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**SUBSTITUTE SENATE BILL 5173**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** Senate Commerce & Labor (originally sponsored by Senators Hasegawa, Kline, Frockt, and Chase)

READ FIRST TIME 02/07/14.

1           AN ACT Relating to the respecting holidays of faith and conscience  
2 act; amending RCW 1.16.050 and 28A.225.010; adding a new section to  
3 chapter 28B.10 RCW; and adding a new section to chapter 28C.18 RCW.

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

5           **Sec. 1.** RCW 1.16.050 and 2013 c 5 s 1 are each amended to read as  
6 follows:

7           The following are legal holidays: Sunday; the first day of  
8 January, commonly called New Year's Day; the third Monday of January,  
9 being celebrated as the anniversary of the birth of Martin Luther King,  
10 Jr.; the third Monday of February to be known as Presidents' Day and to  
11 be celebrated as the anniversary of the births of Abraham Lincoln and  
12 George Washington; the last Monday of May, commonly known as Memorial  
13 Day; the fourth day of July, being the anniversary of the Declaration  
14 of Independence; the first Monday in September, to be known as Labor  
15 Day; the eleventh day of November, to be known as Veterans' Day; the  
16 fourth Thursday in November, to be known as Thanksgiving Day; the day  
17 immediately following Thanksgiving Day; and the twenty-fifth day of  
18 December, commonly called Christmas Day.

1 Employees of the state and its political subdivisions, except  
2 employees of school districts and except those nonclassified employees  
3 of institutions of higher education who hold appointments or are  
4 employed under contracts to perform services for periods of less than  
5 twelve consecutive months, shall be entitled to one paid holiday per  
6 calendar year in addition to those specified in this section.  
7 Employees of the state and its political subdivisions, including  
8 employees of school districts and those nonclassified employees of  
9 institutions of higher education who hold appointments or are employed  
10 under contracts to perform services for periods of less than twelve  
11 consecutive months, are entitled to two unpaid holidays per calendar  
12 year. This includes employees of public institutions of higher  
13 education, including community colleges, technical colleges, and  
14 workforce training programs. Each employee of the state or its  
15 political subdivisions may select the day or days on which the employee  
16 desires to take the additional holiday provided for herein after  
17 consultation with the employer pursuant to guidelines to be promulgated  
18 by rule of the appropriate personnel authority, or in the case of local  
19 government by ordinance or resolution of the legislative authority. If  
20 an employee prefers to take the additional holidays on specific days  
21 for a reason of faith or conscience, the employer must allow the  
22 employee to do so unless the employee's absence would impose an undue  
23 hardship on the employer.

24 If any of the above specified state legal holidays are also federal  
25 legal holidays but observed on different dates, only the state legal  
26 holidays shall be recognized as a paid legal holiday for employees of  
27 the state and its political subdivisions except that for port districts  
28 and the law enforcement and public transit employees of municipal  
29 corporations, either the federal or the state legal holiday, but in no  
30 case both, may be recognized as a paid legal holiday for employees.

31 Whenever any legal holiday, other than Sunday, falls upon a Sunday,  
32 the following Monday shall be the legal holiday.

33 Whenever any legal holiday falls upon a Saturday, the preceding  
34 Friday shall be the legal holiday.

35 Nothing in this section shall be construed to have the effect of  
36 adding or deleting the number of paid holidays provided for in an  
37 agreement between employees and employers of political subdivisions of

1 the state or as established by ordinance or resolution of the local  
2 government legislative authority.

3 The legislature declares that the thirteenth day of January shall  
4 be recognized as Korean-American day but shall not be considered a  
5 legal holiday for any purposes.

6 The legislature declares that the twelfth day of October shall be  
7 recognized as Columbus day but shall not be considered a legal holiday  
8 for any purposes.

9 The legislature declares that the ninth day of April shall be  
10 recognized as former prisoner of war recognition day but shall not be  
11 considered a legal holiday for any purposes.

12 The legislature declares that the twenty-sixth day of January shall  
13 be recognized as Washington army and air national guard day but shall  
14 not be considered a legal holiday for any purposes.

15 The legislature declares that the seventh day of August shall be  
16 recognized as purple heart recipient recognition day but shall not be  
17 considered a legal holiday for any purposes.

18 The legislature declares that the second Sunday in October be  
19 recognized as Washington state children's day but shall not be  
20 considered a legal holiday for any purposes.

21 The legislature declares that the sixteenth day of April shall be  
22 recognized as Mother Joseph day and the fourth day of September as  
23 Marcus Whitman day, but neither shall be considered legal holidays for  
24 any purpose.

25 The legislature declares that the seventh day of December be  
26 recognized as Pearl Harbor remembrance day but shall not be considered  
27 a legal holiday for any purpose.

28 The legislature declares that the twenty-seventh day of July be  
29 recognized as national Korean war veterans armistice day but shall not  
30 be considered a legal holiday for any purpose.

31 The legislature declares that the nineteenth day of February be  
32 recognized as civil liberties day of remembrance but shall not be  
33 considered a legal holiday for any purpose.

34 The legislature declares that the nineteenth day of June be  
35 recognized as Juneteenth, a day of remembrance for the day the slaves  
36 learned of their freedom, but shall not be considered a legal holiday  
37 for any purpose.

1 The legislature declares that the thirtieth day of March be  
2 recognized as welcome home Vietnam veterans day but shall not be  
3 considered a legal holiday for any purpose.

4 **Sec. 2.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to  
5 read as follows:

6 (1) All parents in this state of any child eight years of age and  
7 under eighteen years of age shall cause such child to attend the public  
8 school of the district in which the child resides and such child shall  
9 have the responsibility to and therefore shall attend for the full time  
10 when such school may be in session unless:

11 (a) The child is attending an approved private school for the same  
12 time or is enrolled in an extension program as provided in RCW  
13 28A.195.010(4);

14 (b) The child is receiving home-based instruction as provided in  
15 subsection (4) of this section;

16 (c) The child is attending an education center as provided in  
17 chapter 28A.205 RCW;

18 (d) The school district superintendent of the district in which the  
19 child resides shall have excused such child from attendance because the  
20 child is physically or mentally unable to attend school, is attending  
21 a residential school operated by the department of social and health  
22 services, is incarcerated in an adult correctional facility, or has  
23 been temporarily excused upon the request of his or her parents for  
24 purposes agreed upon by the school authorities and the parent:  
25 PROVIDED, That such excused absences shall not be permitted if deemed  
26 to cause a serious adverse effect upon the student's educational  
27 progress: PROVIDED FURTHER, That students excused for such temporary  
28 absences may be claimed as full-time equivalent students to the extent  
29 they would otherwise have been so claimed for the purposes of RCW  
30 28A.150.250 and 28A.150.260 and shall not affect school district  
31 compliance with the provisions of RCW 28A.150.220; ((or))

32 (e) The child is excused from school subject to approval by the  
33 student's parent for a reason of faith or conscience for up to two days  
34 without any penalty. Such absences may not mandate school closures.  
35 Students excused for such temporary absences may be claimed as full-  
36 time equivalent students to the extent they would otherwise have been

1 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and may  
2 not affect school district compliance with the provisions of RCW  
3 28A.150.220; or

4 (f) The child is sixteen years of age or older and:

5 (i) The child is regularly and lawfully employed and either the  
6 parent agrees that the child should not be required to attend school or  
7 the child is emancipated in accordance with chapter 13.64 RCW;

8 (ii) The child has already met graduation requirements in  
9 accordance with state board of education rules and regulations; or

10 (iii) The child has received a certificate of educational  
11 competence under rules and regulations established by the state board  
12 of education under RCW 28A.305.190.

13 (2) A parent for the purpose of this chapter means a parent,  
14 guardian, or person having legal custody of a child.

15 (3) An approved private school for the purposes of this chapter and  
16 chapter 28A.200 RCW shall be one approved under regulations established  
17 by the state board of education pursuant to RCW 28A.305.130.

18 (4) For the purposes of this chapter and chapter 28A.200 RCW,  
19 instruction shall be home-based if it consists of planned and  
20 supervised instructional and related educational activities, including  
21 a curriculum and instruction in the basic skills of occupational  
22 education, science, mathematics, language, social studies, history,  
23 health, reading, writing, spelling, and the development of an  
24 appreciation of art and music, provided for a number of hours  
25 equivalent to the total annual program hours per grade level  
26 established for approved private schools under RCW 28A.195.010 and  
27 28A.195.040 and if such activities are:

28 (a) Provided by a parent who is instructing his or her child only  
29 and are supervised by a certificated person. A certificated person for  
30 purposes of this chapter and chapter 28A.200 RCW shall be a person  
31 certified under chapter 28A.410 RCW. For purposes of this section,  
32 "supervised by a certificated person" means: The planning by the  
33 certificated person and the parent of objectives consistent with this  
34 subsection; a minimum each month of an average of one contact hour per  
35 week with the child being supervised by the certificated person; and  
36 evaluation of such child's progress by the certificated person. The  
37 number of children supervised by the certificated person shall not  
38 exceed thirty for purposes of this subsection; or

1 (b) Provided by a parent who is instructing his or her child only  
2 and who has either earned forty-five college level quarter credit hours  
3 or its equivalent in semester hours or has completed a course in home-  
4 based instruction at a postsecondary institution or a vocational-  
5 technical institute; or

6 (c) Provided by a parent who is deemed sufficiently qualified to  
7 provide home-based instruction by the superintendent of the local  
8 school district in which the child resides.

9 (5) The legislature recognizes that home-based instruction is less  
10 structured and more experiential than the instruction normally provided  
11 in a classroom setting. Therefore, the provisions of subsection (4) of  
12 this section relating to the nature and quantity of instructional and  
13 related educational activities shall be liberally construed.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW  
15 to read as follows:

16 Institutions of higher education must develop policies to  
17 accommodate student absences for not less than two days to allow  
18 students to take holidays for reasons of faith or conscience so that  
19 students' grades are not adversely impacted.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 28C.18 RCW  
21 to read as follows:

22 Workforce training programs must develop policies to accommodate  
23 student absences for not less than two days to allow students to take  
24 holidays for reasons of faith or conscience so that students' grades  
25 are not adversely impacted.

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