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**HOUSE BILL 1805**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Magendanz and Manweller

AN ACT Relating to the definition of school day; amending RCW 28A.150.203, 28A.305.140, 28A.305.140, 28A.655.180, and 28A.655.180; creating a new section; providing effective dates; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that time is one of many resources managed by schools for the purpose of educating students. The legislature further finds that it must consider carefully how best to allocate time to achieve the greatest benefit and maximize the opportunity to learn for each student. The legislature intends to avoid having half-days of instruction, which is inconvenient for parents and lessens the time available for teachers to spend educating their students.

**Sec.**  RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

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

(10) "School day" means a minimum of six instructional hours as defined in RCW 28A.150.205 each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school. Late start, early release of students, or partial days resulting in less than six instructional hours is prohibited unless the release is for a full school day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  Sections 1, 2, 3, and 5 of this act take effect August 1, 2015.

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

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

**--- END ---**