UPDATE ON REVISIONS TO THE 180 DAY WAIVER PROCESS

BACKGROUND

The State Board of Education (SBE) is reviewing its procedures for schools and districts to request waivers from the requirements of the Basic Education Act (RCW 28A.305.140). The SBE Waivers Committee and staff have drafted a set of recommendations for consideration. Board members have expressed an interest in encouraging districts to use innovative practices as well as concrete measures of success.

State Law and Current Use of Waivers

Currently, both SBE and the Office of Superintendent of Public Instruction (OSPI) have the authority to grant school districts waivers from the Basic Education Act requirements (RCW 28A.655.180), which states:

> "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."

In the 1990s, the state provided three Learning Improvement Days (LID) for professional development in order for school districts to provide professional development and implement education reform. The legislature has had to gradually reduce the number of LIDs due to budget constraints. In 2009, the state decided to provide one day.

Restructuring for SBE granted waivers has evolved primarily into granting days for district or school wide professional development while reducing the number of current 180 days of instruction from students. Districts maintain that they do not have sufficient district wide or school wide days to focus on professional development and need the time. No one disagrees that the professional development for teachers is critical to improving their instruction. However, many districts have provisions in their collective bargaining agreements that define how many professional days are available for individual teacher use versus district or school-wide use.

There are, however, additional uses of the waivers. OSPI provides waivers to districts for short-term planning after floods and storms. SBE provides waivers to districts for long-term planning to increase student achievement. Waivers may be granted for up to three years for the following requirements:

- Minimum one hundred eighty-day school year.
- Total instructional hour (no current waivers).
- Student-to-teacher ratio (no current waivers).

For the 2009-10 school year, there are 67 school districts with waivers from the 180 school day requirement. The average number of days is three and the average number of years is three.

Most districts propose to meet the goals of their waivers by providing full days of professional development.

For current waivers, the most common goals are:

- Improve student achievement and state assessment scores in mathematics and science (currently the most common goal).
- Improve student achievement and state assessment scores in reading and writing (the most common goal prior to 2008).
- Align curricula with new state standards or implement newly adopted curricula.
- Close the achievement gap.
- Improve teachers' instructional skills and content knowledge.
- Increase parent involvement.

The most common strategies to accomplish the goals are:

- Professional development with in-house or contracted facilitators (currently the most common strategy).
- Analysis of student achievement data to access need and to apply intervention strategies.
- Collaborative time to align curricula with the new standards or to implement newly adopted curricula.
- Collaborative time across disciplines, grades, buildings, and districts.
- Professional Learning Communities.
- Analyze district-wide student achievement data and apply appropriate strategies.
- Partner with other districts to provide professional development or establish professional learning communities.

POLICY CONSIDERATION

Based upon current waiver practice, the lack of state support for professional development, the intent of the original legislation for restructuring, and the Board's direction for education reform, there are a number of policy issues to sort out to determine what revisions are needed to the waiver procedures and rules.

A. What kinds of waivers should the SBE promote?

SBE has discussed returning to the original intent of the legislature to use such waiver days for restructuring. If the SBE was interested in promoting such waivers they could require the use of certain types of innovative strategies that are aligned with state and SBE priorities for reform initiatives. Below are some examples:

- **Option 1: Use of innovative strategies**. Innovative strategies could include:
    1. Use evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance.
    2. Use data from multiple measures to identify and implement comprehensive, research-based, instructional programs that are vertically aligned from one grade to the next as well as aligned with state academic standards.
    3. Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction to meet the needs of individual students.
    4. Implement strategies designed to recruit, place, and retain effective staff.

5. Conduct periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective.
6. Increase graduation rates through, for example, credit-recovery programs, smaller learning communities, and acceleration of basic reading and mathematics skills.
7. Establish schedules and strategies that increase instructional time for students and time for collaboration and professional development for staff.
8. Institute a system for measuring changes in instructional practices resulting from professional development.
9. Provide ongoing, high-quality, job-embedded professional development to staff to ensure that they are equipped to provide effective teaching.
10. Develop teacher and school leader effectiveness.
11. Implement a school-wide ''response-to-intervention'' model.
12. Implement a new or revised instructional program.
13. Improve student transition from middle to high school through transition programs or freshman academies.
14. Develop comprehensive instructional strategies.
15. Extend learning time and community oriented schools.

On the other hand, SBE could continue to allow waivers to improve student achievement as the district identifies its strategies and requires more specific metrics to evaluate whether the waiver has made any difference. Below is an example:

- **Option 2: Use of current district initiated strategies** to improve student achievement (with specific metrics). For example, here are two excerpts from recent applications:

  > "The goals for the waiver, as set by their District School Improvement and Leadership Teams, are to improve student learning and raise statewide assessment scores yearly by three percent in reading, five percent in math, three percent in writing, and five percent in science."
  > " . . .increase achievement for all students each year by 10 percent; decrease the gap between underperforming subgroups and the district average performance on the WASL by 10 percent annually; decrease the dropout rate by 10 percent, annually; reduce the number of students not graduating by 10 percent, annually."

- **Option 3: Allow up to three waiver days using current district initiated strategies until the state fully funds three professional development days (while still allowing a streamlined process).**

B. <u>Who should make the waiver decisions?</u>

Depending on the Board recommended waiver, the question becomes: who should make the waiver decisions? Currently after the Board's 180 day waiver committee and staff have reviewed each waiver application, the full Board is asked to review and approve the waiver applications as a whole. The Board has only been willing to grant one year waivers. At the July Board retreat, the Board expressed an interest in reviewing each of the individual waivers based on new criteria at the Board meeting. At the September Board meeting, some members suggested delegating the authority to

approve waivers to the executive director. Below are three options for the approval process. These options assume that SBE has revised the guidelines, application, and other components listed in other recommendations listed later in this section.

- **Option 1: Delegate the authority to the SBE executive director to review and approve applications**. When necessary, the staff would present significant applications to the Board for review and approval.
- **Option 2: Have the full Board review and approve individual applications**.
- **Option 3: Allow the current Board waiver committee and staff to continue to review applications and bring forward a recommendation on a package of applications to the full Board for approval**.

C. Number of Days Waived

In SBE rules, there is currently no limit to the number of days allowed for waivers. As mentioned the average number of days waived is three, although some districts have waived as many as nine (excluding the new efficiency calendar waiver).

- **Option 1: Waive no more than three days.**
- **Option 2: Waive the number of days the district recommends based on their strategy.**

D. Application Process

The waiver guidelines, application form, and process for assessment of applications need to be revised to reflect SBE priorities, initiatives, and concerns. The following revisions can be made independently of any decisions made to previous recommendations in this section:

Option 1: Create a rubric for assessment of applications.
Option 2: Extend the length of time for staff to review waiver applications from 30 days to 50 days.
Option 3: Revise the application to include the following items:

a) Submittal of the schools' and district's improvement plans.
b) Description of the innovative nature of the proposed strategies.
c) Description of the content and process of the strategies to be used to meet the goals of the waiver.
d) Description of the measures and standards used to determine success and identification of expected benchmarks and results.
e) Details about the collective bargaining agreements, including the number of full instruction days, early release days, and the amount of other non-instruction time.

EXPECTED ACTION

Guidance to the staff and Waivers Committee concerning the proposed recommendations.

Timeline of work:

Item	Date
Waiver Committee presents status of work to Board.	November 2009 Meeting

Waiver Committee presents draft revised procedures to Board.	January 2010 Meeting
Stakeholder input. Draft application and procedure posted on the Web site and shared with stakeholders, including: • School districts with current waivers. • Members of past 180-Day Waiver Advisory Committee. • Other agency and legislative staff.	January – February 2010
Board will consider adopting revised procedures. Board will hold a hearing if needed for rule change. A Board decision at this time of year will assist districts as they negotiate collective bargaining agreements for the 2010 – 11 school year.	March 2010 Regular Board Meeting