

# SENATE BILL REPORT

## SB 5511

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As of February 11, 2011

**Title:** An act relating to providing a limited exemption from school day and hour requirements in order to mitigate state funding reductions.

**Brief Description:** Providing a limited exemption from school day and hour requirements in order to mitigate state funding reductions.

**Sponsors:** Senators Rockefeller, Ranker, McAuliffe and Hobbs.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/10/11.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Susan Mielke (786-7422)

**Background:** Under current law, generally each school district's basic education program must consist of 180 school days per school year in grades one through 12 and 180 half-days in kindergarten. Additionally, each school district must offer a district-wide annual average of 1000 hours of instruction for students in grades one through 12 and 450 hours for students in kindergarten.

Since 1985 all school districts have been able to apply to the State Board of Education (SBE) for waivers to the day and hour requirements if necessary to implement a district plan to enhance the educational program for each student. In 2009 both the SBE and the Superintendent of Public Instruction (SPI) were authorized to grant waivers to school districts from the length of the school year when the waiver is necessary to implement a plan for restructuring its education program or the program of individual schools within the district. Also, in 2009, the Legislature created a pilot program for up to five small school districts that authorized the SBE to grant waivers from the length of the school year to implement a flexible calendar to achieve economies and efficiencies. The pilot program expires August 31, 2014.

Additionally, the SPI has the authority to allow school districts to receive state basic education funding when one or more schools within the district cannot fulfill the 180 days or the annual average instructional hour offering due to an unforeseen natural event, mechanical

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failure, or action or inaction by someone that has the effect of making school district facilities unsafe, unhealthy, inaccessible, or inoperable.

**Summary of Bill:** If there are retroactive mid-school year reductions in state funding for a school district during the 2010-11 school year, the SPI may exempt a school district for up to three school days from the requirements of a full school year of 180 days or the hourly equivalent. School districts must complete an application for the exemption, which includes a school board resolution in support of the request. The SPI must review the requests on the basis of the district fund balance and administrative capacity to accommodate the proposed changes while preserving educational quality.

The exemption authority expires September 1, 2011.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: In ordinary circumstances this kind of legislation would never be introduced. But this was a suggestion from school districts because it is one of the least unattractive options for cuts that is available. We give other 180 day waivers. This requires a local school board to make the decision that this is the best way for the district to proceed. We have to be practical and help districts manage themselves in these extraordinary circumstances.

CON: This bill won't save sufficient dollars to make the effort or the damage done worthwhile. This reduces the number of days or hours on a voluntary basis by schools. It would be a disproportionate impact on the districts, which will create inequities and cause significant damage to student learning but mostly in the poorer districts. The reduction is to the days and hours of basic education but based on budget reductions that include non-basic education funds. The state is already underfunding basic education and we can't keep cutting instructional time. You must fund the basic education minimum and you cannot reduce it. Districts will struggle with how to implement this because teacher contracts cannot be broken but it will negatively impact classified staff. There is currently a pilot program for school districts to get a waiver for up to five days to implement a flexible calendar but they still must meet the hour requirement. The pilot has been underway for less than one year so you should wait until the SBE evaluates the pilots to determine whether there is a negative impact on student learning. Otherwise, you should exempt the pilot districts from applying for this exemption.

OTHER: We are concerned because this bill does not address how retirement pensions, health benefits, and other benefits will be effected by the loss of days or hours. When state employees are furloughed there have been provisions included so that the employees will not be negatively impacted, especially if they are in their last five years before retiring. School districts will not be able to cancel the contracts of teachers so the two groups who would be

negatively impacted are students who will lose instructional time and the classified employees who can be furloughed. There are tradeoffs for every cut that will be made and you will need to weigh the point where you reach diminishing returns.

**Persons Testifying:** PRO: Senator Rockefeller, prime sponsor.

CON: Shawn Lewis, OSPI; Romana Hattendorf, Washington State PTA; George Scarola, League of Education Voters; Brad Burnham, Washington State Board of Education; Doug Nelson, Public School Employees/Service Employees International Unit; Dan Steele, Washington Association of School Administrators.

OTHER: David Westberg, Joint Council of Stationary Engineers; Lucinda Young, Washington Education Association.