
SENATE BILL 5588

State of Washington

63rd Legislature

2013 Regular Session

By Senators Litzow, Dammeier, Sheldon, Rivers, Fain, and Tom

Read first time 02/04/13. Referred to Committee on Early Learning & K-12 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 and
10 maximize the opportunity to learn for each student. The legislature
11 intends to avoid having half-days of instruction, which is inconvenient
12 for parents and lessens the time available for teachers to spend
13 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.

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

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

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

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

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

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

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

29 (8) "Instructional program of basic education" means the minimum
30 program required to be provided by school districts and includes
31 instructional hour requirements and other components under RCW
32 28A.150.220.

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

36 (10) "School day" means a minimum of six instructional hours as
37 defined in RCW 28A.150.205 each day of the school year on which pupils
38 enrolled in the common schools of a school district are engaged in

1 academic and career and technical instruction planned by and under the
2 direction of the school. Late start, early release of students, or
3 partial days resulting in less than six instructional hours is
4 prohibited unless the release is for a full school day.

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

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

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

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

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

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

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

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

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

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

17 The state board shall adopt criteria to evaluate the need for the
18 waiver or waivers.

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

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

35 (2) School districts may use the application process in RCW
36 28A.305.140 to apply for the waivers under this section.

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

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

14 (2) School districts may use the application process in RCW
15 28A.305.140 to apply for the waivers under this section.

16 NEW SECTION. **Sec. 7.** Sections 1, 2, 3, and 5 of this act take
17 effect August 1, 2013.

18 NEW SECTION. **Sec. 8.** Sections 4 and 6 of this act take effect
19 June 30, 2019.

20 NEW SECTION. **Sec. 9.** Sections 3 and 5 of this act expire June 30,
21 2019.

--- END ---