

# STATE BOARD OF EDUCATION

**HEARING TYPE:**     \_\_\_X\_\_\_ ACTION

**DATE:**             September 18, 2007

**SUBJECT:**           **STATE BOARD OF EDUCATION  
AMENDMENTS TO CHAPTER 180-18 WAC**

**SERVICE UNIT:**     Edie Harding, Executive Director  
State Board of Education

**PRESENTER:**        Evelyn Hawkins, Research Associate  
State Board of Education

**BACKGROUND:**

The State Board of Education formed a committee of Board members and educators to study the 180-day waiver process. Recommendations from the committee were to revise the process to make waivers more directly linked to student academic achievement, school and district improvement plans, and to increase accountability for district and school use of waivers. The Board accepted the committee's recommendation.

Attached are the proposed amendments to WAC 180-18 that reflect the accepted recommendations. Specifically, proposed amendments are made to WAC 180-18-030 and WAC 180-18-040 to refine the purpose of these waivers and to WAC 180-18-050 to reflect the recommendations for a new waiver-request process. Further, staff proposes to repeal WAC 180-19-060; the requirements in this sub-section will be covered in the amended sub-section WAC 180-18-050.

Also, included in the attachments are the draft guidelines and application form that will be posted on the State Board of Education's website to inform districts and schools of the requirements for an initial and renewal waiver request.

The Board is asked to consider these proposals, make changes if it so desires, and adopt the amended rules. The adopted amendments will become effective 31 days after the date of filing with the State Code Reviser pursuant to RCW 34.05.380.

AMENDATORY SECTION (Amending WSR 01-24-092, filed 12/4/01, effective 1/4/02)

**WAC 180-18-030 Waiver from total instructional hour requirements.** A district desiring to (~~implement a local restructuring plan to provide an effective educational system to enhance~~) 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: 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.]

AMENDATORY SECTION (Amending WSR 95-20-054, 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 (~~implement a local restructuring plan to provide an effective educational system to enhance~~) 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.150.220(5) 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 desiring to (~~implement a local restructuring plan to provide an effective educational system to enhance~~) 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.630 RCW and 1995 c 208. 95-20-054, § 180-18-040, filed 10/2/95, effective 11/2/95.]

AMENDATORY SECTION (Amending WSR 04-04-093, filed 2/3/04, effective 3/5/04)

**WAC 180-18-050 ((~~Local restructuring plan requirements~~))**

**Procedure to obtain waiver.** (1) State board of education approval of district waiver requests pursuant to WAC 180-18-030 and 180-18-040 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 (~~(which includes a request for the waiver and a plan for restructuring the educational program of one or more schools which consists of at least the following information:~~

- ~~(a) Identification of the requirements to be waived;~~
- ~~(b) Specific standards for increased student learning that the district expects to achieve;~~
- ~~(c) How the district plans to achieve the higher standards, including timelines for implementation;~~
- ~~(d) How the district plans to determine if the higher standards are met;~~
- ~~(e) Evidence that the board of directors, teachers,~~

~~administrators, and classified employees are committed to working cooperatively in implementing the plan; and~~

~~(f) Evidence that opportunities were provided for families, parents, and citizens to be involved in the development of the plan.~~

~~(2) The district plan for restructuring the educational program of one or more schools in the district may consist of the school improvement plans required under WAC 180-16-220, along with the requirements of subsection (1) (a) through (d) of this section.~~

~~(3))~~. 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 thirty 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.

[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.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-18-060

Waiver renewal procedure.

# Waiver Application Guidelines

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The State Board of Education respects the value of teacher and student contact time. Waivers are exceptions from basic education program requirements in that they provide “exceptional opportunities” for districts and schools to be innovative in enhancing the educational program for all students while meeting the challenges of their school calendars.

**RCW and WACs.** The State Board of Education’s authority to grant waivers from the basic education program requirement is RCW 28A.305.140 and RCW 28A.655.180(1). The rules that govern requests for waivers are in WAC 180-18-030, WAC 180-18-040, and WAC 180-18-050.

## **Directions for Requesting Waivers:**

1. Waiver requests must use the Waiver Application Form and must be submitted electronically to the State Board of Education at least thirty (30) days prior to the SBE meeting where consideration of the waiver will occur. Districts or schools are responsible for finding out when the State Board of Education meetings are held. The Board’s meeting schedule is posted on its website <http://www.sbe.wa.gov> or may be obtained by contacting the Board by calling 360.725.6025 or emailing to [sbe@k12.wa.us](mailto:sbe@k12.wa.us).
2. The waiver request shall be in the form of a resolution adopted and signed by the district board of directors. The resolution shall identify the basic education requirements for which the waiver is requested and include information on how the waiver will support increasing student achievement. The resolution shall be accompanied by documentation that includes the following information:
  - a. Baseline student achievement data underlying the purpose and goals of the waiver.
  - b. How the district and/or schools will collect evidence that the goals were attained.
  - c. How the waiver directly supports the district and/or school improvement plans.
  - d. Evidence of how administrators, teachers, other staff, parents, students, and the community were involved in the development of the request for the waiver.
  - e. For 180-day waiver requests, assurance that the district will meet the annual average 1,000 hours of instructional hour offerings (RCW 28A.150.220 and WAC 180-16-215).
  - f. For 180-day waiver requests, whether waiver days will result in a school calendar with fewer half-days.

3. A renewal request shall also be in the form of a resolution signed by the district board of directors. The supporting documents shall include the following additional information:
  - a. Whether your district or schools used the waiver as planned and reported in your prior request; if not, an explanation of why and how the waiver was used instead.
  - b. Student achievement data and other evidence as to whether the purpose and goals for the previous waiver were met.
  - c. Evidence of how parents and the community were kept informed on an on-going basis about the uses and impacts of the waiver.
4. At the end of each school year, a randomly selected number of districts/schools may be asked to do a presentation at a State Board of Education meeting. The presentation will include at least the following information:
  - a. A description of the activities that were implemented as a result of the waiver, including the purposes and goals of these activities.
  - b. An explanation of how the waiver activities directly supported your district and/or school improvement plans.
  - c. Provide evidence on how waiver-day activities impacted the district or school improvement plans. Were the plans reviewed and revised as a result of the waiver time? Did waiver-day activities enable the district to establish new strategic and building action plans for making changes that will significantly increase student learning?
  - d. Provide evidence of any positive impact on teaching quality and student learning.



# Waiver Application Form

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District or School Requesting the Waiver \_\_\_\_\_

Name of District/School Contact \_\_\_\_\_

Email of District/School Contact \_\_\_\_\_

Telephone Number \_\_\_\_\_

Requirements to be Waived \_\_\_\_\_

For 180-Day Waivers:

Number of Requested Waiver Days Per Year \_\_\_\_\_

School Years for which Waiver Requested \_\_\_\_\_

**Please attach the signed Resolution requesting a waiver and all supporting documentation.**

## DRAFT

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  - e. For 180-day waiver requests, assurance that the district will meet the annual average 1,000 hours of instructional hour offerings (RCW 28A.150.220 and WAC 180-16-215).
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  - b. An explanation of how the waiver activities directly supported your district and/or school improvement plans.
  - c. Provide evidence on how waiver-day activities impacted your district or school improvement plans. Were the plans reviewed and revised as a result of the waiver time? Did waiver-day activities enable the district to establish new strategic and building action plans for making changes that will significantly increase student learning?
  - d. Provide evidence of any positive impact on teaching quality and student learning.