

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5173**

63rd Legislature  
2014 Regular Session

Passed by the Senate March 11, 2014  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House March 6, 2014  
YEAS 64 NAYS 32

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5173** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5173**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

**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 43.41 RCW; adding a new section to chapter 28B.10 RCW; and  
4 adding a new section to chapter 28C.18 RCW.

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

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

8            The following are legal holidays:    Sunday; the first day of  
9 January, commonly called New Year's Day; the third Monday of January,  
10 being celebrated as the anniversary of the birth of Martin Luther King,  
11 Jr.; the third Monday of February to be known as Presidents' Day and to  
12 be celebrated as the anniversary of the births of Abraham Lincoln and  
13 George Washington; the last Monday of May, commonly known as Memorial  
14 Day; the fourth day of July, being the anniversary of the Declaration  
15 of Independence; the first Monday in September, to be known as Labor  
16 Day; the eleventh day of November, to be known as Veterans' Day; the  
17 fourth Thursday in November, to be known as Thanksgiving Day; the day  
18 immediately following Thanksgiving Day; and the twenty-fifth day of  
19 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. Each  
7 employee of the state or its political subdivisions may select the day  
8 on which the employee desires to take the additional holiday provided  
9 for herein after consultation with the employer pursuant to guidelines  
10 to be promulgated by rule of the appropriate personnel authority, or in  
11 the case of local government by ordinance or resolution of the  
12 legislative authority.

13 Employees of the state and its political subdivisions, including  
14 employees of school districts and those nonclassified employees of  
15 institutions of higher education who hold appointments or are employed  
16 under contracts to perform services for periods of less than twelve  
17 consecutive months, are entitled to two unpaid holidays per calendar  
18 year for a reason of faith or conscience or an organized activity  
19 conducted under the auspices of a religious denomination, church, or  
20 religious organization. This includes employees of public institutions  
21 of higher education, including community colleges, technical colleges,  
22 and workforce training programs. The employee may select the days on  
23 which the employee desires to take the two unpaid holidays after  
24 consultation with the employer pursuant to guidelines to be promulgated  
25 by rule of the appropriate personnel authority, or in the case of local  
26 government by ordinance or resolution of the legislative authority. If  
27 an employee prefers to take the two unpaid holidays on specific days  
28 for a reason of faith or conscience, or an organized activity conducted  
29 under the auspices of a religious denomination, church, or religious  
30 organization, the employer must allow the employee to do so unless the  
31 employee's absence would impose an undue hardship on the employer or  
32 the employee is necessary to maintain public safety. Undue hardship  
33 shall have the meaning established in rule by the office of financial  
34 management under section 2 of this act.

35 If any of the above specified state legal holidays are also federal  
36 legal holidays but observed on different dates, only the state legal  
37 holidays shall be recognized as a paid legal holiday for employees of  
38 the state and its political subdivisions except that for port districts

1 and the law enforcement and public transit employees of municipal  
2 corporations, either the federal or the state legal holiday, but in no  
3 case both, may be recognized as a paid legal holiday for employees.

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

6 Whenever any legal holiday falls upon a Saturday, the preceding  
7 Friday shall be the legal holiday.

8 Nothing in this section shall be construed to have the effect of  
9 adding or deleting the number of paid holidays provided for in an  
10 agreement between employees and employers of political subdivisions of  
11 the state or as established by ordinance or resolution of the local  
12 government legislative authority.

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

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

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

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

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

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

31 The legislature declares that the sixteenth day of April shall be  
32 recognized as Mother Joseph day and the fourth day of September as  
33 Marcus Whitman day, but neither shall be considered legal holidays for  
34 any purpose.

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

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

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

7 The legislature declares that the nineteenth day of June be  
8 recognized as Juneteenth, a day of remembrance for the day the slaves  
9 learned of their freedom, but shall not be considered a legal holiday  
10 for any purpose.

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.41 RCW  
15 to read as follows:

16 The director of the office of financial management shall by rule  
17 establish a definition of "undue hardship" for the purposes of RCW  
18 1.16.050.

19 **Sec. 3.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to  
20 read as follows:

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

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

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

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

33 (d) The school district superintendent of the district in which the  
34 child resides shall have excused such child from attendance because the  
35 child is physically or mentally unable to attend school, is attending  
36 a residential school operated by the department of social and health

1 services, is incarcerated in an adult correctional facility, or has  
2 been temporarily excused upon the request of his or her parents for  
3 purposes agreed upon by the school authorities and the parent:  
4 PROVIDED, That such excused absences shall not be permitted if deemed  
5 to cause a serious adverse effect upon the student's educational  
6 progress: PROVIDED FURTHER, That students excused for such temporary  
7 absences may be claimed as full-time equivalent students to the extent  
8 they would otherwise have been so claimed for the purposes of RCW  
9 28A.150.250 and 28A.150.260 and shall not affect school district  
10 compliance with the provisions of RCW 28A.150.220; ((or))

11 (e) The child is excused from school subject to approval by the  
12 student's parent for a reason of faith or conscience, or an organized  
13 activity conducted under the auspices of a religious denomination,  
14 church, or religious organization, for up to two days per school year  
15 without any penalty. Such absences may not mandate school closures.  
16 Students excused for such temporary absences may be claimed as full-  
17 time equivalent students to the extent they would otherwise have been  
18 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and may  
19 not affect school district compliance with the provisions of RCW  
20 28A.150.220; or

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

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

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

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

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

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

35 (4) For the purposes of this chapter and chapter 28A.200 RCW,  
36 instruction shall be home-based if it consists of planned and  
37 supervised instructional and related educational activities, including  
38 a curriculum and instruction in the basic skills of occupational

1 education, science, mathematics, language, social studies, history,  
2 health, reading, writing, spelling, and the development of an  
3 appreciation of art and music, provided for a number of hours  
4 equivalent to the total annual program hours per grade level  
5 established for approved private schools under RCW 28A.195.010 and  
6 28A.195.040 and if such activities are:

7 (a) Provided by a parent who is instructing his or her child only  
8 and are supervised by a certificated person. A certificated person for  
9 purposes of this chapter and chapter 28A.200 RCW shall be a person  
10 certified under chapter 28A.410 RCW. For purposes of this section,  
11 "supervised by a certificated person" means: The planning by the  
12 certificated person and the parent of objectives consistent with this  
13 subsection; a minimum each month of an average of one contact hour per  
14 week with the child being supervised by the certificated person; and  
15 evaluation of such child's progress by the certificated person. The  
16 number of children supervised by the certificated person shall not  
17 exceed thirty for purposes of this subsection; or

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

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

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

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW  
32 to read as follows:

33 Institutions of higher education must develop policies to  
34 accommodate student absences for up to two days per academic year, to  
35 allow students to take holidays for reasons of faith or conscience or  
36 for organized activities conducted under the auspices of a religious

1 denomination, church, or religious organization, so that students'  
2 grades are not adversely impacted by the absences.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 28C.18 RCW  
4 to read as follows:

5 State-funded workforce training programs must develop policies to  
6 accommodate student absences for up to two days per academic year, to  
7 allow students to take holidays for reasons of faith or conscience or  
8 for organized activities conducted under the auspices of a religious  
9 denomination, church, or religious organization, so that students'  
10 grades are not adversely impacted by the absences.

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