

The Washington State Board of Education

Governance | Achievement | Transitions | Math & Science | Effective Workforce

Title:	Proposed Waiver Rule Revisions and Communications Plan	
As Related To:	<input type="checkbox"/> Goal One: Advocate for effective and accountable P-13 governance in public education <input checked="" type="checkbox"/> Goal Two: Provide policy leadership for closing the academic achievement gap <input checked="" type="checkbox"/> Goal Three: Provide policy leadership to strengthen students' transitions within the P-13 system	<input checked="" type="checkbox"/> Goal Four: Promote effective strategies to make Washington's students nationally and internationally competitive in math and science <input type="checkbox"/> Goal Five: Advocate for policies to develop the most highly effective K-12 teacher and leader workforce in the nation <input 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:	Do the draft rules establish clear and appropriate criteria for the Board's evaluation of 180-day waiver requests that are consistent with legislative intent, and that follow the direction set by the Board at its May 2012 meeting? Staff will submit for Board consideration.	
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 checked="" type="checkbox"/> PowerPoint	
Synopsis:	<p>The State Board of Education is required by law to adopt rules for evaluation of requests for waivers of the basic education requirement of a minimum 180-day school year. At its May 2012 meeting the Board approved the filing of a CR 101 to initiate rule-making, and set directions for draft rules to be presented at the July SBE meeting.</p> <p>The draft rules presented to the Board for review:</p> <ul style="list-style-type: none"> • Sets criteria for evaluation of Option One waiver requests under RCW 28A.305.140 and WAC 180-18-040. • Creates a procedure through which a district may obtain a 180-day waiver solely for the purpose of parent-teacher conferences without formal action by SBE. • Integrates Option 3 waivers into Option One by striking WAC 180-18-050(3). • Sets criteria for evaluation of Option Two "economy and efficiency" waivers under RCW 28A.305.141. • Changes from 50 days to 40 days the required length of time before a Board meeting that applications for Option One waivers must be submitted under WAC 180-80-050(2). • Eliminates WAC -18-040, concerning waivers from the student-teacher ratio requirement, as the statute it references has been repealed. • Makes other technical, clean-up changes to WAC 180-18-040 and WAC 180-18-050. <p>Staff will also review the two-part communications plan for the rule-making process, which includes the creation and delivery of the 180-day survey and the July-September outreach with the approved draft rules.</p>	

PROPOSED RULES FOR EVALUATION OF WAIVER REQUESTS

Policy Consideration

Do the draft rules offer clear and appropriate criteria for the Board's evaluation of 180-day waiver requests? Are they consistent with legislative intent in establishing the Board's waiver authority? Do they follow the policy direction set at the meeting at which the Board approved the filing of a CR 101 to initiate rule-making? Are there proposed revisions to the draft rules?

Summary

With the Board's approval at the May meeting of the filing of a CR 101 to initiate rule-making, and following the direction for rules given by the Board at that meeting, draft rules on evaluation of 180-day waiver requests have been prepared, as requested, for the Board's review. Following is a sectional summary of the draft rules. The full text of the draft rules, with a sectional summary, is included in your packet.

What are the rules under consideration?

1. *Establish a procedure for school districts to obtain a 180-day waiver solely for the purpose of parent-teacher conferences without formal action of SBE.*

RCW 28A.150.203 defines "school day" as "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." Full-day parent-teacher conferences do not count toward the required 180 days because all students are not present on these days. While not explicitly stated, "all" is implicit in the language. The legislative definition of a school day therefore requires districts to obtain a waiver if they wish to use full days for parent-teacher conferences.

Confusion further stems from the fact that "teacher/parent/guardian conferences" are included in the definition of "instructional hours" for compliance with the basic education requirement that districts make available to students in grades one to twelve a minimum, district-wide annual average of 1,000 instructional hours.

Given the inconsistency between the definitions of "school day" and "instructional hours" and the recognized importance of parental involvement for student achievement, the draft rules create a new category of waivers for full-day parent-teacher conferences. No cap would be placed on the number of days a district may request.

2. *Adopt criteria for evaluation of Option One waivers under RCW 28A.305.140.*

SBE will evaluate requests for an Option One waiver based on whether:

- The district will meet the required 1,000 hours of instructional offerings.

- The district’s waiver plan is aligned with school and district improvement plans.
- The plan explains measurable goals related to student achievement.
- The plan states specific activities that are likely to lead to attainment of goals.
- The plan states metrics that will be used to show whether goals were attained.

The draft rules would not:

- Require the district to have local or temporary circumstances requiring a waiver.
- Place a limit on the number of days a district may request, though requests for more than five days will generate enhanced review.

3. *Condense Option Three Waivers into Option One.*

SBE has an expedited process for granting waivers of the 180-day school year. The waivers are limited to three days and to specific activities, with extensive criteria for approval and renewal. Districts with ‘persistently-lowest achieving’ schools are not eligible to apply for these waivers. As written, the rule does not enable these waivers to be renewed.

With adoption of criteria for Option One waivers, the complex Option Three process can be discarded, and the confusion caused by separate procedures for waivers of the same statutory provision, through the same statutory authority, can be eliminated.

4. Adopt criteria for evaluation of Option Two waivers under RCW 28A.305.141.

Option Two “economy and efficiency” waivers are limited to five districts: two districts with enrollment below 150 and three of between 150 and 500. Criteria for evaluation are essential considering the competitive nature of this waiver. Criteria would align closely with the authorizing legislation, with priority for granting of waivers given to plans that best redirect projected savings from the modified school calendar to student learning.

Background

The Legislature has established basic education requirements in order to meet the paramount constitutional duty of the state to make ample provision for the education of all children and “provide for a general and uniform system of public schools.” (RCW 28A.150.200-220.)

Districts must “provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment and citizenship.” The law sets a minimum instructional program of basic education that districts must offer, including but not limited to instructional hours, school days, and graduation credit requirements. The Washington State Board of Education oversees districts’ compliance with basic education program requirements. RCW 28A.305.140 authorizes the SBE to grant waivers from the provisions of RCW 28A.150.200 through RCW 28A.150.220 on the basis that such 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.” RCW 28A.305.141

creates a temporary authority to grant waivers for the purposes of economy and efficiency to a limited number of small districts.

Both statutes require SBE to adopt criteria to evaluate waiver requests. The SBE has not adopted criteria in rule under either statute. This leaves the State Board without a formal basis on which to review requests for waivers from minimum basic education program requirements. By adopting rules for waiver decisions, SBE demonstrates that it is meeting its statutory obligation to ensure compliance with basic education requirements.

Rule adoption will also clarify issues that cause confusion for both school districts and policy makers, and streamline and simplify waiver procedures that have grown overly complex and difficult for districts to follow.

At its regular meeting on May 12, the Board approved the filing of a CR-101, which initiates the rule-making process, for the purpose of drafting rules on evaluation of requests for waivers of the minimum 180-day requirement, in compliance with RCW 28A.305.140(2) and RCW 28A.305.141(3). The Board gave the following direction for draft rules:

- Create a new category of “pre-approved” waivers for full-day parent-teacher conferences. No cap on days.
- Integrate Option 3 waivers with Option 1.
- Adopt criteria for evaluation of Option 1 waiver requests. No local or temporary circumstance criterion. No cap on days, but requests for more than five days trigger additional Board Member review.
- Adopt criteria for evaluation of Option 2 waiver requests.

On May 28, SBE staff launched a survey designed to collect feedback on possible rule criteria. The survey was sent directly to all district superintendents, and indirectly through existing agency communications. For example, AWSP mentioned the survey in their bi-monthly newsletter *Principal Matters*, and WSSDA linked to the survey in emails to members and on the front page of their website. A PowerPoint presentation will be made to the Board summarizing the survey results. The raw data has been posted on the SBE web site.

After the July meeting and with approval of draft rule language for the filing of a CR 102, staff will solicit feedback. Outreach will include direct channels of communication (website, social media, newsletter; distribution of draft rules at the August and September WSSDA Board of Directors meeting, the September AWSP Board meeting, and the September Learning First Alliance meeting; and possible indirect communications through key publics’ existing communications channels.

Waivers Communications Plan

The waivers communication plan (included in packet) is designed to support the Board’s waiver work and involves the identification of key publics, objectives for those publics, strategies/tactics to meet those objectives, and a post-action evaluation of the effectiveness of those strategies – all to support the following key goals:

1. Clear and comprehensive waiver criteria
2. Clear and comprehensive communications to districts

In the portion of the plan relating to the rule-making process, staff has identified the following external key publics, including but not limited to, the following:

School District Administrators
School District Board Members
Teachers
Parents

The rule-making component of the communications plan has two distinct phases:

Phase one of the plan centers the creation and delivery of a 180-day waiver survey to key publics, utilizing both direct and indirect communications channels. The number of survey responses exceeded staff benchmarks, and those results will be shared with members during the July meeting.

Phase two of the plan involves the publication of the approved rule language and a call for feedback. Direct electronic communication channels will include web site delivery, social media, and SBE's August and September newsletter. Staff and members will also share the approved language through a variety of in-person meetings (identified in the communications plan). Staff will also seek opportunities for messaging through indirect channels, largely through existing agency and advocacy groups' websites, newsletters, and social media feeds.

Staff will provide copies of the communications plan as requested for further review.

Action

The Board will consider approving draft rule language and the filing of the CR 102.

Draft Rules Evaluation of 180-Day Waiver Requests Section Summary

WAC 180-18-040

Waivers from minimum one hundred eighty-day school year requirement

Deletes reference in the title to a basic education requirement that has been repealed.

Subsection (1)

- Clarifies that a district applying for a 180-day waiver must still meet the one thousand instructional hours requirement.
- Revises reference to one thousand instructional hours requirement to more closely follow the statutory language.
- In sentence authorizing SBE to grant waiver requests for up to three years, strikes “initial.”

Subsection (2)

Strikes in its entirety, as it addresses WAC 180-18-050, Option 3 pilot process, which is struck in proposed rules.

Subsection (3)

Strikes in its entirety, as it authorizes waivers from a basic education requirement on student-to-teacher ratio that has been repealed.

NEW Subsection (2)

Pursuant to RCW 28A.305.140 (2), the State Board of Education will evaluate the need for an Option One waiver from the minimum 180-day school year requirement based on whether:

- The district will meet the required instructional hours offering;
- The district’s waiver plan is aligned with school and district improvement plans;
- The plan explains measurable goals related to student achievement;
- The plan states specific activities that are likely to lead to attainment of goals;
- The plan states metrics that will be used to show whether goals were attained;
- The plan describes participation by staff, parents and the community in the development of the plan.

NEW Subsection (3)

In addition to the criteria in new subsection (2), requests for waivers that continue an existing waiver will be evaluated on the results of that waiver, any proposed changes to the waiver plan, and support by staff and the community for the continuation of the waiver.

WAC 180-19-050

Procedure to obtain waiver

Subsection 1

- Lists required components of an application for a 180-day waiver.
- Specifies that the school board resolution must include a statement that the district will meet the minimum instructional hours requirement.

Subsection 2

Reduces from fifty days to forty days the date by which waiver applications and supporting materials must be received prior to the SBE meeting at which the request will be considered.

Subsection 3

Strikes in their entirety provisions concerning an Option 3 pilot process.

NEW Subsection 3

Establishes a procedure through which a district may obtain a 180-day waiver solely for the purpose of parent-teacher conferences without formal action of SBE. Specifies information and documentation that must be included in district notification to SBE. Provides for notification of the district by SBE of the granting of the waiver.

WAC 180-18-

Waiver from one hundred eighty-day school year requirement for purposes of economy and efficiency

Pursuant to RCW 180.3-5.141(3), establishes criteria for evaluation of requests for Option Two “economy and efficiency” waivers. For a district to be granted a waiver, it must submit an application that includes all the information enumerated in the enabling statute. If more applications from eligible districts are received than SBE may approve under law, priority will be given to plans that best redirect anticipated savings to student learning.



Proposed 180-Day Waivers Draft Rules and Communications

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Communications Plan

– Two Phases



Identification of Key Publics

External: Superintendents & Administrators, Local Board, Building Leaders, Teachers, Parents, Advocacy Groups, Listserv/Newsletter Recipients.



Phase One: Feedback on Criteria Framework

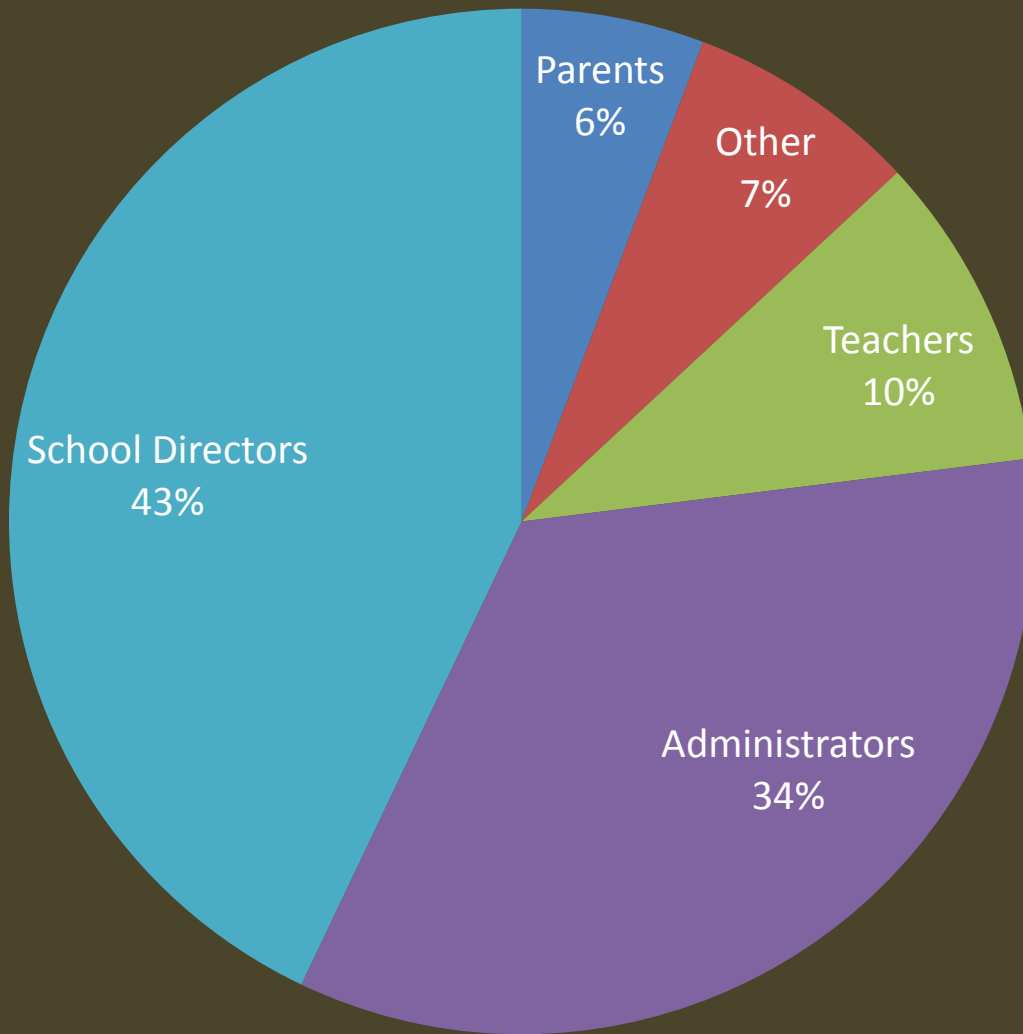
Electronic survey through direct and indirect channels.



Phase Two: Feedback on Draft Rules

Direct and indirect electronic outreach. In person meetings.

The largest response to the survey was from school board members



Of the Respondents:

- Nearly 60 percent from districts that have sought a 180-day waiver before
- Over 40 percent in districts holding a waiver

School improvement plans ranked first in evaluating waiver requests



SBE is establishing criteria for approving waivers, and we want your opinion. Please rank how important each of the following factors should be in evaluating waiver applications from the 180-day requirement.

Item	Total Score ¹	Overall Rank
The waiver request directly supports district and school improvement plans.	603	1
Measurable goals for student achievement that will be met by the waiver.	546	2
Evidence to show whether the goals of the waiver were met.	509	3
Evidence of broad stakeholder engagement in the development of the waiver requests.	481	4
Identification of research-based strategies to achieve the goals of the waiver.	419	5

Total Respondents: 191

Respondents ranked student learning first in evaluating Option Two requests



Please indicate how important each of following should be for evaluation of requests for "economy and efficiency" waivers? By law, "economy and efficiency" waivers are applicable to no more than five very small districts (RCW 28A.305.141).

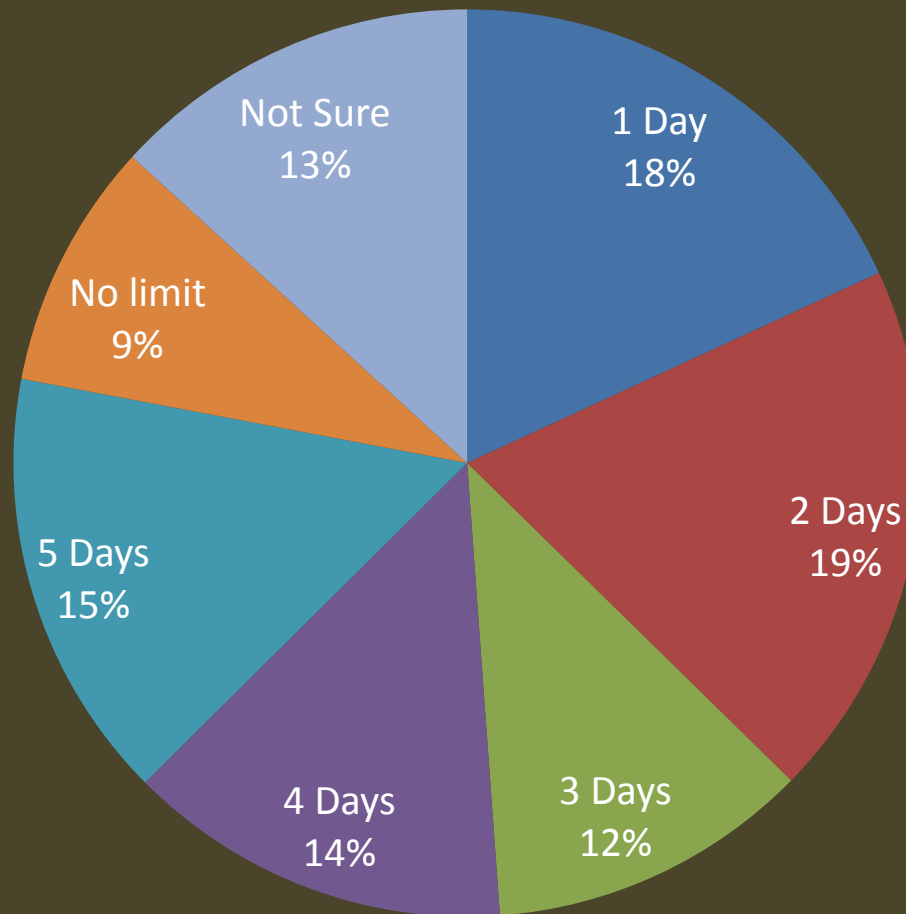
Item	Total Score ¹	Overall Rank
Explanation of how savings from the waiver will be redirected to student learning.	609	1
Estimates of the economies and efficiencies to be achieved.	523	2
Identification of how public concerns about the waiver will be addressed.	460	3
Explanation of the impact of the waiver on students whose parents work during the day.	450	4
Explanation of the impact of the waiver on students who rely on free and reduced-price meals.	436	5

Total Respondents: 191

Almost half said waivers for parent-teacher conferences should be limited to 1-3 days



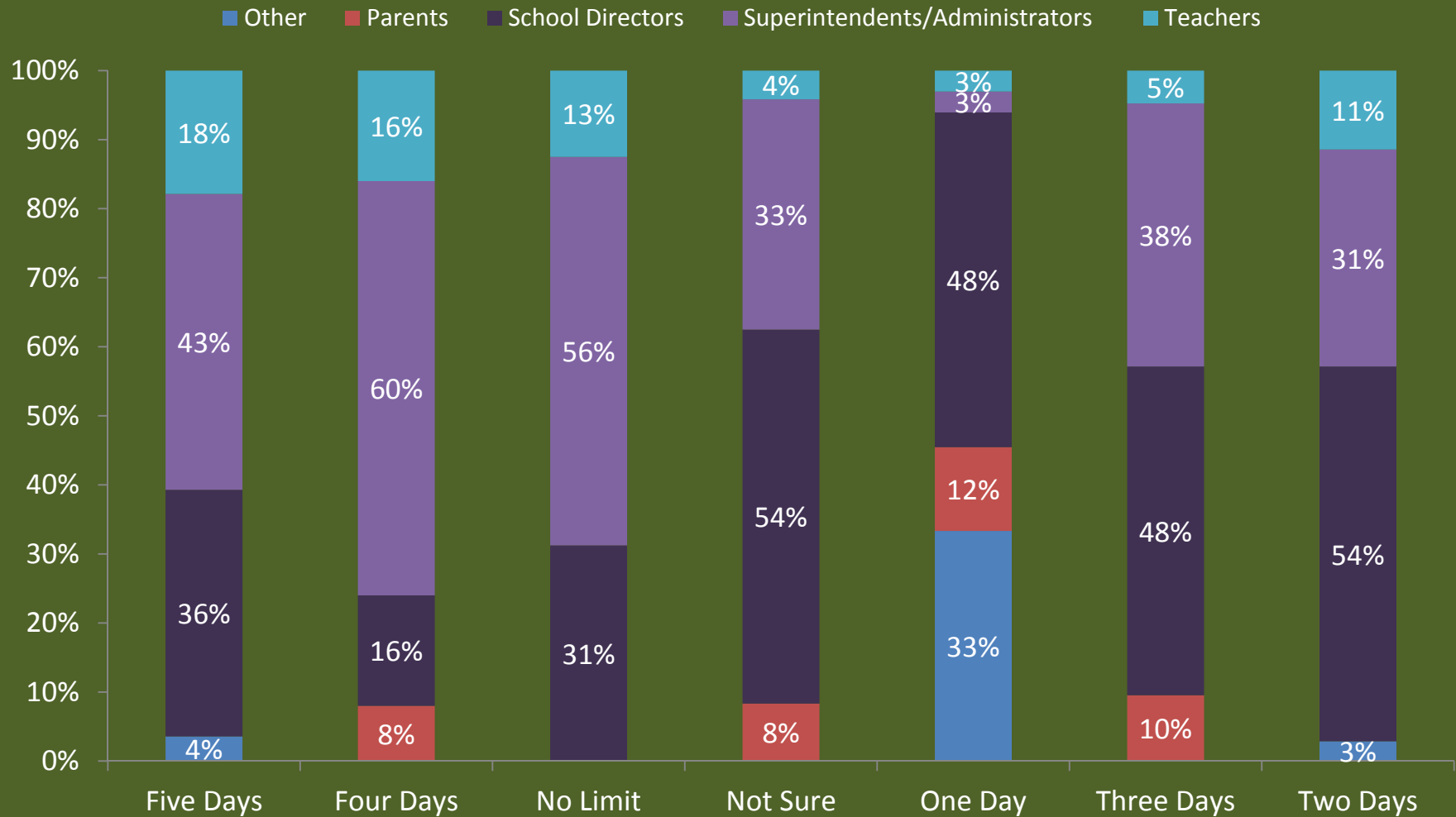
What limit, if any, should be placed on the number of days that may be waived for the purposes of parent-teacher conferences?



Opinion on waivers for parent-teacher conferences varied by role



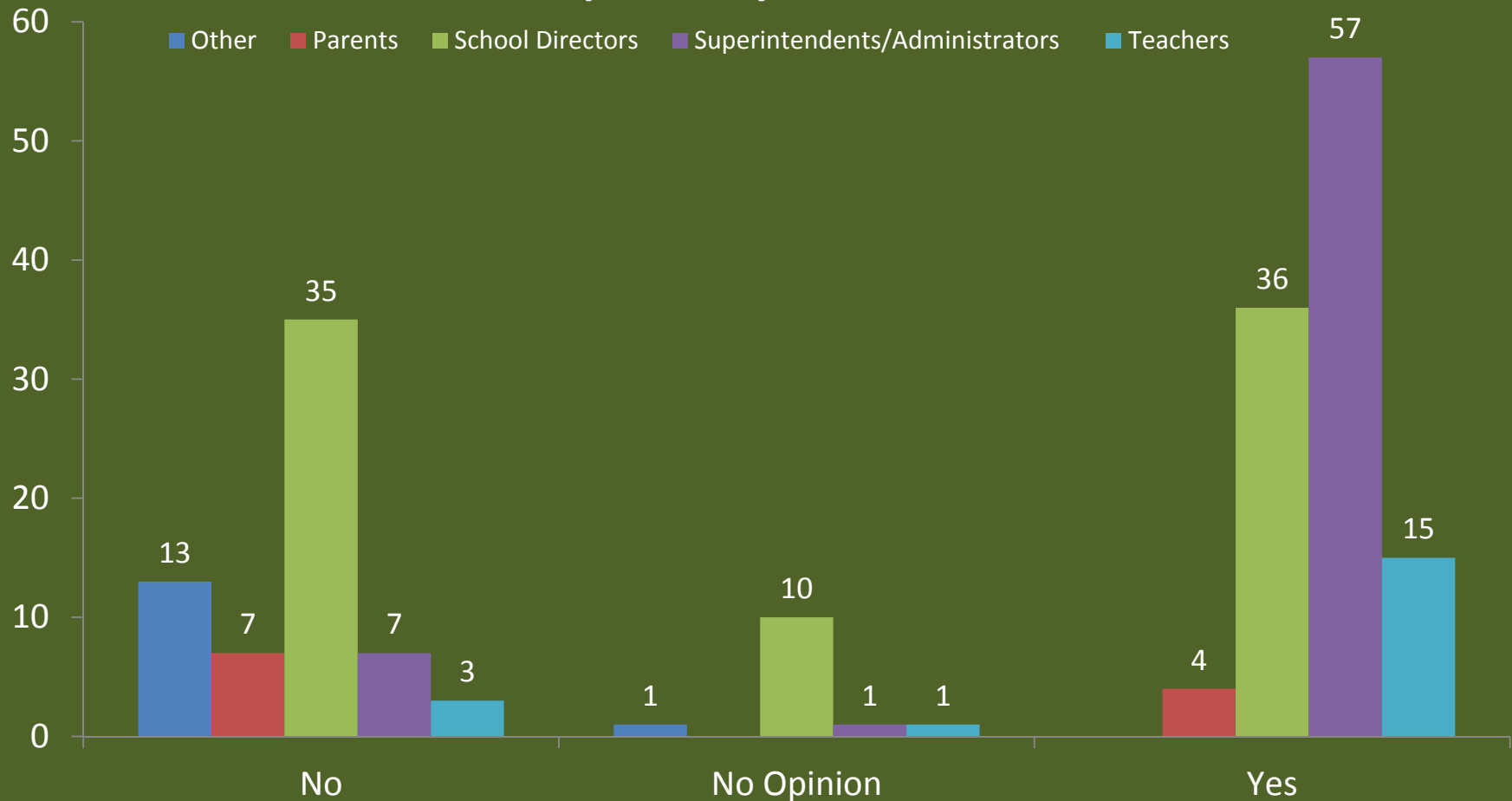
Percent of Respondents by Role



Should state law provide that conferences are school days for basic education compliance?



Responses by Role



Draft Rules



SBE Direction on Draft Rules, May 2012

- Adopt criteria for evaluation of requests for Option One waivers.
- Integrate Option Three waivers with Option One.
- Create a new category of waiver for parent-teacher conferences.
- Adopt criteria for evaluation of requests for Option Two waivers.

Draft Rules



WAC	Proposed Revisions	Purposes
180-18-040	<p>Add criteria for evaluation of Option One waiver requests. (p. 211)</p> <p>Add criteria for evaluation of requests for renewals of waivers. (p. 212)</p> <p>Integrate Option 3 waivers into Option One. (p. 211)</p> <p>Technical changes.</p>	<p>Compliance with RCW 28A.305.140. SBE oversight of BEA compliance.</p> <p>Option 3 too difficult to implement. Cannot be renewed. Not needed with adoption of Option One criteria.</p> <p>Repeal subsection made obsolete by statutory change. Clean up for clarity.</p>

Draft Rules



WAC	Proposed Revisions	Purposes
180-18-050	<p>Integrate Option Three waivers into Option One. (pp. 213-217)</p> <p>Add new language creating procedure for “pre-approved” waivers for full-day parent-teacher conferences. (p. 217)</p> <p>Technical and other changes.</p>	<p>Option 3 too difficult to implement. Cannot be renewed. Not needed with adoption of Option One criteria.</p> <p>Recognize value of parent-teacher conferences for student learning. Address issue around definition of “school day.”</p> <p>Extend time for districts to submit applications. Revise for clarity.</p>
NEW	Add criteria for evaluation of Option Two “economy and efficiency” waivers. (p. 219)	Compliance with RCW 305.180.141. Statutory limit on number of waivers that may be granted.

Next Steps – Potential Timeline



Date	Product
July 11	Board discussion
July 12	Review draft rule language and approve CR 102
July	File CR 102
July – October	Phase II of Communications
September 27	Public hearing on CR 102
November 9	Adopt rule language
November	File CR 103

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~~ while offering the equivalent in annual minimum ~~program instructional~~ hours 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.~~

(2) The state board of education, pursuant to RCW 28A.305.140(2), shall evaluate the need for a waiver based on whether:

- a. The resolution by the board of directors of the requesting district attests that if the waiver is approved, the district will meet the required annual instructional hour offerings under RCW 28A.150.220(2) in each of the school years for which the waiver is requested;
- b. The purpose and goals of the district's waiver plan are closely aligned with school improvement plans under WAC 180-16-220 and any district improvement plan;
- c. The plan explains goals of the waiver related to student achievement that are specific, measurable and attainable;
- d. The plan states clear and specific activities to be undertaken that are based in evidence and likely to lead to attainment of the stated goals;
- e. The plan specifies at least one state- or locally-determined assessment or metric that will be used to collect evidence to show the degree to which the goals were attained;
- f. The plan describes in detail the participation of administrators, teachers, other district staff, parents and the community in the development of the plan.

(3) In addition to the requirements of (2), the state board of education shall evaluate requests for a waiver that would represent the continuation of an existing waiver for additional years based on the following:

- a. The degree to which the prior waiver plan's goals were met, based on the assessments or metrics specified in the prior plan;
- b. The effectiveness of the implemented activities in achieving the goals of the plan for student achievement;
- c. Any proposed changes in the plan to achieve the stated goals;
- d. The likelihood that approval of the request would result in advancement of the goals;
- e. Support by administrators, teachers, other district staff, parents and the community for continuation of the waiver.

[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 include, at a minimum, a resolution adopted by the district board of directors, an application form, a proposed school calendar, and a summary of the collective bargaining agreement with the local education association stating the number of professional development days, full instruction days, late-start and early-release days, and the amount of other non-instruction time. ~~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 must include a statement attesting that the district will meet the minimum instructional hours requirement of RCW 28A.150.220(2) under the waiver plan. 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 forty 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.~~

(3) Under this section, a district seeking to obtain a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW 28A.305.140 solely for the purpose of conducting parent-teacher conferences shall provide notification of the district request to the state board of education at least thirty days prior to implementation of the plan. The notice shall provide information and documentation as directed by the state board. The information and documentation shall include, at a minimum:

- a. An adopted resolution by the school district board of directors which shall state, at a minimum, the number of school days and school years for which the waiver is requested, and attest that the district will meet the minimum instructional hours requirement of RCW 28A.220(2) under the waiver plan.
- b. A detailed explanation of how the parent-teacher conferences to be conducted under the waiver plan will be used to improve student achievement;
- c. The district's reasons for electing to conduct parent-teacher conferences through full days rather than partial days;
- d. The number of partial days that will be reduced as a result of implementing the waiver plan;
- e. A description of participation by administrators, teachers, other staff and parents in the development of the waiver request;
- f. An electronic link to the collective bargaining agreement with the local education association.

Within thirty days of receipt of the notification, the state board will, on a determination that the required information and documentation have been submitted, notify the requesting district that the requirements of this section have been met and a waiver has been granted.

[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.]

WAC 180-18-NEW

Waiver from one hundred eighty-day school year requirement for purposes of economy and efficiency

– Criteria for evaluation of waiver requests

- (1) In order to be granted a waiver by the state board of education under RCW 28A.305.141 to operate one or more schools on a flexible calendar for purposes of economy and efficiency, a school district eligible for such waiver must meet each of the requirements of RCW 28A.305.141(2).
- (2) In the event that a greater number of requests for waivers are received that meet the requirement of (1) than may be granted by the state board of education under RCW 28A.305.141(3), priority shall be given to those plans that best redirect monetary savings from the proposed flexible calendar to support student learning .

Statutory Authority: Chapter 28A.305.141(3) RCW.