
SENATE BILL 5173

State of Washington 63rd Legislature 2013 Regular Session

By Senators Hasegawa, Kline, Frockt, and Chase

Read first time 01/22/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to excusing work and school absences for a reason
2 of faith or conscience; and amending RCW 1.16.050 and 28A.225.010.

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

4 **Sec. 1.** RCW 1.16.050 and 2012 c 11 s 1 are each amended to read as
5 follows:

6 The following are legal holidays: Sunday; the first day of
7 January, commonly called New Year's Day; the third Monday of January,
8 being celebrated as the anniversary of the birth of Martin Luther King,
9 Jr.; the third Monday of February to be known as Presidents' Day and to
10 be celebrated as the anniversary of the births of Abraham Lincoln and
11 George Washington; the last Monday of May, commonly known as Memorial
12 Day; the fourth day of July, being the anniversary of the Declaration
13 of Independence; the first Monday in September, to be known as Labor
14 Day; the eleventh day of November, to be known as Veterans' Day; the
15 fourth Thursday in November, to be known as Thanksgiving Day; the day
16 immediately following Thanksgiving Day; and the twenty-fifth day of
17 December, commonly called Christmas Day.

18 Employees of the state and its political subdivisions, except
19 employees of school districts and except those nonclassified employees

1 of institutions of higher education who hold appointments or are
2 employed under contracts to perform services for periods of less than
3 twelve consecutive months, shall be entitled to one paid holiday and
4 two unpaid holidays per calendar year in addition to those specified in
5 this section. Each employee of the state or its political subdivisions
6 may select the day on which the employee desires to take the additional
7 holiday provided for herein after consultation with the employer
8 pursuant to guidelines to be promulgated by rule of the appropriate
9 personnel authority, or in the case of local government by ordinance or
10 resolution of the legislative authority. If an employee prefers to
11 take the additional holidays on specific days for a reason of faith or
12 conscience, the employer must allow the employee to do so.

13 If any of the above specified state legal holidays are also federal
14 legal holidays but observed on different dates, only the state legal
15 holidays shall be recognized as a paid legal holiday for employees of
16 the state and its political subdivisions except that for port districts
17 and the law enforcement and public transit employees of municipal
18 corporations, either the federal or the state legal holiday, but in no
19 case both, may be recognized as a paid legal holiday for employees.

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

22 Whenever any legal holiday falls upon a Saturday, the preceding
23 Friday shall be the legal holiday.

24 Nothing in this section shall be construed to have the effect of
25 adding or deleting the number of paid holidays provided for in an
26 agreement between employees and employers of political subdivisions of
27 the state or as established by ordinance or resolution of the local
28 government legislative authority.

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

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

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

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

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

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

10 The legislature declares that the sixteenth day of April shall be
11 recognized as Mother Joseph day and the fourth day of September as
12 Marcus Whitman day, but neither shall be considered legal holidays for
13 any purpose.

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

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

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

23 The legislature declares that the nineteenth day of June be
24 recognized as Juneteenth, a day of remembrance for the day the slaves
25 learned of their freedom, but shall not be considered a legal holiday
26 for any purpose.

27 **Sec. 2.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
28 read as follows:

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

34 (a) The child is attending an approved private school for the same
35 time or is enrolled in an extension program as provided in RCW
36 28A.195.010(4);

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

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

5 (d) The school district superintendent of the district in which the
6 child resides shall have excused such child from attendance because the
7 child is physically or mentally unable to attend school, is attending
8 a residential school operated by the department of social and health
9 services, is incarcerated in an adult correctional facility, or has
10 been temporarily excused upon the request of his or her parents for
11 purposes agreed upon by the school authorities and the parent:
12 PROVIDED, That such excused absences shall not be permitted if deemed
13 to cause a serious adverse effect upon the student's educational
14 progress: PROVIDED FURTHER, That students excused for such temporary
15 absences may be claimed as full-time equivalent students to the extent
16 they would otherwise have been so claimed for the purposes of RCW
17 28A.150.250 and 28A.150.260 and shall not affect school district
18 compliance with the provisions of RCW 28A.150.220; ((or))

19 (e) The child is excused from school subject to approval by the
20 student's parent for a reason of faith or conscience for up to two days
21 without any penalty. Students excused for such temporary absences may
22 be claimed as full-time equivalent students to the extent they would
23 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
24 28A.150.260 and shall not affect school district compliance with the
25 provisions of RCW 28A.150.220; or

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

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

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

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

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

37 (3) An approved private school for the purposes of this chapter and

1 chapter 28A.200 RCW shall be one approved under regulations established
2 by the state board of education pursuant to RCW 28A.305.130.

3 (4) For the purposes of this chapter and chapter 28A.200 RCW,
4 instruction shall be home-based if it consists of planned and
5 supervised instructional and related educational activities, including
6 a curriculum and instruction in the basic skills of occupational
7 education, science, mathematics, language, social studies, history,
8 health, reading, writing, spelling, and the development of an
9 appreciation of art and music, provided for a number of hours
10 equivalent to the total annual program hours per grade level
11 established for approved private schools under RCW 28A.195.010 and
12 28A.195.040 and if such activities are:

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

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

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

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

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