

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1292

Chapter 543, Laws of 2009

61st Legislature
2009 Regular Session

SCHOOL YEAR LENGTH--FLEXIBILITY

EFFECTIVE DATE: 07/26/09

Passed by the House April 24, 2009
Yeas 85 Nays 9

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 22, 2009
Yeas 32 Nays 13

BRAD OWEN

President of the Senate

Approved May 18, 2009, 3:57 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1292** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 20, 2009

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1292

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Education (originally sponsored by Representatives
Newhouse, Chandler, and Simpson)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to waivers from the one hundred eighty-day school
2 year; amending RCW 28A.655.180; adding a new section to chapter 28A.305
3 RCW; creating a new section; repealing RCW 28A.305.145; and providing
4 an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature continues to support school
7 districts seeking innovations to further the educational experiences of
8 students and staff while also realizing increased efficiencies in day-
9 to-day operations. School districts have suggested that efficiencies
10 in heating, lighting, or maintenance expenses could be possible if
11 districts were given the ability to create a more flexible calendar.
12 Furthermore, the legislature finds that a flexible calendar could be
13 beneficial to student learning by allowing for the use of the
14 unscheduled days for professional development activities, planning,
15 tutoring, special programs, parent conferences, and athletic events.
16 A flexible calendar also has the potential to ease the burden of long
17 commutes on students in rural areas and to lower absenteeism.

18 School districts in several western states have operated on a four-
19 day school week and report increased efficiencies, family support, and

1 reduced absenteeism, with no negative impact on student learning.
2 Small rural school districts in particular could benefit due to their
3 high per-pupil costs for transportation and utilities. Therefore, the
4 legislature intends to provide increased flexibility to a limited
5 number of school districts to explore the potential value of operating
6 on a flexible calendar, so long as adequate safeguards are put in place
7 to prevent any negative impact on student learning.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.305
9 RCW to read as follows:

10 (1) In addition to waivers authorized under RCW 28A.305.140 and
11 28A.655.180, the state board of education may grant waivers from the
12 requirement for a one hundred eighty-day school year under RCW
13 28A.150.220 and 28A.150.250 to school districts that propose to operate
14 one or more schools on a flexible calendar for purposes of economy and
15 efficiency as provided in this section. The requirement under RCW
16 28A.150.220 that school districts offer an annual average instructional
17 hour offering of at least one thousand hours shall not be waived.

18 (2) A school district seeking a waiver under this section must
19 submit an application that includes:

20 (a) A proposed calendar for the school day and school year that
21 demonstrates how the instructional hour requirement will be maintained;

22 (b) An explanation and estimate of the economies and efficiencies
23 to be gained from compressing the instructional hours into fewer than
24 one hundred eighty days;

25 (c) An explanation of how monetary savings from the proposal will
26 be redirected to support student learning;

27 (d) A summary of comments received at one or more public hearings
28 on the proposal and how concerns will be addressed;

29 (e) An explanation of the impact on students who rely upon free and
30 reduced-price school child nutrition services and the impact on the
31 ability of the child nutrition program to operate an economically
32 independent program;

33 (f) An explanation of the impact on the ability to recruit and
34 retain employees in education support positions;

35 (g) An explanation of the impact on students whose parents work
36 during the missed school day; and

1 (h) Other information that the state board of education may request
2 to assure that the proposed flexible calendar will not adversely affect
3 student learning.

4 (3) The state board of education shall adopt criteria to evaluate
5 waiver requests. No more than five districts may be granted waivers.
6 Waivers may be granted for up to three years. After each school year,
7 the state board of education shall analyze empirical evidence to
8 determine whether the reduction is affecting student learning. If the
9 state board of education determines that student learning is adversely
10 affected, the school district shall discontinue the flexible calendar
11 as soon as possible but not later than the beginning of the next school
12 year after the determination has been made. All waivers expire August
13 31, 2014.

14 (a) Two of the five waivers granted under this subsection shall be
15 granted to school districts with student populations of less than one
16 hundred fifty students.

17 (b) Three of the five waivers granted under this subsection shall
18 be granted to school districts with student populations of between one
19 hundred fifty-one and five hundred students.

20 (4) The state board of education shall examine the waivers granted
21 under this section and make a recommendation to the education
22 committees of the legislature by December 15, 2013, regarding whether
23 the waiver program should be continued, modified, or allowed to
24 terminate. This recommendation should focus on whether the program
25 resulted in improved student learning as demonstrated by empirical
26 evidence. Such evidence includes, but is not limited to: Improved
27 scores on the Washington assessment of student learning, results of the
28 dynamic indicators of basic early literacy skills, student grades, and
29 attendance.

30 (5) This section expires August 31, 2014.

31 **Sec. 3.** RCW 28A.655.180 and 1995 c 208 s 1 are each amended to
32 read as follows:

33 (1) The state board of education, where appropriate, or the
34 superintendent of public instruction, where appropriate, may grant
35 waivers to districts from the provisions of statutes or rules relating
36 to: The length of the school year; student-to-teacher ratios; and
37 other administrative rules that in the opinion of the state board of

1 education or the opinion of the superintendent of public instruction
2 may need to be waived in order for a district to implement a plan for
3 restructuring its educational program or the educational program of
4 individual schools within the district.

5 (2) School districts may use the application process in RCW
6 28A.305.140 (~~(or 28A.300.138)~~) to apply for the waivers under
7 (~~subsection (1) of~~) this section.

8 (~~(3) The joint select committee on education restructuring shall
9 study which waivers of state laws or rules are necessary for school
10 districts to implement education restructuring. The committee shall
11 study whether the waivers are used to implement specific essential
12 academic learning requirements and student learning goals. The
13 committee shall study the availability of waivers under the schools for
14 the twenty first century program created by chapter 525, Laws of 1987,
15 and the use of those waivers by schools participating in that program.
16 The committee shall also study the use of waivers authorized under RCW
17 28A.305.140. The committee shall report its findings to the
18 legislature by December 1, 1997.)~~)

19 NEW SECTION. **Sec. 4.** RCW 28A.305.145 (Application process for
20 waivers under RCW 28A.305.140) and 1993 c 336 s 302 are each repealed.

Passed by the House April 24, 2009.

Passed by the Senate April 22, 2009.

Approved by the Governor May 18, 2009.

Filed in Office of Secretary of State May 20, 2009.