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HOUSE BILL 1805

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Magendanz and Manweller

Read first time 01/29/15. Referred to Committee on Education.

1 AN ACT Relating to the definition of school day; amending RCW  
2 28A.150.203, 28A.305.140, 28A.305.140, 28A.655.180, and 28A.655.180;  
3 creating a new section; providing effective dates; and providing an  
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that time is one of  
7 many resources managed by schools for the purpose of educating  
8 students. The legislature further finds that it must consider  
9 carefully how best to allocate time to achieve the greatest benefit  
10 and maximize the opportunity to learn for each student. The  
11 legislature intends to avoid having half-days of instruction, which  
12 is inconvenient for parents and lessens the time available for  
13 teachers to spend educating their students.

14 **Sec. 2.** RCW 28A.150.203 and 2009 c 548 s 102 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Basic education goal" means the student learning goals and  
19 the student knowledge and skills described under RCW 28A.150.210.

1 (2) "Certificated administrative staff" means all those persons  
2 who are chief executive officers, chief administrative officers,  
3 confidential employees, supervisors, principals, or assistant  
4 principals within the meaning of RCW 41.59.020(4).

5 (3) "Certificated employee" as used in this chapter and RCW  
6 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,  
7 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those  
8 persons who hold certificates as authorized by rule of the Washington  
9 professional educator standards board.

10 (4) "Certificated instructional staff" means those persons  
11 employed by a school district who are nonsupervisory certificated  
12 employees within the meaning of RCW 41.59.020(8).

13 (5) "Class size" means an instructional grouping of students  
14 where, on average, the ratio of students to teacher is the number  
15 specified.

16 (6) "Classified employee" means a person who does not hold a  
17 professional education certificate or is employed in a position that  
18 does not require such a certificate.

19 (7) "Classroom teacher" means a person who holds a professional  
20 education certificate and is employed in a position for which such  
21 certificate is required whose primary duty is the daily educational  
22 instruction of students. In exceptional cases, people of unusual  
23 competence but without certification may teach students so long as a  
24 certificated person exercises general supervision, but the hiring of  
25 such classified employees shall not occur during a labor dispute, and  
26 such classified employees shall not be hired to replace certificated  
27 employees during a labor dispute.

28 (8) "Instructional program of basic education" means the minimum  
29 program required to be provided by school districts and includes  
30 instructional hour requirements and other components under RCW  
31 28A.150.220.

32 (9) "Program of basic education" means the overall program under  
33 RCW 28A.150.200 and deemed by the legislature to comply with the  
34 requirements of Article IX, section 1 of the state Constitution.

35 (10) "School day" means a minimum of six instructional hours as  
36 defined in RCW 28A.150.205 each day of the school year on which  
37 pupils enrolled in the common schools of a school district are  
38 engaged in academic and career and technical instruction planned by  
39 and under the direction of the school. Late start, early release of

1 students, or partial days resulting in less than six instructional  
2 hours is prohibited unless the release is for a full school day.

3 (11) "School year" includes the minimum number of school days  
4 required under RCW 28A.150.220 and begins on the first day of  
5 September and ends with the last day of August, except that any  
6 school district may elect to commence the annual school term in the  
7 month of August of any calendar year and in such case the operation  
8 of a school district for such period in August shall be credited by  
9 the superintendent of public instruction to the succeeding school  
10 year for the purpose of the allocation and distribution of state  
11 funds for the support of such school district.

12 (12) "Teacher planning period" means a period of a school day as  
13 determined by the administration and board of ((the)) directors of  
14 the district that may be used by teachers for instruction-related  
15 activities including but not limited to preparing instructional  
16 materials; reviewing student performance; recording student data;  
17 consulting with other teachers, instructional assistants, mentors,  
18 instructional coaches, administrators, and parents; or participating  
19 in professional development.

20 **Sec. 3.** RCW 28A.305.140 and 2012 c 53 s 8 are each amended to  
21 read as follows:

22 (1) With the exception of a waiver to allow a school district to  
23 have less than six hours of instructional hours in a school day as  
24 required by RCW 28A.150.203, the state board of education may grant  
25 waivers to school districts from the provisions of RCW 28A.150.200  
26 through 28A.150.220 on the basis that such waiver or waivers are  
27 necessary to:

28 (a) Implement successfully a local plan to provide for all  
29 students in the district an effective education system that is  
30 designed to enhance the educational program for each student. The  
31 local plan may include alternative ways to provide effective  
32 educational programs for students who experience difficulty with the  
33 regular education program;

34 (b) Implement an innovation school or innovation zone designated  
35 under RCW 28A.630.081; or

36 (c) Implement a collaborative schools for innovation and success  
37 pilot project approved under RCW 28A.630.104.

38 (2) The state board shall adopt criteria to evaluate the need for  
39 the waiver or waivers.

1       **Sec. 4.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to  
2 read as follows:

3       With the exception of a waiver to allow a school district to have  
4 less than six hours of instructional hours in a school day as  
5 required by RCW 28A.150.203, the state board of education may grant  
6 waivers to school districts from the provisions of RCW 28A.150.200  
7 through 28A.150.220 on the basis that such waiver or waivers are  
8 necessary to implement successfully a local plan to provide for all  
9 students in the district an effective education system that is  
10 designed to enhance the educational program for each student. The  
11 local plan may include alternative ways to provide effective  
12 educational programs for students who experience difficulty with the  
13 regular education program.

14       The state board shall adopt criteria to evaluate the need for the  
15 waiver or waivers.

16       **Sec. 5.** RCW 28A.655.180 and 2012 c 53 s 9 are each amended to  
17 read as follows:

18       (1) The state board of education, where appropriate, or the  
19 superintendent of public instruction, where appropriate, may grant  
20 waivers to districts from the provisions of statutes or rules  
21 relating to: The length of the school year; student-to-teacher  
22 ratios; and other administrative rules that in the opinion of the  
23 state board of education or the opinion of the superintendent of  
24 public instruction may need to be waived in order for a district to  
25 implement a plan for restructuring its educational program or the  
26 educational program of individual schools within the district or to  
27 implement an innovation school or innovation zone designated under  
28 RCW 28A.630.081 or to implement a collaborative schools for  
29 innovation and success pilot project approved under RCW 28A.630.104.  
30 However, no waiver may be granted to allow a school district to have  
31 less than six hours of instructional hours in a school day as  
32 required by RCW 28A.150.203.

33       (2) School districts may use the application process in RCW  
34 28A.305.140 to apply for the waivers under this section.

35       **Sec. 6.** RCW 28A.655.180 and 2009 c 543 s 3 are each amended to  
36 read as follows:

37       (1) The state board of education, where appropriate, or the  
38 superintendent of public instruction, where appropriate, may grant

1 waivers to districts from the provisions of statutes or rules  
2 relating to: The length of the school year; student-to-teacher  
3 ratios; and other administrative rules that in the opinion of the  
4 state board of education or the opinion of the superintendent of  
5 public instruction may need to be waived in order for a district to  
6 implement a plan for restructuring its educational program or the  
7 educational program of individual schools within the district.  
8 However, no waiver may be granted to allow a school district to have  
9 less than six hours of instructional hours in a school day as  
10 required by RCW 28A.150.203.

11 (2) School districts may use the application process in RCW  
12 28A.305.140 to apply for the waivers under this section.

13 NEW SECTION. Sec. 7. Sections 1, 2, 3, and 5 of this act take  
14 effect August 1, 2015.

15 NEW SECTION. Sec. 8. Sections 4 and 6 of this act take effect  
16 June 30, 2019.

17 NEW SECTION. Sec. 9. Sections 3 and 5 of this act expire June  
18 30, 2019.

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