

SHB 1292 - S AMD 438

By Senators McAuliffe, Rockefeller, Honeyford

ADOPTED 04/22/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature continues to support school
4 districts seeking innovations to further the educational experiences of
5 students and staff while also realizing increased efficiencies in day-
6 to-day operations. School districts have suggested that efficiencies
7 in heating, lighting, or maintenance expenses could be possible if
8 districts were given the ability to create a more flexible calendar.
9 Furthermore, the legislature finds that a flexible calendar could be
10 beneficial to student learning by allowing for the use of the
11 unscheduled days for professional development activities, planning,
12 tutoring, special programs, parent conferences, and athletic events.
13 A flexible calendar also has the potential to ease the burden of long
14 commutes on students in rural areas and to lower absenteeism.

15 School districts in several western states have operated on a four-
16 day school week and report increased efficiencies, family support, and
17 reduced absenteeism, with no negative impact on student learning.
18 Small rural school districts in particular could benefit due to their
19 high per-pupil costs for transportation and utilities. Therefore, the
20 legislature intends to provide increased flexibility to a limited
21 number of school districts to explore the potential value of operating
22 on a flexible calendar, so long as adequate safeguards are put in place
23 to prevent any negative impact on student learning.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.305
25 RCW to read as follows:

26 (1) In addition to waivers authorized under RCW 28A.305.140 and
27 28A.655.180, the state board of education may grant waivers from the
28 requirement for a one hundred eighty-day school year under RCW
29 28A.150.220 and 28A.150.250 to school districts that propose to operate

1 one or more schools on a flexible calendar for purposes of economy and
2 efficiency as provided in this section. The requirement under RCW
3 28A.150.220 that school districts offer an annual average instructional
4 hour offering of at least one thousand hours shall not be waived.

5 (2) A school district seeking a waiver under this section must
6 submit an application that includes:

7 (a) A proposed calendar for the school day and school year that
8 demonstrates how the instructional hour requirement will be maintained;

9 (b) An explanation and estimate of the economies and efficiencies
10 to be gained from compressing the instructional hours into fewer than
11 one hundred eighty days;

12 (c) An explanation of how monetary savings from the proposal will
13 be redirected to support student learning;

14 (d) A summary of comments received at one or more public hearings
15 on the proposal and how concerns will be addressed;

16 (e) An explanation of the impact on students who rely upon free and
17 reduced-price school child nutrition services and the impact on the
18 ability of the child nutrition program to operate an economically
19 independent program;

20 (f) An explanation of the impact on the ability to recruit and
21 retain employees in education support positions;

22 (g) An explanation of the impact on students whose parents work
23 during the missed school day; and

24 (h) Other information that the state board of education may request
25 to assure that the proposed flexible calendar will not adversely affect
26 student learning.

27 (3) The state board of education shall adopt criteria to evaluate
28 waiver requests. No more than five districts may be granted waivers.
29 Waivers may be granted for up to three years. After each school year,
30 the state board of education shall analyze empirical evidence to
31 determine whether the reduction is affecting student learning. If the
32 state board of education determines that student learning is adversely
33 affected, the school district shall discontinue the flexible calendar
34 as soon as possible but not later than the beginning of the next school
35 year after the determination has been made. All waivers expire August
36 31, 2014.

37 (a) Two of the five waivers granted under this subsection shall be

1 granted to school districts with student populations of less than one
2 hundred fifty students.

3 (b) Three of the five waivers granted under this subsection shall
4 be granted to school districts with student populations of between one
5 hundred fifty-one and five hundred students.

6 (4) The state board of education shall examine the waivers granted
7 under this section and make a recommendation to the education
8 committees of the legislature by December 15, 2013, regarding whether
9 the waiver program should be continued, modified, or allowed to
10 terminate. This recommendation should focus on whether the program
11 resulted in improved student learning as demonstrated by empirical
12 evidence. Such evidence includes, but is not limited to: Improved
13 scores on the Washington assessment of student learning, results of the
14 dynamic indicators of basic early literacy skills, student grades, and
15 attendance.

16 (5) This section expires August 31, 2014.

17 **Sec. 3.** RCW 28A.655.180 and 1995 c 208 s 1 are each amended to
18 read as follows:

19 (1) The state board of education, where appropriate, or the
20 superintendent of public instruction, where appropriate, may grant
21 waivers to districts from the provisions of statutes or rules relating
22 to: The length of the school year; student-to-teacher ratios; and
23 other administrative rules that in the opinion of the state board of
24 education or the opinion of the superintendent of public instruction
25 may need to be waived in order for a district to implement a plan for
26 restructuring its educational program or the educational program of
27 individual schools within the district.

28 (2) School districts may use the application process in RCW
29 28A.305.140 (~~or 28A.300.138~~) to apply for the waivers under
30 (~~subsection (1) of~~) this section.

31 (~~(3) The joint select committee on education restructuring shall~~
32 ~~study which waivers of state laws or rules are necessary for school~~
33 ~~districts to implement education restructuring. The committee shall~~
34 ~~study whether the waivers are used to implement specific essential~~
35 ~~academic learning requirements and student learning goals. The~~
36 ~~committee shall study the availability of waivers under the schools for~~
37 ~~the twenty first century program created by chapter 525, Laws of 1987,~~

1 ~~and the use of those waivers by schools participating in that program.~~
2 ~~The committee shall also study the use of waivers authorized under RCW~~
3 ~~28A.305.140. The committee shall report its findings to the~~
4 ~~legislature by December 1, 1997.)~~)

5 NEW SECTION. **Sec. 4.** RCW 28A.305.145 (Application process for
6 waivers under RCW 28A.305.140) and 1993 c 336 s 302 are each repealed."

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7 On page 1, line 2 of the title, after "year;" strike the remainder
8 of the title and insert "amending RCW 28A.655.180; adding a new section
9 to chapter 28A.305 RCW; creating a new section; repealing RCW
10 28A.305.145; and providing an expiration date."

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