements as now or hereafter established by the state board of
24 education and the school district which includes:

25 (a) Not less than (~~one hundred and eighty~~) the minimum number of
26 school days each school year required by RCW 28A.150.220;

27 (b) Special education pursuant to RCW 28A.155.010 through
28 28A.155.100, and vocational education, as necessary to address the
29 unique needs and limitations of residents; and

30 (c) Such courses of instruction and school related student
31 activities as are provided by the school district for nonresidential
32 school students to the extent it is practical and judged appropriate
33 for the residents by the school district after consultation with the
34 superintendent or chief administrator of the residential school:
35 PROVIDED, That a preschool special education program may be provided
36 for residential school students with disabilities;

37 (5) If a school district is closed on a school day due to the
38 disaster, the school district shall apply certificated and classified
39 employees' time or salary toward in-service training and planning to

1 improve student learning for all residential school residents,
2 consistent with the student learning goals in RCW 28A.150.210;

3 (6) The control of students while participating in a program of
4 education conducted pursuant to this section and the discipline,
5 suspension or expulsion of students for violation of reasonable rules
6 of conduct adopted by the school district; and

7 ((+6+)) (7) The expenditure of funds for the direct and indirect
8 costs of maintaining and operating the program of education that are
9 appropriated by the legislature and allocated by the superintendent of
10 public instruction for the exclusive purpose of maintaining and
11 operating residential school programs of education, and funds from
12 federal and private grants, bequests and gifts made for the purpose of
13 maintaining and operating the program of education.

14 **Sec. 4.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to
15 read as follows:

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

23 Principals of private schools or superintendents of private school
24 districts shall file each year with the state superintendent of public
25 instruction a statement certifying that the minimum requirements
26 hereinafter set forth are being met, noting any deviations. After
27 review of the statement, the state superintendent will notify schools
28 or school districts of those deviations which must be corrected. In
29 case of major deviations, the school or school district may request and
30 the state board of education may grant provisional status for one year
31 in order that the school or school district may take action to meet the
32 requirements. Minimum requirements shall be as follows:

33 (1) The minimum school year for instructional purposes shall
34 consist of no less than one hundred eighty school days or the
35 equivalent in annual minimum program hour offerings as prescribed in
36 RCW 28A.150.220, unless the governor has declared the county in which
37 the school is located a disaster area in which case the school year may

1 consist of one hundred eighty days minus the number of days, in excess
2 of five, that the school is closed due to the disaster.

3 (2) The school day shall be the same as that required in RCW
4 28A.150.030 and 28A.150.220, except that the percentages of total
5 program hour offerings as prescribed in RCW 28A.150.220 for basic
6 skills, work skills, and optional subjects and activities shall not
7 apply to private schools or private sectarian schools.

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

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

13 (b) In exceptional cases, people of unusual competence but without
14 certification may teach students so long as a certified person
15 exercises general supervision. Annual written statements shall be
16 submitted to the office of the superintendent of public instruction
17 reporting and explaining such circumstances.

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

22 (a) The parent, guardian, or custodian be under the supervision of
23 an employee of the approved private school who is certified under
24 chapter 28A.410 RCW;

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

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

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

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

35 (5) Appropriate measures shall be taken to safeguard all permanent
36 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

1 fire safety requirements. However, the state board shall not require
2 private school students to meet the student learning goals, obtain a
3 certificate of mastery to graduate from high school, to master the
4 essential academic learning requirements, or to be assessed pursuant to
5 RCW 28A.630.885. However, private schools may choose, on a voluntary
6 basis, to have their students master these essential academic learning
7 requirements, take these assessments, and obtain certificates of
8 mastery. A residential dwelling of the parent, guardian, or custodian
9 shall be deemed to be an adequate physical facility when a parent,
10 guardian, or person having legal custody is instructing his or her
11 child under subsection (4) of this section.

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

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

20 All decisions of policy, philosophy, selection of books, teaching
21 material, curriculum, except as in subsection (7) above provided,
22 school rules and administration, or other matters not specifically
23 referred to in this section, shall be the responsibility of the
24 administration and administrators of the particular private school
25 involved.

26 **Sec. 5.** RCW 28A.410.080 and 1969 ex.s. c 223 s 28A.01.025 are each
27 amended to read as follows:

28 The school year for all matters pertaining to teacher certification
29 or for computing experience in teaching shall consist of not fewer than
30 ~~((one hundred eighty school days))~~ the minimum number of school days
31 required by RCW 28A.150.220.

32 NEW SECTION. **Sec. 6.** Section 1 of this act shall expire September
33 1, 2000. However, section 1 of this act shall not expire if, by
34 September 1, 2000, a law is not enacted stating that a school
35 accountability and academic assessment system is not in place.

1 NEW SECTION. **Sec. 7.** Section 2 of this act shall take effect
2 September 1, 2000. However, section 2 of this act shall not take
3 effect if, by September 1, 2000, a law is enacted stating that a school
4 accountability and academic assessment system is not in place.

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