



# THE WASHINGTON STATE BOARD OF EDUCATION

*A high-quality education system that prepares all students for college, career, and life.*

<b>Title:</b>	<u>Board Discussion of 180-Day Waivers</u>	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps.  <input type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.	<input type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards.  <input checked="" type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system.  <input type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<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
<b>Policy Considerations / Key Questions:</b>	<ol style="list-style-type: none"> <li>Should the Board advocate for changes in the statute authorizing it to grant waivers of basic education requirements and related statutes?</li> <li>Should the Board undertake a review of present rules governing waivers of the basic education requirement of a minimum 180-day school year to identify any changes that may be warranted?</li> <li>Should the Board review its internal procedures for evaluation and approval or denial of requests for 180-day waivers?</li> </ol>	
<b>Possible Board Action:</b>	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Approve	<input type="checkbox"/> Adopt <input type="checkbox"/> Other
<b>Materials Included in Packet:</b>	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	<p>The Board has set aside time on the agenda for discussion of current statutes, rules and procedures related to 180-day waivers, and whether there may be need for changes.</p> <p>In your packet you will find:</p> <ul style="list-style-type: none"> <li>A staff memo providing background on current statutes and rules governing 180-day waivers, and identifying possible questions for board discussion.</li> <li>RCW 28A.305.140 (Waivers from provisions of RCW 28A.150.200 through RCW 28A.150.220 authorized)</li> <li>The section of the 1985 act of the Legislature delegating authority to the State Board of Education to grant waivers of basic education statutes, now codified as RCW 28A.305.140.</li> <li>WSR 95-20-054, the 1995 SBE rules filing establishing Chapter 180-18 WAC (Waivers for Restructuring Purposes).</li> </ul>	



# THE WASHINGTON STATE BOARD OF EDUCATION

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## WAIVERS OF THE MINIMUM 180-DAY REQUIREMENT FOR BASIC EDUCATION DISCUSSION DOCUMENT

### Policy Considerations

Should the Board initiate a review of the rules governing 180-day waivers? If so, in what manner and on what schedule should that review take place?

Should the Board advocate for legislative changes in statutes related to waivers of basic education requirements, including on the need for 180-day waivers for full-day parent-teacher conferences?

### The Basic Education Requirement

[RCW 28A.150.220](#)(5) provides that “Each school district’s kindergarten through twelfth grade educational program . . . shall consist of a minimum of one hundred eighty days per school year in such grades as are conducted by a school district, and one hundred eighty half days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty days per school year” on full phase-in of full-day kindergarten under law. Exceptions were enacted in 1979 for the last five days of the school year for graduating seniors, and in 2013 for the first three days for kindergartners participating in the Washington Inventory of Developing Skills (WaKIDS) program.

As of 2014, 29 states and the District of Columbia required a minimum 180 days of instruction. Twelve states had various other requirements for minimum days in a school year.<sup>1</sup>

### The Authorizing Statute

[RCW 28A.305.140](#) authorizes the State Board of Education to “grant waivers to school districts from the provisions of RCW 28A.150.200 through RCW 28A.150.220 on the basis that such waiver or waivers are necessary to:

(a) 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;

As the text makes clear, the reach of this authority to waive basic education provisions goes far beyond the 180-day requirement. It covers:

- RCW 28A.150.200. Program of Basic Education
- RCW 28A.150.203. Definitions. (Including “school day.”)
- RCW 28A.150.205. Definition. (“Instructional hour.”)
- RCW 28A.150.210. Basic education – Goals of school districts
- RCW 28A.150.211. Values and traits recognized.
- RCW 28A.150.220. Basic education—Minimum instructional requirements—Program accessibility—Rules.

RCW 28A.305.140 dates to enactment of ESSB 3235 (C 349 L 85), An act relating to educational excellence, in 1985. (Included in your packet.) The language shown above on the Board’s current authority to grant waivers is unchanged from that of the original act (aside from the recodification of the

RCW's). A walk through the statutory history finds remarkably little amendment to the statute over the 31 years since its enactment. Legislation in 2011 and 2012 added temporary authority for the Board to grant waivers for an innovation school or innovation zone (E2SHB 1546) and for collaborative schools (ESHB 2799), respectively. There has been no other substantive change to the law.

#### *Questions for discussion*

1. Should the Board advocate for clarifying the purpose of basic education waivers under the statute?
2. Should the Board advocate for narrowing the scope of waiver authority delegated to it by the statute?

#### **The Rules**

WAC 180-18-040 and WAC 180-18-050 implement the authority delegated by RCW 28A.305.140 to grant waivers of the minimum 180-day requirement. Elaborating on the language of the statute, WAC 180-18-040 provides that

(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](#) while offering the equivalent in annual minimum instructional hours as prescribed in RCW [28A.150.220](#) in such grades as are conducted by such school district. . . .

A summary of WACs 180-18-040 and 180-18-050 can be found in the standard memo on current Option One waiver requests included in your packet. We'll highlight some specific provisions in this discussion.

Chapter 180-18 WAC, Waivers for Restructuring Purposes, dates back to 1995. The rule was adopted by the Board in August of that year and filed as WSR 95-20-054. (Included in your packet.) The purpose of the new chapter was conceived very broadly as *"to establish policies and procedures and to facilitate and support school districts in their educational improvement efforts."* Cited as statutory authority were RCW 28A.305.140, a 1955 statute requiring districts to enforce rules prescribed by the SPI, and a statute since recodified as RCW 28A.655.180 that essentially duplicates RCW 28A.305.140.

Reflecting the expansiveness of RCW 28A.305.140, Chapter 180-18 as originally adopted brought a broad swathe of basic education requirements into its embrace for waiver. These included:

- WAC 180-18-030 -- Waivers from total program hour offerings, teacher contact hours requirements, and self-study requirements.
- WAC 180-18-040 – Waivers from minimum one hundred eighty-day school year requirement and student-teacher ratio requirement.

[WAC 180-18-030](#) remains, reduced to waiver of the instructional hours requirements in RCW 28A.150.220. The waivers of the other requirements originally called out here and in WAC 180-18-040 no longer exist because over time the requirements were eliminated.

WAC 180-18-050 set out requirements to obtain a waiver of these provisions of law, much of the content surviving in existing rule. WAC 180-18-060 established procedures for renewal of waivers, none of which survives.

Amendments to Chapter 180-18 WAC over most of its history were a relative few. Only a few of those could be seen as major.

- [WSR 01-24-092](#)<sup>2</sup> (December 2001) amended WAC 180-18-030 to eliminate waivers of program hour offerings and classroom teacher contact hours to align waiver rules with statutory changes.

- [WSR 04-04-093](#) (February 2004) provided that local restructuring plans for waivers under WACs 180-18-030 and 180-18-040 may consist of school improvement plans under WAC 180-16-220, implementing the No Child Left Behind Act.
- [WSR 07-20-030](#) (September 2007) added significant language WACs 180-18-030 and 180-18-040 to express that the purpose of waivers to minimum instructional hours, school days and other BEA requirements is to improve student achievement. No such intent was stated in the original rules. The Board also repealed WAC 180-18-060 on procedures for renewal of a waiver.
- [WSR 10-10-007](#) (April 2010) created a new, “Option Three” pilot waiver, not needing approval by the Board, that granted relief of up to three days from the 180-day requirement for purposes explicitly tied to improving student achievement, reducing achievement gaps, and implementing innovative instructional strategies. The waiver required reporting to the Board on outcomes at the conclusion of the three-year waiver term. The “fast-track” waiver was not to continue beyond the 2017-18 school year.

### **The SBE Review: 2011-2012**

The Board last conducted a review of waiver statutes and rules in 2011 and 2012, culminating in adoption of [WSR 12-24-049](#) in November 2012. The staff work and board discussion were far too extensive, diverse and nuanced to do justice to it in a short memo. Here we’ll confine ourselves to highlighting some of the findings and options for change presented at board meetings, followed by a look at the rule amendments ultimately filed.

A memo prepared for the May 2011 board meeting listed “recurring concerns” expressed by board members about Option One waivers, including:

- The growing number of waivers requested, including for parent-teacher conferences
- Previous waivers have not resulted in increased student achievement
- Some applications are for too many waiver days
- The unclear relationships between waiver days requested, local collective bargaining contracts, and varying district resources.

Possible changes called out included:

- Cap the number of waiver days for professional development and collaboration, with requests over the cap examined in more depth by the Board.
- Increase the allowable number of days in the Option Three “fast-track” waiver.
- Give staff authority to replace half-day parent-teacher conferences with full-day conferences when there is no net effect on instructional time.
- More clearly define the criteria used to approve waivers. (There were no criteria in rule.)
- Set clear expectations about collective bargaining agreements and mandatory and optional teacher time.
- Establish expectations for increased student achievement when districts return renewal waivers.

For the July 2011 meeting a group of board members<sup>3</sup> synthesized concerns expressed by members and suggested a list of possible responses. The options included, for example:

- Direct staff to draft rules to establish accountability for student time, acceptable caps on waiver days, and/or acceptable activities for waiver days.
- Require more stringent accountability for from districts requesting renewal of a waiver.
- Cap the number of waiver days at three, five, or some other specified number.
- Cap the number of waiver days plus additional teacher days without students.

- Require districts to provide evidence that they provide the required instructional hours for basic education and describe how they calculate their hours.
- Advocate for a change in the legal definition of a school day to be inclusive of parent-teacher conferences, so as to eliminate the need for waivers for this purpose.

After continued board discussion, staff presented recommendations at the November 2011 meeting that spanned, for example, (1) building accountability into rule language to require districts to submit a summary report to the SBE and the local school board on completion of an approved waiver, to include the amounts of time spent on specified activities and how waiver days impacted student achievement; (2) requiring districts to submit a calendar and demonstrate how they calculated the required instructional hours as a condition of receiving a waiver, and (3) a menu of options for eliminating or retaining Option One waivers and capping the number of allowable waiver days.

In response to direction from members in November, staff presented a set of waiver principles and recommendations at the January 2012 meeting. The principles were:

1. The SBE's role is not to define basic education minimums. The Legislature has that role and responsibility. The SBE's role is to grant selected exceptions from those minimums.
2. Waivers should not be granted to back-fill legislative reductions to Learning Improvement Days or make up for other state budget constraints.
3. Waivers should be granted to districts in response to local circumstances, as defined in criteria, and not for activities that all districts need to conduct. To grant waivers for universal purposes is to re-define basic education.

Recommendations included:

- Eliminate the "regular," Option One waiver and merge it with a revised Option Three.
- Place into rule a prescribed list of criteria for waivers, some of which were already represented in the application but were not used for evaluation and had no impact on waiver decisions.
- Advocate to the Legislature to clarify whether a school day is inclusive of full-day parent-teacher conferences and restore funding for professional development time for teachers that had been eliminated in the budget shortfalls occasioned by the Great Recession.

Alternatives posed included (a) retaining Option One with criteria and a cap on days and (b) effectively leaving current board practices as is.

The Board did not act on these or alternative recommendations at the January 2012 meeting.

Discussion continued at subsequent meetings, with new or variations of previous options offered.

Seven recommendations were presented at the May meeting. They included:

1. Continue to approve waiver requests for full-day parent-teacher conferences.
2. Condense Option Three into Option One.
3. Establish specified criteria for Option One waivers. A committee of SBE members should review each application against a rubric and provide a recommendation to the Board as a whole.
4. Cap Option One waivers at five days.
5. Create a new type of waiver for innovation with a higher bar for approval and more rigorous criteria for renewal.
6. Establish criteria to review and approve Option Two waivers for "economy and efficiency," so far deliberately absent from our discussion.

7. Advocate to the Legislature for changes including:
  - a. Clarify whether a school day is inclusive of full-day parent-teacher conferences.
  - b. Provide ample and reliable state funding for professional development time for certificated staff.
  - c. Define a minimum school day in terms of instructional hours or minutes.

### **The Case of Parent-Teacher Conferences**

We pause here in our narrative to discuss the special challenge that's been posed for Board rules and procedures by parent-teacher conferences. The subject to some degree continues to be a source of confusion for district personnel, who have received conflicting advice over the years on the need for waivers, as well as for members. It compels revisiting in any discussion of possible changes to statutes and rules in this area.

The memos prepared for the board review in 2011-12 retain great value in this context, as the issue was never far from the forefront, and the legal issues remain the same. The task of rule-making on waivers, staff explained in May 2012, "is complicated by conflicting statutes."

Districts are required by law to provide *both* 180 school days and an average [then] of 1,000 instructional hours. Whether full day parent teacher conferences should be considered a school day has been the subject of ongoing analysis and debate. . .

For the past several years, SBE has been clear that full-day parent teacher conferences do not constitute a school day. RCW 28A.150.203 states: "'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." Full-day parent-teacher conferences do not count toward the required 180 days because all students are not present on these days. While the definition does not specifically say all pupils, "all" is implicit. If the language is read to mean "some" pupils, that would permit school schedules where some students are scheduled for fewer than 180 days on any given day and only some students are present. . .

The confusion about parent-teacher conferences also stems from the definition of an instructional hour. RCW 28A.150.205 states, "'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."<sup>4</sup>

Thus while parent-teacher conferences are explicitly within the definition of instructional hours, school days are defined without relation to instructional hours or any other unit of time. This leaves to legal interpretation whether a full school day used for parent-teacher conferences within a 180-day calendar requires a waiver from the SBE of the minimum BEA requirement for school days.

Staff [presented](#) to the Board on the continuing issue of parent-teacher conferences, basic education requirements, and basic education waivers for discussion of legislative priorities in September 2015. (See pp. 41-42).

### **The 2012 Waiver Rules**

The rules approved for publishing in July 2012, heard in September, adopted in November, and filed as [WSR 12-24-049](#) made the following changes to WACs 180-18-040 and 180-18-050:

- Eliminated the Option Three “fast-track” waiver.
- Adopted criteria for evaluation of the need for an Option One waiver, in accordance with RCW 28A.305.140, with separate and additional criteria for renewal of a waiver.
- Extended the time for receipt of an Option One application from 50 days before the board meeting at which it will be considered to 40 days.
- Made various technical corrections to these two sections of rule.
- Created a new waiver for the sole purpose of full-day parent-teacher conferences, with an expedited procedure in which applications are reviewed at staff level only, and the applicant district is notified that the requirements for the waiver have been met and the waiver granted.
- Adopted criteria for evaluation of requests for Option Two “economy and efficiency” waivers.

### *Questions for Discussion*

The Board has operated under these rules for waiver procedures, evaluation and approval for the last three and one-half years. Questions for discussion, with the hindsight of experience, might include:

1. What are the strengths and weaknesses of current rules on 180-day waivers? Are there improvements that could be made for clarity, relevance and more effective evaluation of waiver requests? If so, what might some of them be?
2. Are the procedures set out in WAC 180-18-050 (3) for requests for waivers for full-day parent-teacher conferences both effective and appropriate? Should they be changed? Should the Board again advocate for legislative clarification of whether 180-day waivers are needed for parent-teacher conferences?
3. Should the Board initiate a review of current rules on waivers? If so, in what manner might such a review proceed?
4. Is the Board satisfied with present procedures for review of and decisions on waiver requests at board meetings? If not, what are some possible options for change?

### **Action**

No action is requested at this meeting.

<sup>1</sup> Julie Rowland, “Number of Instructional Days/Hours in the School Year,” Education Commission of the States. Denver, Colo. October 2014.

<sup>2</sup> WSR means “Washington State Register.” The numbers that follow identify the filing of a new or amended rules with the Office of the Code Reviser, a legislative agency.

<sup>3</sup> The members synthesizing concerns and suggesting options in July 2011 were Members Bragdon, Frank, Mayer, Hughes and Schuster.

<sup>4</sup> SBE, “Basic Education Program Requirements: Review of 180-Day Criteria and Recommendation,” May 2012.

If you have questions regarding this memo, please contact Jack Archer at [jack.archer@k12.wa.us](mailto:jack.archer@k12.wa.us).

## **RCW 28A.305.140**

**Waiver from provisions of RCW 28A.150.200 through 28A.150.220 authorized. (Effective until June 30, 2019.)**

(1) 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:

(a) 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;

(b) Implement an innovation school or innovation zone designated under RCW [28A.630.081](#);  
or

(c) Implement a collaborative schools for innovation and success pilot project approved under RCW [28A.630.104](#).

(2) The state board shall adopt criteria to evaluate the need for the waiver or waivers. [ [2012 c 53 § 8](#); [2011 c 260 § 8](#); [1990 c 33 § 267](#); (1992 c 141 § 302 expired September 1, 2000); [1985 c 349 § 6](#). Formerly RCW [28A.04.127](#).]

### **NOTES:**

**Findings—Intent—Expiration date—2012 c 53:** See RCW [28A.630.101](#) and [28A.630.109](#).

**Findings—Intent—2011 c 260:** See note following RCW [28A.630.080](#).

**Expiration date—2011 c 260:** See RCW [28A.630.089](#).

**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.305.140**

**Waiver from provisions of RCW 28A.150.200 through 28A.150.220 authorized. (Effective June 30, 2019.)**

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](#).]



and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education may grant waivers to school districts from the provisions of RCW 28A.58.750 through 28A.58.754 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.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.58 RCW to read as follows:

School boards may by separate contract with certificated instructional and classified staff provide supplemental compensation for additional days or additional duties as set forth in the bargaining agreement or agreements as negotiated between the district and the respective bargaining representatives, if the district does not incur obligations for the supplements beyond the current school year and if such supplements do not cause the state to incur any present or future funding obligations. Additional days for certificated instructional staff and classified staff shall be those days beyond their respective work year. Such separate contracts shall be subject to the collective bargaining provisions of chapters 41.59 and 41.56 RCW. Such supplemental compensation shall not be deemed an increase in salary or compensation for purposes of RCW 28A.58.095. Separate contracts shall be subject to the provision of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through RCW 28A.58.515.

NEW SECTION. Sec. 8. (1) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of section 2 of this act.

(2) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of section 4 of this act.

# Washington State Register

OCTOBER 18, 1995

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ISSUE 95-20



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shoreline environment redesignation from conservancy to rural are modified. The boundary is as follows: Either 200 feet from the ordinary high water of the Snoqualmie River or along the designated line of the floodway as determined by the FEMA Federal Insurance Rate Map - May 16, 1995 revision, whichever is greater.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 29, 1995

Terry Husseman  
for Mary Riveland  
Director

**AMENDATORY SECTION** (Amending Order 90-52, filed 1/23/91, effective 2/23/91)

**WAC 173-19-250 King County.** King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979. Revision approved September 23, 1981. Revision approved February 9, 1982. Revision approved March 14, 1984. Revision approved June 18, 1985. Revision approved January 22, 1991. Revision approved September 29, 1995.

**WSR 95-20-054**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed October 2, 1995, 3:56 p.m.]

Date of Adoption: September 22, 1995.

Purpose: Establishing new waiver policies and procedures and reduce paperwork for school districts and to streamline the waiver request process.

Statutory Authority for Adoption: Chapter 28A.630 RCW, chapter 208, Laws of 1995.

Adopted under notice filed as WSR 95-16-113 on August 1, 1995.

Changes Other than Editing from Proposed to Adopted Version: The nonregulatory position statement of proposed WAC 180-18-030 i.e., the last four sentences of subsection (b) were deleted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 7, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 2, 1995

Larry Davis  
Executive Director

**Chapter 180-18 WAC**  
**WAIVERS FOR RESTRUCTURING PURPOSES**

**NEW SECTION**

**WAC 180-18-010 Authority.** The authority for this chapter is RCW 28A.305.140, 28A.600.010, and 28A.630.-945 which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements and such related requirements as may be established by the state board of education.

**NEW SECTION**

**WAC 180-18-020 Purpose.** The purpose of this chapter is to establish policies and procedures and to facilitate and support school districts in their educational improvement efforts.

**NEW SECTION**

**WAC 180-18-030 Waivers from total program hour offerings, teacher contact hours requirements, and self-study requirements.** (1) A district desiring to implement a local restructuring plan to provide an effective educational system to enhance the educational program for all students may apply to the state board of education for a waiver from the total program hour offerings requirements and basic skills/work skills percentages/instructional hours requirements pursuant to RCW 28A.150.200 through 28A.150.220 and WAC 180-16-200 (2) through (6). If a school district intends to waive total program hour offerings requirements under this subsection, it shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours, and to students enrolled in grades one through twelve at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education shall grant said initial waiver requests pursuant to RCW 28A.305.140 and WAC 180-18-050 for three school years.

(2) A district desiring to implement a local restructuring plan to provide an effective educational system to enhance the educational program for all students may apply to the state board of education for a waiver from the classroom teacher contact hours requirement pursuant to RCW 28A.-

305.140 and WAC 180-16-205(5). In the event that a district develops an educational excellence component(s) which consists of less than the twenty-five hours of average teacher contact and the district determines but for the inclusion of this component(s) that it would meet the twenty-five-hour average teacher contact requirement, the district may apply for a waiver of the inclusion of this component(s) within the calculations. The state board of education shall grant said initial waiver request pursuant to RCW 28A.305.140 and WAC 180-18-050 for three school years.

(3) A district desiring to implement a local restructuring plan to provide an effective educational system to enhance the educational program for all students may apply to the state board of education for a waiver from the self-study requirements pursuant to RCW 28A.305.140 and WAC 180-53-070 (1) through (3). The state board of education shall grant said initial waiver requests pursuant to RCW 28A.305.140 and WAC 180-18-050 for three school years.

#### NEW SECTION

**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 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 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.

#### NEW SECTION

**WAC 180-18-050 Local restructuring plan requirements 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 parents and citizens to be involved in the development of the plan.

(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.

#### NEW SECTION

**WAC 180-18-060 Waiver renewal procedure.** (1) Waiver requests related to WAC 180-18-030 which are granted by the state board of education pursuant to WAC 180-18-030 and 180-18-050 shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. Before filing the request, the school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers. The request to the state board of education shall include information regarding the activities and programs implemented as a result of the waivers, whether higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

(2) Waiver requests related to WAC 180-18-040 which are granted by the state board of education pursuant to WAC 180-18-030 and 180-18-050 may be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. Before filing the request, the school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers. The request to the state board of education shall include information regarding the activities and programs implemented as a result of the waivers, whether higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

#### NEW SECTION

**WAC 180-18-080 Alternative waiver application procedure.** In lieu of the waiver application procedures under WAC 180-18-030, 180-18-040, and 180-18-050, a school district may request the waivers listed in WAC 180-18-030 and 180-18-040 through the application for entitlement to basic education funding, Form SPI M-808.