

The Washington State Board of Education

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

Title:	Basic Education Program Requirements: Review of Waiver Criteria	
As Related To:	<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
Relevant To Board Roles:	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	Discussion will focus on a central question regarding 180-day waiver requests: which of the three options will Board Members select to move forward with revisions to the waiver process? Clear parameters and criteria for 180-day waivers will resolve ongoing Board Member concerns and provide transparent guidance to districts.	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Other	
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	This memo summarizes Board Member discussions from past SBE meetings regarding the 180-day waiver process. Three solutions are laid out and explained and Board Members are asked to select one so that staff can return in January with draft rules.	

BASIC EDUCATION PROGRAM REQUIREMENTS: REVIEW OF 180-DAY WAIVER CRITERIA

Background

In response to recurring concerns about 180-day waivers, staff has analyzed the 180-day waiver request process and recommends setting specific criteria and parameters around these types of waiver requests. With clearer expectations and limits, recurring Board Member concerns will be addressed and districts will have a clearer understanding of the Board's expectations.

Current Options for Waivers from the 180 Day Requirement

SBE grants waivers from the required 180 days under four different options. Option Two waivers and Innovation waivers are specifically required by statute. Therefore this memorandum and the decision facing the SBE focuses on Option One and Option Three waivers over which the SBE has the greatest discretion.

- **Option One** is the regular request that has been available since 1995 to enhance the educational program and improve student achievement. Districts may request the number of days to be waived and the types of activities deemed necessary to enhance the educational program and improve student achievement. This option requires Board approval. There are currently 49 districts with Option One waivers for the 2011-12 school years and beyond, down from 66 districts in 2010-11.
- **Option Two** is a pilot for purposes of economy and efficiency for eligible districts to operate one or more schools on a flexible calendar. It expires August 31, 2014. Three districts were approved for this option in 2009 and these waivers will expire after 2011-12.
- **Option Three** is a fast track process implemented in 2010 that allows districts meeting eligibility and other requirements to use up to three waived days for specified innovative strategies. This Option requires staff review. Thirty districts have Option Three waivers for school years 2011-12 and beyond, up from seven in school year 2010-11.
- **Innovation Waivers** are a result of House Bill 1546. Statewide, up to 34 applications for designation as innovation schools/innovation zones will be approved by Educational Service Districts and the Office of Superintendent of Public Instruction. Two types of schools, zones, and programs are authorized in the legislation: those focused on the arts, science, technology, engineering, and mathematics (A-STEM); and other innovative schools, zones, and models that implement instructional delivery methods that are engaging, rigorous, and culturally relevant at each grade. The SBE has scheduled a special meeting for February 23, 2012, to review waiver requests that are included in the innovation applications. According to HB1546, SBE shall grant these waivers unless it is likely to result in a decrease in student achievement. More information on these waivers can be found in the September 2011 Board packet.

Table A: Summary of Types of 180-day Waivers

Type of 180 Day Waiver	Purpose	Date Began	Authority	Limit of Days	Eligibility	Current # Districts Using
Option 1 "Regular Request"	To implement local plan to provide for all students an effective education; designed to enhance the educational program for each student	1995	RCW 28A.305.140 WAC 180-18-050 (1) and (2)	No limit	All districts	49
Option 2 "Economy and Efficiency"	For districts to operate a flexible calendar for purposes of economy and efficiency	2009; pilot expires 8/2014	RCW 28A.305.141	No limit	Up to two districts with fewer than 150 students, Up to three districts between 150 and 500 students	2 <150; One between 150 and 500
Option 3 "Fast Track"	Limited to specific activities outlined in WAC	2010	RCW 28A.305.140 WAC 180-18-050 (3)	Max of three	Only districts without a PLA*	30
Innovation Waivers		SY 2012-13	HB 1546	No limit	Competitive application process through OSPI and ESDs; up to 34 statewide.	None

*Persistently Lowest Achieving school per annual list produced by OSPI.

Summary

At the July and September 2011 Board meetings, Members provided input on specific criteria and parameters regarding 180-day waiver requests. The input and Member recommendations are presented in the form of three different choices for improving the waiver process. Members are asked to select a preferred choice so staff can move forward with draft rules for review in January.

While the application for a waiver is extensive and generates a significant amount of information on a given district, there are no formal criteria used to evaluate Option One waiver requests. RCW 28A.305.140 states: "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.” This statute states that SBE *may grant waivers*, but that the SBE *shall adopt criteria* to evaluate the need for the waiver. Due to the lack of formal criteria, it would be difficult for SBE to disapprove a waiver request without appearing to be arbitrary.

Additionally, staff is anticipating more requests for waivers from districts with the stated objective of improving student achievement but which also have an intentional side effect of saving the district money. On typical waiver days, transportation, child nutrition, and paraeducator staff may not be working and therefore may not be paid. Budget pressures are building in many districts, and waivers may be seen as an opportunity to cut costs while providing time for professional development and collaboration. Additional cuts in the special legislative session will likely increase this fiscal pressure on districts. While districts cannot use waiver days to furlough teaching staff, they can furlough teachers on additional paid days outside the 180 school days and shift collaboration time into newly acquired waiver days. In summary, approving waivers can sometimes have the consequence (either intended or unintended) of providing fiscal relief to school districts from funding cuts the Legislature has enacted.

Policy Consideration

Given the above concerns, staff has outlined three choices for improving the waiver process. They are outlined as Solutions A through C below.

Common to all solutions above are several elements. First, language would be added to the Option Three rules to reflect the motion language the Board has used since March 2011 for the Option One waivers: “If a state law is enacted authorizing, or mandating that, a school district operate on less than the current statutory requirement of 180 school days, and a school district reduces the number of school days in a year in response to the change in law, then the total number of days for which a waiver is granted in any year shall automatically be reduced by a number equal to the total number of school days a district reduces its school calendar for that year below the current statutory requirement.” Adding this language to current rule language would bring Option Three waivers into alignment with Option One waivers in case of cuts to the school year.

Second, additional accountability would be built into the rule language to require districts to submit a summary report upon completion of an approved waiver to include agendas, amounts of time spent on specific activities, and a description of how waiver days impacted student achievement. Districts would also be required to report this information to their local school board.

Third, additional rule language would require districts to submit a calendar and demonstration of how they calculate the required 1,000 instructional hours prior to receiving a waiver.

Finally, add language to Option Three to include parent teacher conferences as an acceptable use of waiver days.

Solution A:

This solution would eliminate Option One entirely and leave Options Two, Three, and Innovation waivers in place. The impact to the field would be that districts that have a Persistently-Lowest Achieving school would not be eligible to apply for a waiver at all. These waivers cannot be renewed unless the district (i) increased student achievement on state assessments in reading and mathematics for all grades tested; (ii) reduced the achievement gap for student subgroups; (iii) improved on-time and extended high school graduation rates (only for districts containing high schools). For districts that do not meet these conditions, current WAC language indicates that they could apply for an Option One waiver, which under this solution would be eliminated. Therefore if this solution is selected, the SBE may want to revisit the conditions under which a district can renew their Option Three waiver. The language in WAC 180-18-050 would need to be edited to reflect the elimination of Option One. A further decision would be whether SBE intends to include parent teacher conferences as an acceptable use of a waiver day because it is not currently listed as acceptable under Option Three.

Pros: Solution A would tighten up the waiver criteria so that districts can only receive a maximum of three waiver days for specific activities. Districts seeking waivers for innovative schools can apply for a waiver through the innovation process.

Solution B:

This solution would maintain all current waiver options but would cap the number of days available in Option One at five. Most of the current Option One waivers are for five or fewer days already, so this solution will have only a modest impact on future waivers.

Pros: Solution B would address the concerns that arise when districts present waiver requests for a significant number of days.

Solution C:

This solution does not cap days for Option One. Other than the changes that are common to all solutions, as outlined above, there are no changes.

Pros: Solution C retains the greatest degree of local control for districts. Districts would have discretion to apply for as many waiver days as needed.

Table B: Summary of Solutions

	Solution A	Solution B (July Input)	Solution C (Sept. Input)
Summary	Eliminate Option One. Keep Options Two, Three, and innovation.	Keep all Options. Cap Option One at five days.	Keep all Options. Do not cap Option One.
RCW/WAC Changes	Revise rules to eliminate Option One. Add language to Option Three rules that reduce the number of waiver days granted if the Legislature reduces days below 180 days.	Revise rules to cap Option One at five days. Add language to Option Three rules that reduce the number of waiver days granted if the Legislature reduces days below 180 days.	Add language to Option Three rules that reduce the number of waiver days granted if the Legislature reduces days below 180 days.
Instructional Days Should SBE cap the number of waiver days allowable?	Option One eliminated. Option Three already capped at three.	Five days maximum for Option One. Option Three already capped at three.	No cap. Any number of days may be granted as long as the 1,000 instruction hours are protected. Option Three already capped at three.

¹ Agendas, amounts of time spent, how waiver days impacted student achievement.

Expected Action

Board Members will be asked to pass a motion in support of Solution A, B, or C so that staff can return in January with draft rules to reflect those changes.

Appendix A: RCW and WAC Language

RCW 28A.305.140

Waiver from provisions of RCW 28A.150.200 through 28A.150.220 authorized.

CHANGE IN 2011 (SEE 1546-S2.SL) [Innovation Waivers]

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.

[1990 c 33 § 267; (1992 c 141 § 302 expired September 1, 2000); 1985 c 349 § 6. Formerly RCW 28A.04.127.]

Notes:

Contingent expiration date -- 1992 c 141 § 302: "Section 302, chapter 141, Laws of 1992 shall expire September 1, 2000, unless by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place." [1994 c 245 § 11; 1992 c 141 § 508.] That law was not enacted by September 1, 2000.

Severability -- 1985 c 349: See note following RCW 28A.150.260.

WAC 180-18-010

Purpose and authority.

(1) The purpose of this chapter is to support local educational improvement efforts by establishing policies and procedures by which schools and school districts may request waivers from basic education program approval requirements.

(2) The authority for this chapter is RCW 28A.305.140 and 28A.655.180(1).

[Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130 (6). 02-18-056, § 180-18-010, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.305.140 and 28A.630.945. 98-05-001, § 180-18-010, filed 2/4/98, effective 3/7/98. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-054, § 180-18-010, filed 10/2/95, effective 11/2/95.]

WAC 180-18-030

Waiver from total instructional hour requirements.

A district desiring to improve student achievement by enhancing the educational program for all students may apply to the state board of education for a waiver from the total instructional hour requirements. The state board of education may grant said waiver requests pursuant to RCW 28A.305.140 and WAC 180-18-050 for up to three school years.

[Statutory Authority: RCW 28A.150.220(4), 28A.305.140,28A.305.130 (6), 28A.655.180. 07-20-030, § 180-18-030, filed 9/24/07, effective 10/25/07. Statutory Authority: Chapter 28A.630 RCW. 01-24-092, § 180-18-030, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-054, § 180-18-030, filed 10/2/95, effective 11/2/95.]

WAC 180-18-040

Waivers from minimum one hundred eighty-day school year requirement and student-to-teacher ratio requirement.

(1) A district desiring to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district may apply to the state board of education for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW 28A.305.140 and WAC 180-16-215 by offering the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220 in such grades as are conducted by such school district. The state board of education may grant said initial waiver requests for up to three school years.

(2) A district that is not otherwise ineligible as identified under WAC 180-18-050 (3)(b) may develop and implement a plan that meets the program requirements identified under WAC 180-18-050(3) to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW 28A.305.140 and WAC 180-16-215 by offering the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220 in such grades as are conducted by such school district.

(3) A district desiring to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district may apply to the state board of education for a waiver from the student-to-teacher ratio requirement pursuant to RCW 28A.150.250 and WAC 180-16-210, which requires the ratio of the FTE students to kindergarten through grade three FTE classroom teachers shall not be greater than the ratio of the FTE students to FTE classroom teachers in grades four through twelve. The state board of education may grant said initial waiver requests for up to three school years.

[Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. 10-23-104, § 180-18-040, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 28A.305.140 and 28A.655.180. 10-10-007, § 180-18-040, filed 4/22/10, effective 5/23/10. Statutory Authority: RCW 28A.150.220(4), 28A.305.140,28A.305.130 (6), 28A.655.180. 07-20-030, § 180-18-040, filed 9/24/07, effective 10/25/07. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-054, § 180-18-040, filed 10/2/95, effective 11/2/95.]

WAC 180-18-050

Procedure to obtain waiver.

(1) State board of education approval of district waiver requests pursuant to WAC 180-18-030 and 180-18-040 (1) and (3) shall occur at a state board meeting prior to implementation. A district's waiver application shall be in the form of a resolution adopted by the district board of directors. The resolution shall identify the basic education requirement for which the waiver is requested and include information on how the waiver will support improving student achievement. The resolution shall be accompanied by information detailed in the guidelines and application form available on the state board of education's web site.

(2) The application for a waiver and all supporting documentation must be received by the state board of education at least fifty days prior to the state board of education meeting where consideration of the waiver shall occur. The state board of education shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(3)(a) Under this section, a district meeting the eligibility requirements may develop and implement a plan that meets the program requirements identified under this section and any additional guidelines developed by the state board of education for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW 28A.305.140 and WAC 180-16-215. The plan must be designed to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district by offering the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220 in such grades as are conducted by such school district. This section will remain in effect only through August 31, 2018. Any plans for the use of waived days authorized under this section may not extend beyond August 31, 2018.

(b) A district is not eligible to develop and implement a plan under this section if:

(i) The superintendent of public instruction has identified a school within the district as a persistently low achieving school; or

(ii) A district has a current waiver from the minimum one hundred eighty-day school year requirement approved by the board and in effect under WAC 180-18-040.

(c) A district shall involve staff, parents, and community members in the development of the plan.

(d) The plan can span a maximum of three school years.

(e) The plan shall be consistent with the district's improvement plan and the improvement plans of its schools.

(f) A district shall hold a public hearing and have the school board approve the final plan in resolution form.

(g) The maximum number of waived days that a district may use is dependent on the number of learning improvement days, or their equivalent, funded by the state for any given school year. For any school year, a district may use a maximum of three waived days if the state does not fund any learning improvement days. This maximum number of waived days will be reduced for each additional learning improvement day that is funded by the state. When the state funds three or more learning improvement days for a school year, then no days may be waived under this section.

Scenario	Number of learning improvement days funded by state for a given school year	Maximum number of waived days allowed under this section for the same school year
A	0	3
B	1	2
C	2	1
D	3 or more	0

(h) The plan shall include goals that can be measured through established data collection practices and assessments. At a minimum, the plan shall include goal benchmarks and results that address the following subjects or issues:

- (i) Increasing student achievement on state assessments in reading, mathematics, and science for all grades tested;
- (ii) Reducing the achievement gap for student subgroups;
- (iii) Improving on-time and extended high school graduation rates (only for districts containing high schools).

(i) Under this section, a district shall only use one or more of the following strategies in its plan to use waived days:

- (i) Use evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance;
- (ii) 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;
- (iii) 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;
- (iv) Implement strategies designed to recruit, place, and retain effective staff;
- (v) 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;
- (vi) Increase graduation rates through, for example, credit-recovery programs, smaller learning communities, and acceleration of basic reading and mathematics skills;
- (vii) Establish schedules and strategies that increase instructional time for students and time for collaboration and professional development for staff;
- (viii) Institute a system for measuring changes in instructional practices resulting from professional development;
- (ix) Provide ongoing, high-quality, job-embedded professional development to staff to ensure that they are equipped to provide effective teaching;
- (x) Develop teacher and school leader effectiveness;
- (xi) Implement a school-wide "response-to-intervention" model;
- (xii) Implement a new or revised instructional program;
- (xiii) Improve student transition from middle to high school through transition programs or freshman academies;
- (xiv) Develop comprehensive instructional strategies;
- (xv) Extend learning time and community oriented schools.

(j) The plan must not duplicate activities and strategies that are otherwise provided by the district through the use of late-start and early-release days.

(k) A district shall provide notification to the state board of education thirty days prior to implementing a new plan. The notification shall include the approved plan in resolution form signed by the superintendent, the chair of the school board, and the president of the local education association; include a statement indicating the number of certificated employees in the district and that all such employees will be participating in the strategy or strategies implemented under the plan for a day that is subject to a waiver, and any other required information. The approved plan shall, at least, include the following:

- (i) Members of the plan's development team;
- (ii) Dates and locations of public hearings;
- (iii) Number of school days to be waived and for which school years;
- (iv) Number of late-start and early-release days to be eliminated, if applicable;
- (v) Description of the measures and standards used to determine success and identification of expected benchmarks and results;

- (vi) Description of how the plan aligns with the district and school improvement plans;
 - (vii) Description of the content and process of the strategies to be used to meet the goals of the waiver;
 - (viii) Description of the innovative nature of the proposed strategies;
 - (ix) Details about the collective bargaining agreements, including the number of professional development days (district-wide and individual teacher choice), full instruction days, late-start and early-release days, and the amount of other noninstruction time; and
 - (x) Include how all certificated staff will be engaged in the strategy or strategies for each day requested.
- (l) Within ninety days of the conclusion of an implemented plan a school district shall report to the state board of education on the degree of attainment of the plan's expected benchmarks and results and the effectiveness of the implemented strategies. The district may also include additional information, such as investigative reports completed by the district or third-party organizations, or surveys of students, parents, and staff.
- (m) A district is eligible to create a subsequent plan under this section if the summary report of the enacted plan shows improvement in, at least, the following plan's expected benchmarks and results:
- (i) Increasing student achievement on state assessments in reading and mathematics for all grades tested;
 - (ii) Reducing the achievement gap for student subgroups;
 - (iii) Improving on-time and extended high school graduation rates (only for districts containing high schools).
- (n) A district eligible to create a subsequent plan shall follow the steps for creating a new plan under this section. The new plan shall not include strategies from the prior plan that were found to be ineffective in the summary report of the prior plan. The summary report of the prior plan shall be provided to the new plan's development team and to the state board of education as a part of the district's notification to use a subsequent plan.
- (o) A district that is ineligible to create a subsequent plan under this section may submit a request for a waiver to the state board of education under WAC 180-18-040(1) and subsections (1) and (2) of this section.

[Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. 10-23-104, § 180-18-050, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 28A.305.140 and 28A.655.180. 10-10-007, § 180-18-050, filed 4/22/10, effective 5/23/10. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130 (6), 28A.655.180. 07-20-030, § 180-18-050, filed 9/24/07, effective 10/25/07. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). 04-04-093, § 180-18-050, filed 2/3/04, effective 3/5/04. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-054, § 180-18-050, filed 10/2/95, effective 11/2/95.]

RCW 28A.305.140

Waiver from provisions of RCW 28A.150.200 through 28A.150.220 authorized.

***** CHANGE IN 2011 *** (SEE 1546-S2.SL) *****

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. [1990 c 33 § 267; (1992 c 141 § 302 expired September 1, 2000); 1985 c 349 § 6. Formerly RCW 28A.04.127.]

Notes:

Contingent expiration date -- 1992 c 141 § 302: "Section 302, chapter 141, Laws of 1992 shall expire September 1, 2000, unless by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place." [1994 c 245 § 11; 1992 c 141 § 508.] That law was not enacted by September 1, 2000.

Severability -- 1985 c 349: See note following RCW 28A.150.260.

RCW 28A.305.141

Waiver from one hundred eighty-day school year requirement – Criteria – Recommendation to the legislature. (Expires August 31, 2014).

(1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers from the requirement for a one hundred eighty-day school year under RCW 28A.150.220 and *28A.150.250 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer an annual average instructional hour offering of at least one thousand hours shall not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests. No more than five districts may be granted waivers. Waivers may be granted for up to three years. After each school year, the state board of education shall analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made. All waivers expire August 31, 2014.

(a) Two of the five waivers granted under this subsection shall be granted to school districts with student populations of less than one hundred fifty students.

(b) Three of the five waivers granted under this subsection shall be granted to school districts with student populations of between one hundred fifty-one and five hundred students.

(4) The state board of education shall examine the waivers granted under this section and make a recommendation to the education committees of the legislature by December 15, 2013, regarding whether the waiver program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. Such evidence includes, but is not limited to: Improved scores on the Washington assessment of student learning, results of the dynamic indicators of basic early literacy skills, student grades, and attendance.

(5) This section expires August 31, 2014.

Appendix B: Conferences

Why Waivers are Needed for Full-Day Parent-Teacher Conferences

SBE has approved waivers for full-day parent-teacher conferences since March 2007. Six waivers including parent teacher conferences were approved in July 2011, and nine more will be considered in September. Regardless, there continues to be confusion about whether districts need to seek waivers for parent-teacher conferences. The rationale for requiring waivers for full-day parent-teacher conferences lies in the definition of a school day, cited below.

New definition of a school day (Effective on September 1, 2011). *"School day" means 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. (RCW [28A.150.203](#))*

Under this definition, full-day parent-teacher conferences do not count toward the required 180 days because all students are not present on a parent-teacher conference day. While the definition does not specifically say all pupils, 'all' is implicit. If the language read 'some' pupils, then that would permit school schedules where some students are scheduled for fewer than 180 days and on any given day only some students are present (e.g. a calendar where all students attend four days and only students needing intervention attend on the fifth day of the week).

The confusion about parent-teacher conferences stems from the definition of an instructional hour: *"Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals. (RCW [28A.150.205](#))*

Parent-teacher conferences are explicitly included in the definition of instructional hours and can be counted toward the required 1,000 hours of instruction. The definitions are related (instructional hours comprise a school day) but distinct (a school day must be available to all students). Information on the SBE website helps provide clarification and consistent messaging about this issue.

Appendix C: Current Option One and Three Waivers

Option One Waivers

District	# of Days	# of Years	Date Granted	Exp. Date
Auburn	5	1	9/15/2011	2011-12
Bainbridge - Elementary	4	3	9/15/2011	2013-14
Bainbridge - Secondary	2	3	9/15/2011	2013-14
Battle Ground	3	2	7/15/2010	2011-12
Bethel	2	3	3/10/2011	2013-14
Deer Park	4	3	9/15/2011	2013-14
Edmonds	5	3	3/10/2011	2013-14
Elma	3	3	5/14/2010	2012-13
Entiat	4	3	9/15/2011	2013-14
Federal Way	7	3	7/14/2011	2013-14
Granger	5	3	1/15/2009	2011-12
Granite Falls	2	2	5/14/2010	2011-12
Highline - Elementary	4	3	9/15/2011	2013-14
Highline - Secondary	2	3	9/15/2011	2013-14
Kettle Falls	4	3	9/15/2011	2013-14
Lake Quinault	4	3	5/12/2011	2013-14
Longview	3	3	5/12/2011	2013-14
Lopez Island	4	3	5/12/2011	2013-14
Medical Lake	4	3	9/15/2011	2013-14
Methow Valley	6	3	3/10/2011	2013-14
Monroe	4	3	3/10/2011	2013-14
Mount Baker	4	3	7/14/2011	2013-14
Mount Vernon	1	3	9/15/2011	2013-14
Mukilteo	2	3	8/25/2010	2012-13
Napavine	4	3	5/12/2011	2013-14
Nespelem	6	3	7/15/2010	2012-13
Newport	5	3	3/10/2011	2013-14
North Kitsap	5	3	9/15/2011	2013-14
Northshore	5	3	3/10/2011	2013-14
Oak Harbor	4	3	9/15/2011	2013-14
Okanogan	4	3	9/15/2011	2013-14
Omak	4	3	7/14/2011	2013-14
Onion Creek	5	3	5/12/2011	2013-14
Orient	4	3	5/12/2011	2013-14
Orondo	4	1	9/15/2011	2011-12
Oroville	3	3	7/14/2011	2013-14

District	# of Days	# of Years	Date Granted	Exp. Date
Othello	6	3	5/12/2011	2013-14
Riverside	6	1	7/14/2011	2011-12
Rosalia	2	3	5/14/2010	2012-13
Saint John-Endicott	5	1	5/12/2011	2011-12
Seattle	3	2	3/10/2011	2012-13
Seattle Elementary	3	2	3/10/2011	2012-13
Seattle Middle/High	1	2	3/10/2011	2012-13
Sedro Wooley	3	3	3/10/2011	2013-14
Sequim	4	3	7/14/2011	2013-14
Shoreline	5	3	3/10/2011	2013-14
South Bend	3	3	4/28/2006	2011-12
Sunnyside	7	3	9/15/2011	2013-14
Tacoma	2	1	7/14/2011	2011-12
Tacoma	varies by school	1	5/12/2011	2013-14
Thorp	2	1	9/15/2011	2011-12
Wahkiakum	4	3	9/15/2011	2013-14
Waitsburg	2	3	7/14/2011	2013-14
Zillah	7	3	5/12/2011	2013-14

Option Three Waivers:

District	# of Days	# of Years	Date Granted	Exp. Date
Adna	3	3	5/11/2011	2013-14
Arlington	3	3	6/14/2011	2013-14
Asotin-Anatone	2	3	6/2/2011	2013-14
Bellingham	3	3	8/25/2010	2012-13
Blaine	3	3	3/7/2011	2012-13
Cle Elum	3	3	5/11/2011	2013-14
Colfax	2	2	9/26/2010	2011-12
Colton	2	2	8/4/2011	2013-14
Columbia (Hunters)	3	2	8/4/2011	2012-13
Columbia (Walla)	3	3	8/16/2010	2012-13
Curlew	2	3	8/16/2010	2012-13
Davenport	2	3	8/25/2010	2012-13
Garfield	3	3	6/24/2011	2013-14
Kittitas	3	3	5/11/2011	2013-14
LaCrosse	1	1	6/24/2011	2011-12
Mary Walker	3	2	8/12/2011	2012-13
Naches Valley	2	3	4/25/2011	2013-14
Oakesdale	2	3	4/25/2011	2013-14
Ocean Beach	3	2	5/11/2011	2012-13
Olympia	3	3	6/30/2011	2013-14
Palouse	3	3	4/25/2011	2013-14

District	# of Days	# of Years	Date Granted	Exp. Date
Pomeroy	3	1	6/29/2011	2011-12
Port Angeles	2	3	8/12/2011	2013-14
Raymond	3	3	5/11/2011	2013-14
Reardan-Edwall	3	3	9/27/2010	2012-13
Selkirk	3	3	6/24/2011	2013-14
Sumner	3	3	8/9/2011	2013-14
Tahoma	3	3	3/21/2011	2013-14
Tekoa	2	2	8/4/2011	2012-13
Valley	3	3	6/24/2011	2013-14

State Board of Education 180-Day Waivers



- Overview current types of waivers
- Review why waiver changes being considered
- Discuss input from previous Board meetings
- Staff is requesting a motion regarding:
 - Four recommended changes
 - Three proposed solutions
- Timeline: January will review draft rules; March review and approve rules

Why Make Changes?



- Recurring Board Member concerns
- Currently rules for Option One focus on process, not review criteria
- Potential for more waiver requests due to funding pressures on districts

Current Types of 180-day Waivers



Type of Waiver	Purpose	Date Began	Day Limit	Eligibility	Current # Districts
Option 1 “Regular Request”	To provide for all students an effective education; to enhance the educational program for each student	1995	No limit	All districts	49
Option 2 “Economy and Efficiency”	For districts to operate a flexible calendar for purposes of economy and efficiency	2009; pilot expires 8/2014	No limit	Up to 2 districts with <150 students, Up to 3 districts between 150 and 500 students	2 <150; 1 between 150 and 500
Option 3 “Fast Track”	Limited to specific activities outlined in WAC	2010	Max of 3	Only districts without a PLA*	30
Innovation Waivers	To allow for districts to implement innovative models in A-STEM; other models as well	SY 12-13	No limit	Competitive application process through OSPI and ESDs; max of 34	None yet--scheduled for February

Review of Board Input



Review of July and September Input

Topic	July Board Input	September Board Input
Instructional Days Should SBE cap the number of waiver days allowable under Option One?	Yes, cap at 5 days.	No cap as long as districts meet 1,000 instructional hours.
Instructional Hours Should SBE require districts applying for a waiver to provide evidence of 1,000 average hours and provide a calendar?	Yes.	Yes.
Accountability Should SBE require a Summary Report on implementation of past waiver days (agendas, amounts of time spent, how waiver days impacted student achievement)?	Yes, and require district staff to report to their local school boards.	Yes, and require district staff to report to their local school boards.
Conferences Should districts be granted waivers for parent teacher conferences?	No clear consensus.	Yes.

Four Recommended Changes

(regardless of choice of Solution A, B, or C on next slide)



1. Instructional Hours:

Districts requesting any 180-day waiver will provide a school calendar and explanation of how they calculate 1,000 instructional hours.

2. Accountability:

Districts will provide a summary report upon completion of a waiver to include agendas, amounts of time spent, types of activities. Districts required to report this information to their school board.

3. Conferences:

Add language to Option Three rule to include parent teacher conferences as acceptable use of waiver day.

4. To Address Potential Cuts to the 180-day School Year:

Add language to Option Three rule to reflect the motion language used for approval of Option One waivers if Legislature reduces the number of school days. This would reduce the number of waiver days by the number of days a districts reduces its school calendar.

Choose a Solution

	Solution A	Solution B (July)	Solution C (Sept)
Summary	<p>Eliminate Option One</p> <p>Keep Options Two, Three, and Innovation only</p>	<p>Keep all Options</p> <p>Cap Option One at 5 days</p>	<p>Keep all Options</p> <p>No cap on Option One; Any number of days may be granted as long as average of 1,000 instructional hours district-wide is maintained</p>
Rule Changes (as recommended on prior slide)	<p>Add language to rules:</p> <ol style="list-style-type: none"> 1. Districts seeking a waiver will submit a calendar and calculation of 1,000 hours; 2. Districts submit summary report at end of waiver period; 3. Add parent/teacher conference days to list of acceptable strategies in Option Three 4. Reduce the number of waiver days granted if the Legislature reduces days below 180 (Options One and Three) 		
Impact	<p>Districts with a PLA are not eligible for an Option Three waiver (in 2011, 50 schools and 37 districts – 12.5% of districts), unless we remove the PLA restriction</p>	<p>Typical Option One waiver requests would still be allowed; of current 49 districts with Option One waivers, only 7 have more than 5 days</p>	<p>Of the three solutions, this offers districts the most local control</p>