

# The Washington State Board of Education

Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

<b>Title:</b>	Economy and Efficiency Waivers	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Advocacy for an effective, accountable governance structure for public education <input type="checkbox"/> Goal Two: Policy leadership for closing the academic achievement gap <input type="checkbox"/> Goal Three: Policy leadership to increase Washington's student enrollment and success in secondary and postsecondary education	<input type="checkbox"/> Goal Four: Effective strategies to make Washington's students nationally and internationally competitive in math and science <input type="checkbox"/> Goal Five: Advocacy for policies to develop the most highly effective K-12 teacher and leader workforce in the nation <input checked="" type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<input type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
<b>Policy Considerations / Key Questions:</b>	<p>SHB 1292, "School Year Length – Flexibility" (Chapter 543, Laws of 2009), authorized SBE to grant waivers from the basic education requirement for a 180-day school year to districts that propose to operate schools on a flexible calendar for purposes of economy and efficiency. SBE has termed these "Option Two Waivers." The Legislature found not only that districts have cited possible efficiencies in utilities and maintenance expenses, but also that a flexible calendar could be beneficial to student learning through the use of unscheduled days for professional development, special programs, and other activities. The statute sets out elements that must be included in waiver applications, including how the instructional hour requirement will be maintained, what efficiencies will be achieved, and how cost savings will be redirected to support student learning. SBE is directed by the statute to adopt criteria to evaluate waiver requests.</p> <p>No more than five waivers may be granted at any time, including no more than two to districts with enrollment of less than 150, and no more than three to districts with enrollment of 150-500. SBE has received three applications for the current application period, all from districts with fewer than 150 students.</p> <p>SBE needs to consider what framework will be applied to evaluation of the requests it has received for waivers under this statute. The three applications will be considered at the March Board Meeting.</p>	
<b>Possible Board Action:</b>	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
<b>Materials Included in Packet:</b>	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	<p>While economy and efficiency is the stated purpose of waivers under this section of law, the statute expresses clear legislative intent that they be used not just to produce savings for school districts but to benefit student learning. Those dual purposes must be reflected in the criteria SBE brings to evaluation of waiver requests. Staff recommend a three-point framework for consideration of current applications for economy and efficiency waivers. These include (1) the potential for savings in costs most affected by a flexible calendar, as indicated by OSPI financial data; (2) demonstration of the monetary savings to be gained through a flexible calendar; (3) demonstration of how those savings will be redirected to support student learning, and how other requirements of the application have been met.</p>	

## **BASIC EDUCATION PROGRAM REQUIREMENTS: CRITERIA FOR OPTION TWO WAIVERS**

### **BACKGROUND**

Under legislation enacted in 2009 (SHB 1292, C 543 L 09), SBE has authority to grant waivers from the basic education minimum 180-day school year to a limited number of school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency. SBE has termed these Option Two waivers to distinguish them from the other types of waivers of the 180-day school year authorized in other law. (See BEA Waivers January 2012 Board Meeting.)

Waivers may be granted for up to three years. No more than five school districts may be granted waivers at any time. Two of the five must be granted to districts with enrollments of less than 150, and three of the five to districts with enrollments of 151 to 500.

The statute, RCW 28A.305.141, specifies elements that must be included in a waiver application. These include, for example:

1. A proposed calendar for the school day and school year that shows how the 1,000 instructional hour requirement will be maintained;
2. An estimate of the economies and efficiencies to be gained from compressing the instructional hours to less than 180 days;
3. An explanation of how those savings will be redirected to support student learning.

The application must also explain anticipated impacts of the district's proposed calendar on free and reduced-price lunch services, recruiting and retaining employees in support positions, and children whose parents work during the missed school time. SBE may request other information to assure that the proposed calendar will not adversely affect student learning.

The statute directs SBE to adopt criteria to evaluate requests for these waivers.

Currently two districts have been granted Option Two waivers, both with enrollments under 150. SBE has received three applications for the application period that ended January 25, 2012; all from districts with enrollments of less than 150.

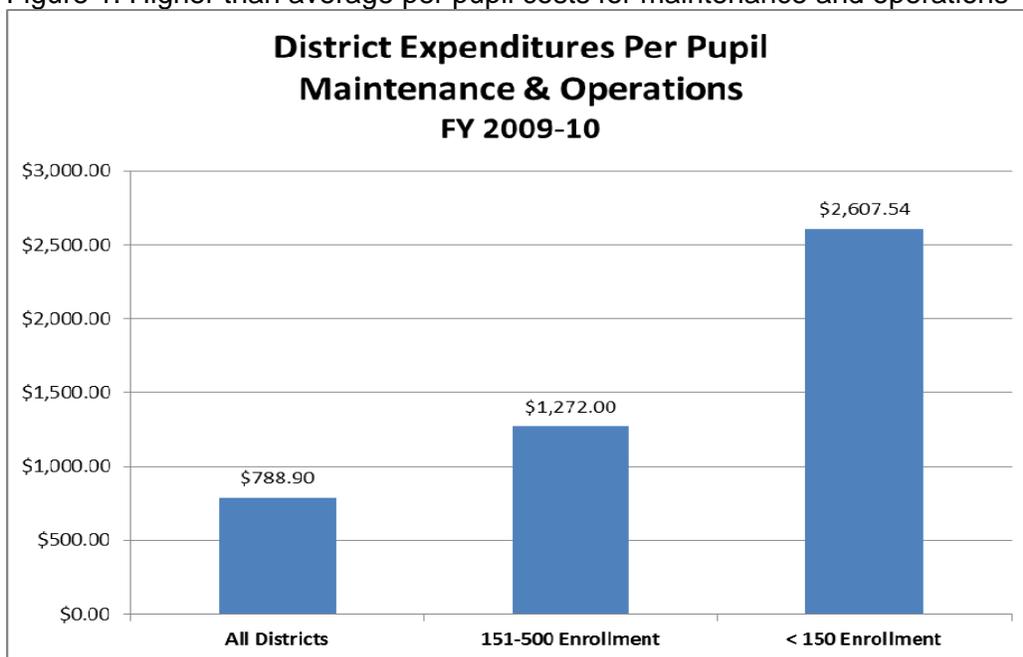
### **POLICY CONSIDERATIONS**

Option Two waivers differ from Option One (the regular waivers that have been available since 1995), Option Three (the fast-track waivers implemented in 2010), and Innovation Waivers in that their explicit purpose is not to improve student achievement through restructuring of the

school year, but to produce savings in the operations of eligible districts. “School districts have suggested,” the Legislature found, “that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar.” (Sec. 1, C 543 L 09.)

The Education Commission of the States reported last year that 120 school districts in 17 states, in efforts to achieve cost savings, had adopted schedules that maintain instructional time while shortening the school week. (M. Griffith, “What Savings Are Produced by Moving to a Four-Day School Week?” ECS, May 2011.) The strategy has been of greatest interest to smaller, rural school districts that “have less budgetary wiggle room than larger, suburban and urban systems.” (*Education Week*, February 7, 2012.) Indeed, data annually reported to OSPI by school districts shows that the small school districts to which this legislation was directed have much higher than average per pupil costs for maintenance and operations (Figure 1).

Figure 1: Higher than average per pupil costs for maintenance and operations



While economy and efficiency is the stated purpose of the waivers authorized under RCW 28A.305.141, the statute strongly indicates that the Legislature was concerned as well about the implications of a shorter school year for student learning. In its findings to SHB 1292, the Legislature also stated that “a flexible calendar could be beneficial to student learning by allowing the use of unscheduled days for professional development activities, planning, tutoring, parent conferences,” and other activities. It also found that a flexible calendar “has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.”

That the Legislature’s intent in SHB 1292 went well beyond the potential for cost savings is demonstrated in multiple operational provisions of the legislation.

- Applications for the waiver must show how savings from a flexible calendar will be redirected to improve student learning, and not just used to build district fund balances. (Sec. 2(e).)

- SBE may request information of school districts additional to that specified in the statute in order to assure that the proposed flexible calendar does not adversely affect student learning. (Sec. 2(h).)
- SBE is directed to analyze, after each year, empirical evidence to determine whether the reduction in the school year by the waived district is affecting student learning. If SBE determines that student learning is adversely affected, the district must discontinue the flexible calendar. (Sec. 3.)
- SBE is directed to examine the waivers granted under the statute and recommend to the Legislature by December 15, 2013 whether the program should be continued, modified, or allowed to expire, as provided in the act, at the end of August 2014. "This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence" such as state assessment scores, student grades and attendance. (Sec. 4.)

The language and intent of RCW 28A.305.141 therefore suggests a three-point framework for consideration of applications for Option Two waivers:

1. Does the district have exceptional costs for operations having a close link to the number of days in the school year? In other words, is the district poised for savings through implementation of a flexible calendar? Through school district expenditure data available through the Office of the Superintendent of Public Instruction, we can determine the relative costs districts incur for utilities, building maintenance, pupil transportation and other relevant activities.
2. Does the district demonstrate in its application that it will gain economies and efficiencies from a flexible calendar sufficient to warrant the waiving of the minimum 180 day-requirement for basic education?
3. Has the district demonstrated how the savings to be achieved from the flexible calendar will be redirected to support student learning? The savings and intent language in SHB 1292 gives examples of the uses to which unscheduled days may be directed, such as professional development, planning and tutoring, but these are not to the exclusion of other activities the district may propose to benefit student learning.

The application would also need to meet other requirements of the statute, including consideration of specified impacts for students, parents and employees, a summary of public comment on the proposed flexible calendar, and explanation of how concerns raised in public comment will be addressed.

### **EXPECTED ACTION**

Board members will discuss a framework for consideration of Option Two waivers as required by RCW 28A.305.141.