

# HOUSE BILL REPORT

## SHB 1292

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### As Passed Legislature

**Title:** An act relating to waivers from the one hundred eighty-day school year.

**Brief Description:** Authorizing waivers from the one hundred eighty-day school year requirement in order to operate under a flexible calendar.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Newhouse, Chandler and Simpson).

#### **Brief History:**

##### **Committee Activity:**

Education: 1/27/09, 2/18/09 [DPS];

Education Appropriations: 2/25/09, 2/26/09 [DPS(ED)].

##### **Floor Activity:**

Passed House: 3/5/09, 87-10.

Senate Amended.

Passed Senate: 4/8/09, 34-13.

House Refuses to Concur.

Senate Amended.

Passed Senate: 4/22/09, 32-13.

House Concurred.

Passed House: 4/24/09, 85-9.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Authorizes the State Board of Education to grant waivers from the 180-day school year requirement for purposes of economy and efficiency.
- Limits to five the number of districts to which waivers may be granted and limits the availability of these waivers to two school districts with student populations less than 150 and 3 districts with student populations between 150 and 500.
- Sets forth conditions under which 180-day waivers may be granted.
- Deletes references to a previously repealed statute and a section which is no longer operative, and repeals a statute which refers to a previously repealed statutory process.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

**Staff:** Cece Clynch (786-7195)

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## HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Carlyle, Cox, Haler, Kagi, Probst, Quall, Rolfes and Wallace.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Hope, Assistant Ranking Minority Member; Anderson and Hunter.

**Staff:** Ben Rarick (786-7349)

### **Background:**

#### School Day and Hour Requirements.

A school district's basic educational program must consist of a minimum of 180 school days per school year in such grades from 1 through 12 as are offered by the district. For kindergarten, a district must offer 180 half-days or its equivalent of instruction. Hourly instructional requirements are also set in law, at least 450 hours for kindergarten and a district-wide annual average of 1,000 hours for grades 1 through 12.

The State Board of Education (SBE) has authority to grant waivers from these requirements but its authority is limited and does not include the authority to grant waivers for purposes of economy and efficiency. Waivers may be granted to implement a plan for restructuring the educational program to improve student achievement. Current law also permits a waiver to implement a local plan to provide for an effective education system for all students, including alternative ways to provide effective educational programs for students who experience difficulty with the regular education program. With respect to waivers from the 180-day requirement, the district must assure that it will continue to meet the annual average 1,000 hours of instructional time.

#### The Four-Day School Week.

The vast majority of the nation's schools operate on a five-day school week. It is estimated, however, that about 100 school districts in 17 states have implemented a four-day school week. Most of these are small school districts in rural, sparsely populated areas in which the students face long commutes. In the 1970s during the energy crisis, New Mexico became the first state to allow a four-day school week. Today, there are four-day school weeks in at least some schools in Arizona, Colorado, Kansas, New Mexico, Michigan, Oregon, South Dakota,

Wisconsin, Wyoming, Louisiana, Arkansas, California, Kentucky, Idaho, Minnesota, Nebraska, and Utah.

The decision to go to a four-day school week has generally been predicated on grounds of efficiency and economy. It has been estimated that if school buildings are actually closed on the fifth day, savings of up to 20 percent can be realized with respect to expenses such as fuel, food, utilities, and perhaps wages of hourly workers. If the buildings remain open, however, the savings are less.

An August 2008 article in the Southern Regional Education Board's Focus lists the following potential benefits and challenges of a four-day school week:

<b>Potential Benefits</b>	<b>Potential Challenges</b>
<ul style="list-style-type: none"> <li>• savings on fuel, food, utilities, and the salaries of workers;</li> <li>• longer blocks of time available to complete lessons such as science labs;</li> <li>• use of the unscheduled day for professional development, planning, tutoring, special programs, or to make up lost days due to inclement weather or other disruptions to the regular schedule;</li> <li>• district's use of the scheduled day to plan athletic events, limiting disruptions to normal instructional time;</li> <li>• students (particularly in sparsely populated areas) having fewer long commutes;</li> <li>• lower absenteeism of students and teachers;</li> <li>• fewer substitutes needed because teachers can schedule appointments on unscheduled days; and</li> <li>• students generally arriving home at the same time as their parents, diminishing the need for after-school child care and supervision.</li> </ul>	<ul style="list-style-type: none"> <li>• collective bargaining;</li> <li>• unpopularity of reduced salaries for cafeteria workers and bus drivers;</li> <li>• child care and supervision of students on the unscheduled day;</li> <li>• length of day for younger students, particularly when long commutes are involved;</li> <li>• the extended focus required of students during the longer day;</li> <li>• student safety during winter months when daylight hours are fewer;</li> <li>• 20 percent more instructional time lost when a student or teacher misses a day;</li> <li>• impact on extracurricular activities and their schedules;</li> <li>• teacher preparation for the change in schedule to assure the maximum use of instructional time;</li> <li>• difficulties with students (especially at-risk and special-needs students) retaining subject matter during the extra day off;</li> <li>• the need to run utilities during the unscheduled day to prevent mold due to heat and humidity, thereby offsetting savings; and</li> <li>• the perception of "giving a day off," although instructional time is the same or greater.</li> </ul>

### **Summary of Substitute Bill:**

The SBE is granted authority to waive the 180-day requirement for districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency. Only five school districts are eligible for these waivers, two of which must have student populations under 150 and three of which have student populations between 150 and 500. The requirement of an annual average of at least 1,000 instructional hours shall not be waived.

School districts seeking such a waiver must submit:

- a proposed calendar showing how the instructional hour requirement will be met;
- an explanation and estimate of the economies and efficiencies to be gained;
- an explanation of how the monetary savings will be redirected to support student learning;
- a summary of public comments received at public hearing on the proposal together with an explanation of how the concerns will be addressed;
- an explanation of the impact upon students who rely on free and reduced lunch and the impact on the ability of the child nutrition program to operate an economically independent program;
- an explanation of impact upon employee recruitment;
- an explanation of the impact on students whose parents work during the missed school day; and
- other information as requested by the SBE to assure that the proposal will not adversely affect student learning.

The SBE must adopt criteria to evaluate these waiver requests. A waiver may be granted for up to three years with an opportunity to reapply for an extension. All such waivers expire August 31, 2014, as does the section of law creating the waiver authority.

By December 15, 2013 the SBE shall examine these waivers and make a recommendation to the education committees of the Legislature as to whether this program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the waiver program resulted in improved student learning as demonstrated by empirical evidence.

In section 3, a reference to a previously repealed statute and a subsection which is no longer operative are removed. In section 4, a statute is repealed, the only purpose of which was to provide for an application process for waivers under a previously repealed statute.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Education):**

(In support) This is an idea that was brought forward by small school districts. It is permissive, not mandatory, and can be especially beneficial to small districts in hard economic times. Students in some smaller districts must spend a long time on the road getting to and from school and to and from extracurricular activities such as sports and debate. A four-day week promises instructional benefits for small schools which otherwise experience days in which one-half of the student population is gone for an extracurricular event. For small districts which cover long distances, half days do not work. A four-day week is not for everyone but may be useful for a few school districts working in collaboration with the community. School districts are committed to providing a sound education. This will allow the districts to continue to provide that sound education but still conserve money. Transportation and utility costs can be cut. In addition, fewer substitute teachers and other staff will be needed. Attendance will improve and the drop-out rate will be reduced with a four-day week, while there is more quality time for staff development. A four-day week may result in an increase in child care needs on the fifth day but the need for after-school child care will decrease with the longer school day. High school students may be trained as babysitters to provide the child care on the fifth day. With community collaboration, a four-day week can work. There is no sense in tying a performance-based system to a 180-day seat time requirement. The 1,000 hour requirement will still be met by increasing the length of the school day. In a couple of years, the SBE can look at the data regarding these waivers and report its findings.

(Opposed) While the intent and the motives behind the bill are appreciated, the savings will not necessarily result. Utility charges would still be incurred if there were any sort of activities in the buildings on the fifth day. Children who depend upon the meals provided at school would be fed only four days rather than five days per week. Many food service and transportation workers' health care benefits could be affected since they must work a certain number of days to qualify for these benefits. It could also affect retirement benefits for these workers. Food service and transportation positions can be hard to fill already and this will make it more so. School districts' meal programs that rely on the copays paid by students could see their revenue decline.

**Staff Summary of Public Testimony (Education Appropriations):**

(In support) This bill is brought on behalf of several school districts. Some districts are so large geographically that they are larger than some states. These districts have high transportation costs due to the long bus routes. In the last few days, a Georgia legislator introduced legislation implementing flexible school calendars. This pilot would provide a good sense of what kind of savings could ultimately materialize from wider implementation. This bill passed out of committee unanimously. School districts that are interested in this pilot include the Lyle School District and the Bickleton School District. Student learning should not be adversely impacted. The State Board of Education already provides a lot of waivers of the 180 day requirement for school districts.

(Opposed) This bill will have a significant negative impact on educational support personnel. Most support staff will be working 33 days less per year. As a result, already unattractive positions become less attractive. Staff would lose salary and benefits. The Lyle School District has been negotiating with support personnel over compensation for the lost day of work each week. There is concern that this bill can impact the overall services provided to

children. About 75 percent of the personnel in my union are part-time. Forcing layoffs of the lowest paid workers in the system also hurts families. A typical bus driver for Eastmont School District is contracted for 4.5 hours per day and will make \$14,000 per year. This bill would eliminate about \$2,570 of that compensation. However, insurance costs would not reduce proportionally. The Washington Education Association appreciates the amendment to limit the pilot to five districts, but still opposes the bill. The cost savings is actually quite minimal; only in transportation, food service, and utilities; and only if the building is shut down on the fifth day. Also, some kids can't handle an extra 1.5 hours each day because of attention span and learning issues. Teachers reach a level of exhaustion with longer school days.

**Persons Testifying** (Education): (In support) Representative Newhouse, prime sponsor; Representative Chandler; Martin Huffman, Lyle School District; and Ric Palmer, Bickleton Schools.

(Opposed) Randy Parr, Washington Education Association; Mitch Denning, Alliance of Education Associations; and Doug Nelson, Public School Employees and Service Employees International Union 1948.

**Persons Testifying** (Education Appropriations): (In support) Representative Chandler.

(Opposed) Doug Nelson, Dwain Adams, and Jack Kiesel, Public School Employees of Washington; and Lucinda Young, Washington Education Association.

**Persons Signed In To Testify But Not Testifying** (Education): None.

**Persons Signed In To Testify But Not Testifying** (Education Appropriations): None.