

Chapter 180-18 WAC
WAIVERS FOR RESTRUCTURING PURPOSES

Last Update: 1/21/20

WAC

180-18-010	Purpose and authority.
180-18-030	Waiver from total instructional hour requirements.
180-18-040	Waivers from minimum one hundred eighty-day school year requirement.
180-18-050	Procedure to obtain waiver.
180-18-055	Alternative high school graduation requirements.
180-18-065	Waiver from one hundred eighty-day school year requirement for purposes of economy and efficiency—Criteria for evaluation of waiver requests.
180-18-090	Alternative option to WAC 180-18-055.
180-18-100	District waiver from requirement for student access to career and technical education course equivalencies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

180-18-020	Purpose. [Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 95-20-054, § 180-18-020, filed 10/2/95, effective 11/2/95.] Repealed by WSR 02-18-056, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6).
180-18-060	Waiver renewal procedure. [Statutory Authority: Chapter 28A.630 RCW. WSR 01-24-092, § 180-18-060, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 95-20-054, § 180-18-060, filed 10/2/95, effective 11/2/95.] Repealed by WSR 07-20-030, filed 9/24/07, effective 10/25/07. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6), 28A.655.180.
180-18-080	Alternative waiver application procedure. [Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 95-20-054, § 180-18-080, filed 10/2/95, effective 11/2/95.] Repealed by WSR 01-24-092, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW.

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.300.750 and 28A.655.180(1).

[Statutory Authority: RCW 28A.150.220 and 28A.300.750. WSR 20-03-162, § 180-18-010, filed 1/21/20, effective 2/21/20. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6). WSR 02-18-056, § 180-18-010, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.305.140 and 28A.630.945. WSR 98-05-001, § 180-18-010, filed 2/4/98, effective 3/7/98. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 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 superintendent of public instruction for a waiver from the total instructional hour requirements. The superintendent of public instruction may grant said waiver requests that demonstrate the waiver is necessary to support improving student achievement pursuant to RCW 28A.300.750 and WAC 180-18-050 for up to three school years.

[Statutory Authority: RCW 28A.150.220 and 28A.300.750. WSR 20-03-162, § 180-18-030, filed 1/21/20, effective 2/21/20. Statutory Authority: RCW 28A.300.750 and 28A.305.141. WSR 18-24-090, § 180-18-030, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6), 28A.655.180. WSR 07-20-030, § 180-18-030, filed 9/24/07, effective 10/25/07. Statutory Authority: Chapter 28A.630 RCW. WSR 01-24-092, § 180-18-030, filed 12/4/01, effective

WAC 180-18-040 Waivers from minimum one hundred eighty-day school year 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 superintendent of public instruction for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW 28A.300.750 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. The superintendent of public instruction may grant said waiver requests for up to three school years.

(2) The superintendent of public instruction, pursuant to RCW 28A.300.750, 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;

(g) The plan summarizes how the district considered equity in the development of the plan. This may include, but is not limited to, an equity analysis, community feedback, or other means to assess the consequences of the waiver.

(3) In addition to the requirements of subsection (2) of this section, the superintendent of public instruction shall evaluate requests for a waiver that would represent the continuation of an existing waiver for additional years based on the following:

(a) The effectiveness of the implemented activities in achieving the goals of the plan for student achievement;

(b) Explanation of how the effectiveness of the plan is measured;

(c) Any proposed changes in the plan to achieve the stated goals;

(d) Support by administrators, teachers, other district staff, parents, and the community for continuation of the waiver.

[Statutory Authority: RCW 28A.150.220 and 28A.300.750. WSR 20-03-162, § 180-18-040, filed 1/21/20, effective 2/21/20. Statutory Authority: RCW 28A.300.750 and 28A.305.141. WSR 18-24-090, § 180-18-040, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.305.140(2) and 28A.305.141(3). WSR 12-24-049, § 180-18-040, filed 11/30/12, effective 12/31/12. Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220,

28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. WSR 10-23-104, § 180-18-040, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 28A.305.140 and 28A.655.180. WSR 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. WSR 07-20-030, § 180-18-040, filed 9/24/07, effective 10/25/07. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 95-20-054, § 180-18-040, filed 10/2/95, effective 11/2/95.]

WAC 180-18-050 Procedure to obtain waiver. (1) Superintendent of public instruction approval of district waiver requests pursuant to WAC 180-18-030 and 180-18-040 shall occur 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 noninstruction time. 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 office of superintendent of public instruction's website.

(2) (a) The application for a waiver and all supporting documentation must be received by the superintendent of public instruction based on a schedule issued by the superintendent of public instruction and prior to implementation of the waiver days. The superintendent of public instruction 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 superintendent of public instruction approval upon resubmittal.

(b) Based on a schedule issued by the superintendent of public instruction, the superintendent of public instruction will, on a determination that the required information and documentation has been submitted, notify the requesting district that the requirements of this section have been met and a waiver has been granted.

(3) Under this section, a district seeking to obtain a waiver of no more than five days from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW 28A.300.750 solely for the purpose of conducting parent-teacher conferences shall provide notification to the superintendent of public instruction at least thirty days prior to implementation of the plan. A request for more than five days must be presented to the superintendent of public instruction under subsection (1) of this section for approval. The notice shall provide information and documentation as directed by the superintendent of public instruction. 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.150.220(2) under the waiver plan; and

(b) The number of partial days that will be reduced as a result of implementing the waiver plan.

[Statutory Authority: RCW 28A.150.220 and 28A.300.750. WSR 20-03-162, § 180-18-050, filed 1/21/20, effective 2/21/20. Statutory Authority: RCW 28A.300.750 and 28A.305.141. WSR 18-24-090, § 180-18-050, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.305.140(2) and 28A.305.141(3). WSR 12-24-049, § 180-18-050, filed 11/30/12, effective 12/31/12. Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. WSR 10-23-104, § 180-18-050, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 28A.305.140 and 28A.655.180. WSR 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. WSR 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). WSR 04-04-093, § 180-18-050, filed 2/3/04, effective 3/5/04. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 95-20-054, § 180-18-050, filed 10/2/95, effective 11/2/95.]

WAC 180-18-055 Alternative high school graduation requirements.

(1) The shift from a time and credit based system of education to a standards and performance based education system will be a multiyear transition. In order to facilitate the transition and encourage local innovation, the state board of education finds that current credit-based graduation requirements may be a limitation upon the ability of high schools and districts to make the transition with the least amount of difficulty. Therefore, the state board will provide districts and high schools the opportunity to create and implement alternative graduation requirements.

(2) A school district, or high school with permission of the district board of directors, or approved private high school, desiring to implement a local restructuring plan to provide an effective educational system to enhance the educational program for high school students, may apply to the state board of education for a waiver from one or more of the requirements of chapter 180-51 WAC.

(3) The state board of education may grant the waiver for a period up to four school years.

(4) The waiver application shall be in the form of a resolution adopted by the district or private school board of directors which includes a request for the waiver and a plan for restructuring the educational program of one or more high schools which consists of at least the following information:

(a) Identification of the requirements of chapter 180-51 WAC to be waived;

(b) Specific standards for increased student learning that the district or school expects to achieve;

(c) How the district or school plans to achieve the higher standards, including timelines for implementation;

(d) How the district or school 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;

(f) Evidence that students, families, parents, and citizens were involved in developing the plan; and

(g) Identification of the school years subject to the waiver.

(5) The plan for restructuring the educational program of one or more high schools may consist of the school improvement plans required under WAC 180-16-220, along with the requirements of subsection (4)(a) through (d) of this section.

(6) The application also shall include documentation that the school is successful as demonstrated by indicators such as, but not limited to, the following:

(a) The school has clear expectations for student learning;

(b) The graduation rate of the high school for the last three school years;

(c) Any follow-up employment data for the high school's graduate for the last three years;

(d) The college admission rate of the school's graduates the last three school years;

(e) Use of student portfolios to document student learning;

(f) Student scores on the high school Washington assessments of student learning;

(g) The level and types of family and parent involvement at the school;

(h) The school's annual performance report the last three school years;

(i) The level of student, family, parent, and public satisfaction and confidence in the school as reflected in any survey done by the school within the last three school years;

(j) The plan summarizes how the district considered equity in the development of the plan. This may include, but is not limited to, an equity analysis, community feedback, or other means to assess the consequences of the waiver.

(7) A waiver of WAC 180-51-060 may be granted only if the district or school provides documentation and rationale that any noncredit based graduation requirements that will replace in whole or in part WAC 180-51-060, will support the state's performance-based education system being implemented pursuant to RCW 28A.630.885, and the noncredit based requirements meet the minimum college core admissions standards as accepted by the higher education coordinating board for students planning to attend a baccalaureate institution.

(8) A waiver granted under this section may be renewed 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 requirements that were implemented as a result of the waiver. The request to the state board shall include information regarding the activities and programs implemented as a result of the waiver, whether higher standards for students are being achieved, assurances that students in advanced placement or other postsecondary options programs, such as but not limited to: College in the high school, running start, and tech-prep, shall not be disadvantaged, and a summary of the comments received at the public meeting or meetings.

(9) Any waiver requested under this section will be granted with the understanding that the state board of education will affirm that students who graduate under alternative graduation requirements have in fact completed state requirements for high school graduation in a nontraditional program.

(10) Any school or district granted a waiver under this chapter shall report annually to the state board of education, in a form and

manner to be determined by the board, on the progress and effects of implementing the waiver.

[Statutory Authority: RCW 28A.150.220 and 28A.300.750. WSR 20-03-162, § 180-18-055, filed 1/21/20, effective 2/21/20. Statutory Authority: RCW 28A.300.750 and 28A.305.141. WSR 18-24-090, § 180-18-055, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.150.220 and 28A.305.140. WSR 04-23-006, § 180-18-055, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). WSR 04-04-093, § 180-18-055, filed 2/3/04, effective 3/5/04. Statutory Authority: RCW 28A.230.090, 28A.305.140 and 28A.600.010. WSR 99-10-094, § 180-18-055, filed 5/4/99, effective 6/4/99.]

WAC 180-18-065 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 superintendent of public instruction 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 subsection (1) of this section than may be granted by the superintendent of public instruction under RCW 28A.305.141(3), if the superintendent of public instruction determines that the applying districts are otherwise eligible, their applications will be prioritized based on the following criteria:

(a) Districts that are already operating on a flexible calendar under this waiver program;

(b) Those plans that best redirect monetary savings from the proposed flexible calendar to support student learning;

(c) The plan summarizes how the district considered equity in the development of the plan. This may include, but is not limited to, an equity analysis, community feedback, or other means to assess the consequences of the waiver; and

(d) Other relevant information that may include financial savings, academic indicators, quality of application, community support, and alignment to the district's strategic plan.

[Statutory Authority: RCW 28A.150.220 and 28A.300.750. WSR 20-03-162, § 180-18-065, filed 1/21/20, effective 2/21/20. Statutory Authority: RCW 28A.300.750 and 28A.305.141. WSR 18-24-090, § 180-18-065, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.305.140(2) and 28A.305.141(3). WSR 12-24-049, § 180-18-065, filed 11/30/12, effective 12/31/12.]

WAC 180-18-090 Alternative option to WAC 180-18-055. See WAC 180-51-050 (1)(b) as another option to award high school credit on the basis of competency.

[Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). WSR 04-04-093, § 180-18-090, filed 2/3/04, effective 3/5/04.]

WAC 180-18-100 District waiver from requirement for student access to career and technical education course equivalencies. (1) Any school district reporting, in any school year, an October P223 headcount of fewer than two thousand students as of January of that school year may apply to the superintendent of public instruction for a waiver of up to two years from the provisions of RCW 28A.230.010(2) for the subsequent school year.

(2) In any application for a waiver under this section, the district shall demonstrate that students enrolled in the district do not have and cannot be provided reasonable access, through high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses, to grant academic course equivalency for at least one statewide equivalency high school career and technical education course from the list of courses approved by the superintendent of public instruction under RCW 28A.700.070.

(3) On a determination that the students enrolled in the district do not and cannot be provided reasonable access to at least one career and technical education course that is considered to grant academic course equivalency for at least one statewide equivalency high school career and technical education course under subsection (2) of this section, the superintendent of public instruction shall grant the waiver for the term of years requested.

(4) The office of superintendent of public instruction shall post on its website an application form for use by a district in applying for a waiver under this section. A completed application must be signed by the chair or president of the district's board of directors and superintendent.

(5) In order to provide sufficient notice to students, parents, and staff, the application must be submitted to the superintendent of public instruction in electronic form no later than the deadline established by the office of superintendent of public instruction. The office of superintendent of public instruction shall post a list of all approved applications on its public website.

[Statutory Authority: RCW 28A.150.220 and 28A.300.750. WSR 20-03-162, § 180-18-100, filed 1/21/20, effective 2/21/20. Statutory Authority: RCW 28A.230.010. WSR 18-23-012, § 180-18-100, filed 11/8/18, effective 12/9/18. Statutory Authority: 2014 c 217 and RCW 28A.230.090. WSR 14-19-032, § 180-18-100, filed 9/8/14, effective 10/9/14.]