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SENATE BILL 5976

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State of Washington

60th Legislature

2007 Regular Session

By Senators Tom, Shin, Benton and Keiser

Read first time 02/09/2007. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to increasing the number of required school days;  
2 and amending RCW 28A.150.220, 28A.150.250, 28A.150.290, 28A.195.010,  
3 28A.310.240, 28A.330.100, 28A.400.300, and 28A.410.080.

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

5 **Sec. 1.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to  
6 read as follows:

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

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

17 (b) Each school district shall make available to students enrolled  
18 in grades one through twelve, at least a district-wide annual average  
19 total instructional hour offering of one thousand one hundred ten

1 hours. The state board of education may define alternatives to  
2 classroom instructional time for students in grades nine through twelve  
3 enrolled in alternative learning experiences. The state board of  
4 education shall establish rules to determine annual average  
5 instructional hours for districts including fewer than twelve grades.  
6 The program shall include the essential academic learning requirements  
7 (~~under RCW 28A.630.885~~) and such other subjects and such activities  
8 as the school district shall determine to be appropriate for the  
9 education of the school district's students enrolled in such group;

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

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

17 (3) Each school district's kindergarten through twelfth grade basic  
18 educational program shall be accessible to all students who are five  
19 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
20 years of age and shall consist of a minimum of (~~one~~) two hundred  
21 (~~eighty~~) school days per school year in such grades as are conducted  
22 by a school district, and (~~one~~) two hundred (~~eighty~~) half-days of  
23 instruction, or equivalent, in kindergarten: PROVIDED, That effective  
24 May 1, 1979, a school district may schedule the last five school days  
25 of the (~~one~~) two hundred (~~and eighty~~) day school year for  
26 noninstructional purposes in the case of students who are graduating  
27 from high school(~~(7)~~) including, but not limited to, the observance of  
28 graduation and early release from school upon the request of a student,  
29 and all such students may be claimed as a full-time equivalent student  
30 to the extent they could otherwise have been so claimed for the  
31 purposes of RCW 28A.150.250 and 28A.150.260.

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

36 **Sec. 2.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to  
37 read as follows:

1 From those funds made available by the legislature for the current  
2 use of the common schools, the superintendent of public instruction  
3 shall distribute annually as provided in RCW 28A.510.250 to each school  
4 district of the state operating a program approved by the state board  
5 of education an amount which, when combined with an appropriate portion  
6 of such locally available revenues, other than receipts from federal  
7 forest revenues distributed to school districts pursuant to RCW  
8 28A.520.010 and 28A.520.020, as the superintendent of public  
9 instruction may deem appropriate for consideration in computing state  
10 equalization support, excluding excess property tax levies, will  
11 constitute a basic education allocation in dollars for each annual  
12 average full-time equivalent student enrolled, based upon one full  
13 school year of ~~((one))~~ two hundred ~~((eighty))~~ days, except that for  
14 kindergartens one full school year shall be ~~((one))~~ two hundred  
15 ~~((eighty))~~ half days of instruction, or the equivalent as provided in  
16 RCW 28A.150.220.

17 Basic education shall be considered to be fully funded by those  
18 amounts of dollars appropriated by the legislature pursuant to RCW  
19 28A.150.250 and 28A.150.260 to fund those program requirements  
20 identified in RCW 28A.150.220 in accordance with the formula and ratios  
21 provided in RCW 28A.150.260 and those amounts of dollars appropriated  
22 by the legislature to fund the salary requirements of RCW 28A.150.100  
23 and 28A.150.410.

24 Operation of a program approved by the state board of education,  
25 for the purposes of this section, shall include a finding that the  
26 ratio of students per classroom teacher in grades kindergarten through  
27 three is not greater than the ratio of students per classroom teacher  
28 in grades four and above for such district: PROVIDED, That for the  
29 purposes of this section, "classroom teacher" shall be defined as an  
30 instructional employee possessing at least a provisional certificate,  
31 but not necessarily employed as a certificated employee, whose primary  
32 duty is the daily educational instruction of students: PROVIDED  
33 FURTHER, That the state board of education shall adopt rules ~~((and~~  
34 ~~regulations))~~ to ~~((insure))~~ ensure compliance with the student/teacher  
35 ratio provisions of this section, and such rules ~~((and—regulations))~~  
36 shall allow for exemptions for those special programs and/or school  
37 districts which may be deemed unable to practicably meet the

1 student/teacher ratio requirements of this section by virtue of a small  
2 number of students.

3 If a school district's basic education program fails to meet the  
4 basic education requirements enumerated in RCW 28A.150.250,  
5 28A.150.260, and 28A.150.220, the state board of education shall  
6 require the superintendent of public instruction to withhold state  
7 funds in whole or in part for the basic education allocation until  
8 program compliance is assured: PROVIDED, That the state board of  
9 education may waive this requirement in the event of substantial lack  
10 of classroom space.

11 **Sec. 3.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to  
12 read as follows:

13 (1) The superintendent of public instruction shall have the power  
14 and duty to make such rules (~~and regulations~~) as are necessary for  
15 the proper administration of this chapter and RCW 28A.160.150 through  
16 (~~28A.160.220~~) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010  
17 not inconsistent with the provisions thereof, and in addition to  
18 require such reports as may be necessary to carry out his or her duties  
19 under this chapter and RCW 28A.160.150 through (~~28A.160.220~~)  
20 28A.160.210, 28a.300.035, 28A.300.170, and 28A.500.010.

21 (2) The superintendent of public instruction shall have the  
22 authority to make rules (~~and regulations which~~) that establish the  
23 terms and conditions for allowing school districts to receive state  
24 basic education moneys as provided in RCW 28A.150.250 when said  
25 districts are unable to fulfill for one or more schools as officially  
26 scheduled the requirement of a full school year of (~~one~~) two hundred  
27 (~~eighty~~) days or the annual average total instructional hour offering  
28 imposed by RCW 28A.150.220 and 28A.150.260 due to one or more of the  
29 following conditions:

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

35 (b) An unforeseen mechanical failure or an unforeseen action or  
36 inaction by one or more persons, including negligence and threats, that  
37 (i) is beyond the control of both a school district board of directors

1 and its employees and (ii) has the direct or indirect effect of  
2 rendering one or more school district facilities unsafe, unhealthy,  
3 inaccessible, or inoperable. Such actions, inactions or mechanical  
4 failures may include, but are not necessarily limited to, arson,  
5 vandalism, riots, insurrections, bomb threats, bombings, delays in the  
6 scheduled completion of construction projects, and the discontinuance  
7 or disruption of utilities such as heating, lighting and water:  
8 PROVIDED, That an unforeseen action or inaction shall not include any  
9 labor dispute between a school district board of directors and any  
10 employee of the school district.

11 A condition is foreseeable for the purposes of this subsection to  
12 the extent a reasonably prudent person would have anticipated prior to  
13 August first of the preceding school year that the condition probably  
14 would occur during the ensuing school year because of the occurrence of  
15 an event or a circumstance which existed during such preceding school  
16 year or a prior school year. A board of directors of a school district  
17 is deemed for the purposes of this subsection to have knowledge of  
18 events and circumstances which are a matter of common knowledge within  
19 the school district and of those events and circumstances which can be  
20 discovered upon prudent inquiry or inspection.

21 (3) The superintendent of public instruction shall make every  
22 effort to reduce the amount of paperwork required in administration of  
23 this chapter and RCW 28A.160.150 through (~~28A.160.220~~) 28A.160.210,  
24 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,  
25 monitoring and evaluation processes used; to eliminate all duplicative  
26 requests for information from local school districts; and to make every  
27 effort to integrate and standardize information requests for other  
28 state education acts and federal aid to education acts administered by  
29 the superintendent of public instruction so as to reduce paperwork  
30 requirements and duplicative information requests.

31 **Sec. 4.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to  
32 read as follows:

33 The legislature hereby recognizes that private schools should be  
34 subject only to those minimum state controls necessary to (~~insure~~)  
35 ensure the health and safety of all the students in the state and to  
36 (~~insure~~) ensure a sufficient basic education to meet usual graduation

1 requirements. The state, any agency or official thereof, shall not  
2 restrict or dictate any specific educational or other programs for  
3 private schools except as hereinafter in this section provided.

4 Principals of private schools or superintendents of private school  
5 districts shall file each year with the state superintendent of public  
6 instruction a statement certifying that the minimum requirements  
7 hereinafter set forth are being met, noting any deviations. After  
8 review of the statement, the state superintendent will notify schools  
9 or school districts of those deviations which must be corrected. In  
10 case of major deviations, the school or school district may request and  
11 the state board of education may grant provisional status for one year  
12 in order that the school or school district may take action to meet the  
13 requirements. The state board of education shall not require private  
14 school students to meet the student learning goals, obtain a  
15 certificate of academic achievement, or a certificate of individual  
16 achievement to graduate from high school, to master the essential  
17 academic learning requirements, or to be assessed pursuant to RCW  
18 28A.655.061. However, private schools may choose, on a voluntary  
19 basis, to have their students master these essential academic learning  
20 requirements, take the assessments, and obtain a certificate of  
21 academic achievement or a certificate of individual achievement.  
22 Minimum requirements shall be as follows:

23 (1) The minimum school year for instructional purposes shall  
24 consist of no less than (~~one~~) two hundred (~~eighty~~) school days or  
25 the equivalent in annual minimum program hour offerings as prescribed  
26 in RCW 28A.150.220.

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

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

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

37 (b) In exceptional cases, people of unusual competence but without  
38 certification may teach students so long as a certified person

1 exercises general supervision. Annual written statements shall be  
2 submitted to the office of the superintendent of public instruction  
3 reporting and explaining such circumstances.

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

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

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

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

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

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

21 (5) Appropriate measures shall be taken to safeguard all permanent  
22 records against loss or damage.

23 (6) The physical facilities of the school or district shall be  
24 adequate to meet the program offered by the school or district:  
25 PROVIDED, That each school building shall meet reasonable health and  
26 fire safety requirements. A residential dwelling of the parent,  
27 guardian, or custodian shall be deemed to be an adequate physical  
28 facility when a parent, guardian, or person having legal custody is  
29 instructing his or her child under subsection (4) of this section.

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

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

1 All decisions of policy, philosophy, selection of books, teaching  
2 material, curriculum, except as in subsection (7) of this section  
3 provided, school rules and administration, or other matters not  
4 specifically referred to in this section, shall be the responsibility  
5 of the administration and administrators of the particular private  
6 school involved.

7 **Sec. 5.** RCW 28A.310.240 and 1997 c 13 s 6 are each amended to read  
8 as follows:

9 (1) Every educational service district board shall adopt written  
10 policies granting leaves to persons under contracts of employment with  
11 the district in positions requiring either certification or classified  
12 qualifications, including but not limited to leaves for attendance at  
13 official or private institutes and conferences and sabbatical leaves  
14 for employees in positions requiring certification qualification, and  
15 leaves for illness, injury, bereavement, and emergencies for both  
16 certificated and classified employees, with such compensation as the  
17 board prescribes. The board shall adopt written policies granting  
18 annual leave with compensation for illness, injury, and emergencies as  
19 follows:

20 (a) For persons under contract with the district for a full fiscal  
21 year, at least ten days;

22 (b) For persons under contract with the district as part-time  
23 employees, at least that portion of ten days as the total number of  
24 days contracted for bears to ~~((one))~~ two hundred ~~((eighty))~~ days;

25 (c) For certificated and classified employees, annual leave with  
26 compensation for illness, injury, and emergencies shall be granted and  
27 accrue at a rate not to exceed twelve days per fiscal year. Provisions  
28 of any contract in force on July 23, 1989, which conflict with  
29 requirements of this subsection shall continue in effect until contract  
30 expiration; after expiration, any new contract executed between the  
31 parties shall be consistent with this subsection;

32 (d) Compensation for leave for illness or injury actually taken  
33 shall be the same as the compensation the person would have received  
34 had the person not taken the leave provided in this section;

35 (e) Leave provided in this section not taken shall accumulate from  
36 fiscal year to fiscal year up to a maximum of ~~((one))~~ two hundred  
37 ~~((eighty))~~ days for the purposes of RCW 28A.310.490, and for leave

1 purposes up to a maximum of the number of contract days agreed to in a  
2 given contract, but not greater than one fiscal year. Such accumulated  
3 time may be taken at any time during the fiscal year, or up to twelve  
4 days per year may be used for the purpose of payments for unused sick  
5 leave; and

6 (f) Accumulated leave under this section shall be transferred to  
7 educational service districts, school districts, and the office of the  
8 superintendent of public instruction, and from any such district or  
9 office to another such district or office. An intervening customary  
10 summer break in employment or the performance of employment duties  
11 shall not preclude such a transfer.

12 (2) Leave accumulated by a person in a district prior to leaving  
13 the district may, under rules of the board, be granted to the person  
14 when the person returns to the employment of the district.

15 (3) Leave for illness or injury accumulated before July 23, 1989,  
16 under the administrative practices of an educational service district,  
17 and such leave transferred before July 23, 1989, to or from an  
18 educational service district, school district, or the office of the  
19 superintendent of public instruction under the administrative practices  
20 of the district or office, is declared valid and shall be added to such  
21 leave for illness or injury accumulated after July 23, 1989.

22 **Sec. 6.** RCW 28A.330.100 and 2006 c 263 s 417 are each amended to  
23 read as follows:

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

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

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

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

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

1 (5) To prescribe a course of study and a program of exercises which  
2 shall be consistent with the course of study prepared by the  
3 superintendent of public instruction for the use of the common schools  
4 of this state;

5 (6) To, in addition to the minimum requirements imposed by this  
6 title establish and maintain such grades and departments, including  
7 night, high, kindergarten, vocational training and, except as otherwise  
8 provided by law, industrial schools, and schools and departments for  
9 the education and training of any class or classes of youth with  
10 disabilities, as in the judgment of the board, best shall promote the  
11 interests of education in the district;

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

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

22 (9) To provide free textbooks and supplies for all children  
23 attending school;

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

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

33 (12) To appoint a practicing physician, resident of the school  
34 district, who shall be known as the school district medical inspector,  
35 and whose duty it shall be to decide for the board of directors all  
36 questions of sanitation and health affecting the safety and welfare of  
37 the public schools of the district who shall serve at the board's

1 pleasure: PROVIDED, That children shall not be required to submit to  
2 vaccination against the will of their parents or guardian.

3 **Sec. 7.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to  
4 read as follows:

5 Every board of directors, unless otherwise specially provided by  
6 law, shall:

7 (1) Employ for not more than one year, and for sufficient cause  
8 discharge all certificated and classified employees;

9 (2) Adopt written policies granting leaves to persons under  
10 contracts of employment with the school district(s) in positions  
11 requiring either certification or classified qualifications, including  
12 but not limited to leaves for attendance at official or private  
13 institutes and conferences and sabbatical leaves for employees in  
14 positions requiring certification qualification, and leaves for  
15 illness, injury, bereavement and, emergencies for both certificated and  
16 classified employees, and with such compensation as the board of  
17 directors prescribe: PROVIDED, That the board of directors shall adopt  
18 written policies granting to such persons annual leave with  
19 compensation for illness, injury and emergencies as follows:

20 (a) For such persons under contract with the school district for a  
21 full year, at least ten days;

22 (b) For such persons under contract with the school district as  
23 part time employees, at least that portion of ten days as the total  
24 number of days contracted for bears to ((~~one~~)) two hundred ((~~eighty~~))  
25 days;

26 (c) For certificated and classified employees, annual leave with  
27 compensation for illness, injury, and emergencies shall be granted and  
28 accrue at a rate not to exceed twelve days per year; provisions of any  
29 contract in force on June 12, 1980, which conflict with requirements of  
30 this subsection shall continue in effect until contract expiration;  
31 after expiration, any new contract executed between the parties shall  
32 be consistent with this subsection;

33 (d) Compensation for leave for illness or injury actually taken  
34 shall be the same as the compensation such person would have received  
35 had such person not taken the leave provided in this proviso;

36 (e) Leave provided in this proviso not taken shall accumulate from  
37 year to year up to a maximum of ((~~one~~)) two hundred ((~~eighty~~)) days for

1 the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes  
2 up to a maximum of the number of contract days agreed to in a given  
3 contract, but not greater than one year. Such accumulated time may be  
4 taken at any time during the school year or up to twelve days per year  
5 may be used for the purpose of payments for unused sick leave.

6 (f) Sick leave heretofore accumulated under section 1, chapter 195,  
7 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under  
8 administrative practice of school districts prior to the effective date  
9 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is  
10 hereby declared valid, and shall be added to leave for illness or  
11 injury accumulated under this proviso;

12 (g) Any leave for injury or illness accumulated up to a maximum of  
13 forty-five days shall be creditable as service rendered for the purpose  
14 of determining the time at which an employee is eligible to retire, if  
15 such leave is taken it may not be compensated under the provisions of  
16 RCW 28A.400.210 and 28A.310.490;

17 (h) Accumulated leave under this proviso shall be transferred to  
18 and from one district to another, the office of superintendent of  
19 public instruction and offices of educational service district  
20 superintendents and boards, to and from such districts and such  
21 offices;

22 (i) Leave accumulated by a person in a district prior to leaving  
23 said district may, under rules and regulations of the board, be granted  
24 to such person when the person returns to the employment of the  
25 district.

26 When any certificated or classified employee leaves one school  
27 district within the state and commences employment with another school  
28 district within the state, the employee shall retain the same  
29 seniority, leave benefits and other benefits that the employee had in  
30 his or her previous position: PROVIDED, That classified employees who  
31 transfer between districts after July 28, 1985, shall not retain any  
32 seniority rights other than longevity when leaving one school district  
33 and beginning employment with another. If the school district to which  
34 the person transfers has a different system for computing seniority,  
35 leave benefits, and other benefits, then the employee shall be granted  
36 the same seniority, leave benefits and other benefits as a person in  
37 that district who has similar occupational status and total years of  
38 service.

1       **Sec. 8.** RCW 28A.410.080 and 1969 ex.s. c 223 s 28A.01.025 are each  
2 amended to read as follows:

3       The school year for all matters pertaining to teacher certification  
4 or for computing experience in teaching shall consist of not fewer than  
5 ((one)) two hundred ((eighty)) school days.

--- END ---