



Washington Office of Superintendent of
PUBLIC INSTRUCTION

REPORT TO THE LEGISLATURE

180-Day Waivers for the 2020–21 School Year

2021

Authorizing Legislation: **[RCW 28A.300.760](#)**

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EXECUTIVE SUMMARY

As part of the basic education requirements in Washington state, each school district must make a minimum of 180 school days available to students each school year. In addition, school districts must offer a district-wide average of at least 1,027 instructional hours each school year, as prescribed in Revised Code of Washington (RCW) 28A.150.220.

In 2018, House Bill 2824 shifted responsibility of certain school waiver applications from the State Board of Education (SBE) to the Office of Superintendent of Public Instruction (OSPI).

Under this authority, OSPI may grant certain school day waivers that would assist the school district in implementing a local plan to provide all students an effective education system designed to enhance the educational program for each student. Waiver examples include parent-teacher conference days, professional development days, student transition days, and alternative calendars for specific schools or districts. In addition, OSPI may grant waivers to small school districts from the provisions of RCW 28A.230.010, which requires districts to provide high school students the opportunity to access career and technical statewide equivalency courses.

Under separate authority, OSPI can also grant waivers for emergency school closures related to weather and other unforeseen events.

OSPI is required by RCW 28A.300.760 to report annually to SBE and to the education committees of the Legislature regarding the applications OSPI received for these waivers during the prior school year.

INTRODUCTION

As part of the basic education requirements in Washington state, each school district must make a minimum of 180 school days available to students each school year. School districts must also provide at least 1,000 annual instructional hours to students in kindergarten through 8th grade, and at least 1,080 annual instructional hours to students in grades 9–12 (a district-wide average of at least 1,027 hours in grades 1–12). School districts receive state apportionment funding based on the number of students who are enrolled in the district for an average of 1,027 instructional hours over 180 school days.

OSPI is authorized to grant waivers from the requirement of a 180-day school year and, in some instances, the instructional hour requirement. School districts seeking a 180-day school year waiver must submit a request package to OSPI, which includes an application responding to a series of questions, an adopted school board resolution, proposed school year calendar(s), and other information as needed.

Waivers may be granted to school districts for the following purposes:

- School districts may apply for general 180-day waivers (“Regular 180-Day Waiver”) to implement a local plan to provide an effective education system for all students in the district designed to improve student achievement by enhancing the educational program district-wide or for individual schools in the district (RCW 28A.300.750). These include waiver requests for the purpose of scheduling:
 - Parent-teacher conference days
 - Professional development
 - Student transition days
- Emergency school closures due to unforeseen natural events, mechanical failures, or actions or inactions by one or more persons, including negligence and threats (RCW 28A.150.290)
- Substantial lack of classroom space
- Career and technical education (CTE) course equivalency for small school districts unable to provide students with access to CTE courses (RCW 28A.230.010, RCW 28A.230.015)
- A limited number of districts meeting certain enrollment criteria may propose to operate schools on a flexible calendar for purposes of economy and efficiency (RCW 28A.150.222)

Regular 180-Day School Year Waivers

OSPI may grant Regular 180-Day School Year Waivers to allow districts to implement local plans that “provide for all students in the district an effective education system that is designed to enhance the educational program for each student” (RCW 28A.300.750). The Regular 180-Day Waiver application process is used for pre-planned activities such as professional development,

student transition days, or conducting parent-teacher conferences for more than five days. A waiver request may be granted for up to three consecutive school years.

During the 2020–21 school year, 13 school districts submitted waiver applications for the Regular 180-Day Waiver. OSPI reviewed the applications and concluded the applying districts demonstrated that they met the required standards adopted by the SBE (WAC 180-18-040, WAC 180-18-050). All 13 were approved.

Appendix A identifies all school districts with active 180-Day Waivers as of December 31, 2021.

Parent-Teacher Conference Days Waivers

A school district seeking a waiver solely for the purpose of providing five or fewer parent-teacher conference days is not required to follow the application process for Regular 180-Day Waivers (WAC 180-18-050(3)). Instead, the district must provide notification to OSPI at least 30 days prior to implementation of the plan. The district's notification must include a form or letter, an adopted school board resolution, and proposed calendar(s). The waiver can be effective for up to three years.

During the 2020–21 school year, 17 school districts submitted waiver applications for the Parent-Teacher Conference Days Waiver. After review by OSPI staff, all were approved, as staff determined that the districts met the requirements set forth in WAC 180-18-040 and WAC 180-18-050.

Appendix B identifies all school districts with an active Parent-Teacher Conference Days Waiver as of December 31, 2021.

Economy and Efficiency Waivers

OSPI may grant waivers to the basic education requirement of a 180-day school year to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency (RCW 28A.150.222). School districts still must offer the minimum instructional hours required by RCW 28A.150.220.

Economy and Efficiency Waivers may be granted to 10 or fewer school districts with student populations of fewer than 500 students. Two of the ten waivers must be reserved for school districts with student populations of fewer than 150 students. Waivers may be granted for up to three years. The criteria for evaluating requests for Economy and Efficiency Waivers are established by the SBE (WAC 180-18-065).

During the 2020–21 school year, three school districts submitted waiver applications for approval. One application was a renewal request for a district with an existing, but expiring, Economy and Efficiency Waiver. Two applications were new waiver requests. After review by OSPI staff, all three were approved, as staff determined that the districts met the SBE's criteria.

Currently, eight school districts are operating with an Economy and Efficiency Waiver. Those districts are listed in Table 1.

Table 1: Economy and Efficiency Waivers

School District	Waiver Days	# of Years	Waiver Granted	New or Renewal	Approved Thru (SY)
Bickleton	30	3	3/25/20	Renewal	2022–23
Cusick	30	3	3/25/20	Renewal	2022–23
Inchelium	29	3	6/7/21	New	2023–24
Paterson	34	3	3/25/20	Renewal	2022–23
Pe Ell	30	3	6/14/19	New	2021–22
Selkirk	30	3	3/25/20	Renewal	2022–23
Washtucna	30	3	6/7/21	New	2023–24
Waterville	30	3	6/7/21	Renewal	2023–24

Special Waiver for Remote Professional Development

During summer 2020, as the 2020–21 school year drew near, it became evident that the COVID-19 pandemic may cause districts to provide remote learning to most or all students. Recognizing that many school districts were planning for an in-person model but needed to pivot to a remote learning model for the start of the school year, a special 180-day school waiver application was made available to provide specific professional development for assisting district staff in meeting the needs of their students remotely. This special school day waiver for the purposes of remote learning professional development was available only for the 2020–21 school year.

Table 2: Special Waiver for Remote Professional Development

School District	Waiver Days
Castle Rock	2
Deer Park	1
East Valley	4
Kalama	7
Kelso	3
Longview	3
Mill A	5
Naselle-Grays River	3
Ocean Beach	7
Seattle	2
Stevenson-Carson	7
Toutle Lake	3
Wahkiakum	7
Woodland	5

Emergency School Closure Waivers

Occasionally, unforeseen emergencies cause temporary school closures because the facilities could be unsafe, unhealthy, inaccessible, or inoperable. Under certain circumstances, school districts may request an Emergency School Closure Waiver from the 180-day school year requirement (RCW 28A.150.290).

School districts seeking an Emergency School Closure Waiver must make a reasonable effort to make-up the missed school days. At a minimum, the district must make up at least three school days. Make-up days can include the use of scheduled vacation days or other previously planned school closure days. Make-up days can also include the extension of the school year to and/or through June 14. However, if a state of emergency proclamation is issued by the governor, districts may meet the “reasonable effort” test by providing at least the district-wide annual average total instruction hour offerings.

Unforeseen emergencies include:

- Natural events (such as fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption)
- Mechanical failures (disruption of utilities such as heating, lighting, or water)
- Action or inaction by one or more persons (including arson, vandalism, riots, insurrections, bomb threats, bombing)
- Certain unforeseeable construction delays

School closure emergencies *do not* include:

- Labor dispute between a local education agency’s governing body and any employee of the school district
- Construction delays that are foreseeable and reasonably anticipated

During the 2020–21 school year, nine school districts submitted waiver applications for Emergency School Closures. After review by OSPI staff, all were approved, as staff determined that the districts met the requirements set forth in WAC 392-129. Appendix C identifies the school districts that were granted an Emergency School Closure Waiver. (See RCW 28A.159.290, WAC 392-129.)

Career and Technical Education Course Equivalency Waivers

Certain school districts may request a waiver from the provisions of RCW 28A.230.010, which requires districts to provide high school students the opportunity to access state career and technical education (CTE) statewide equivalency courses. Rules for the CTE Course Equivalency Waiver are codified in WAC 180-18-100.

School districts with fewer than 2,000 students may apply for a waiver of up to two years from the provisions of RCW 28A.230.010. To receive a waiver, districts must demonstrate that students enrolled in the district do not have, and cannot be provided, reasonable access to the statewide course equivalencies through high schools, inter-district cooperatives, skill centers or branch or satellite skill centers, or through online learning or Running Start vocational courses.

Certain school districts may request a waiver from the provisions of RCW 28A.230.010, which requires districts to provide high school students the opportunity to access state career and technical education (CTE) statewide equivalency courses. Rules for the CTE Course Equivalency Waiver are codified in WAC 180-18-100.

School districts with fewer than 2,000 students may apply for a waiver of up to two years from the provisions of RCW 28A.230.010. To receive a waiver, districts must demonstrate that students enrolled in the district do not have, and cannot be provided, reasonable access to the statewide course equivalencies through high schools, inter-district cooperatives, skill centers or branch or satellite skill centers, or through online learning or Running Start vocational courses. To provide sufficient notice to students, families, and staff, the application must be submitted to OSPI no later than January 15 of the school year prior to the school year for which the waiver is requested starting with the 2021–22 school year.

For the 2020–21 school year, OSPI received one waiver request which was granted to the Kettle Falls School District.

CONCLUSION & NEXT STEPS

OSPI continues to receive and process 180-day waiver applications for the 2021–22 school year.

[Information concerning 180-day School Year Waivers, including links to the waiver applications, can be found on the OSPI website.](#) Also included on the OSPI website is [information about CTE waivers, including the waiver application.](#)

APPENDIX A: 180-DAY SCHOOL YEAR WAIVERS

Table 3: School Districts with Active 180-Day School Year Waivers (as of 12/31/2021)

DISTRICT	GRANTED	DAYS	YEARS	Approved Thru (SY)	PURPOSE OF WAIVER
Aberdeen	8/27/21	1	1	2021–22	student transition day
Auburn	8/19/20	3	3	2022–23	professional development
Bethel	2/12/20	2	3	2022–23	professional development
Cle Elum-Roslyn	8/19/20	3	3	2022–23	professional development
Columbia	7/10/19	2	3	2021–22	professional development
Davenport	3/25/19	2	3	2021–22	professional development
Granger	8/14/20	5	3	2022–23	professional development
Kelso	5/14/21	1	3	2023–24	student transition day
LaConner	4/26/19	3	3	2021–22	professional development
Lopez Island	3/16/21	3	1	2021–22	professional development
Lynden	5/18/20	4	3	2022–23	professional development
Meridian	5/14/21	3	3	2023–24	professional development
Methow Valley	3/23/20	6	3	2022–23	professional development
Mount Baker	9/24/20	3	3	2022–23	professional development
Mukilteo	7/22/19	2	3	2021–22	professional development

DISTRICT	GRANTED	DAYS	YEARS	Approved Thru (SY)	PURPOSE OF WAIVER
Napavine	5/18/20	3	3	2022–23	professional development
Onion Creek	5/18/20	3	3	2022–23	professional development
Orient	5/18/20	5	5	2022–23	professional development
Reardan-Edwall	1/17/20	2	3	2021–22	professional development
Ridgefield	12/9/20	1	3	2023–24	student transition day
Riverside	6/23/21	1	2	2022–23	professional development
South Bend	4/12/21	3	3	2023–24	professional development
Sultan	5/14/21	2	3	2023–24	professional development
Sunnyside	8/19/20	7	3	2022–23	professional development
Tacoma (all)	5/14/21	2	3	2023–24	collaboration, data review
Tacoma (IDEA)	8/23/19	15	3	2021–22	alternative school calendar
Tacoma (SAMI)	8/23/19	15	3	2021–22	alternative school calendar
Tacoma (SOTA)	8/23/19	15	3	2021–22	alternative school calendar
Valley	2/12/20	3	3	2022–23	professional development
White River	3/23/20	3	3	2022–23	professional development
Zillah	12/16/19	3	3	2022–23	professional development

APPENDIX B: PARENT-TEACHER CONFERENCE DAYS WAIVERS

Table 4: School Districts with Active Parent-Teacher Conference Days Waivers (as of 12/31/21)

DISTRICT	DAYS	YEARS	GRANTED	Approved Through (SY)
Aberdeen	4	3	5/29/19	2021–22
Aberdeen (Harbor Learning Center)	4	1	10/22/21	2021–22
Arlington	3	1	8/20/21	2021–22
Asotin-Anatone	2	3	1/17/19	2021–22
Bainbridge Island	5	3	5/18/20	2022–23
Brewster	5	3	3/25/19	2021–22
Cascade	4	3	5/17/21	2023–24
Cashmere	2	2	4/29/21	2022–23
Central Kitsap	3	3	5/18/20	2022–23
Centralia	4	3	3/2/21	2023–24
Cheney	4	2	4/29/21	2022–23
Chimacum	3	3	5/29/19	2021–22
Clarkston	3	3	4/29/21	2023–24
College Place	2	3	3/2/21	2022–23
Colville	4	3	1/15/20	2022–23
Dayton	3	3	4/26/19	2021–22
Deer Park	4	3	11/29/21	2023–24
Dieringer	2	3	10/29/20	2022–23
Eastmont	2	3	3/2/21	2023–24
Entiat	4	3	12/16/19	2022–23

DISTRICT	DAYS	YEARS	GRANTED	Approved Through (SY)
Fife	5	3	3/25/19	2021–22
Finley	3	3	7/10/19	2021–22
Freeman	4	3	12/3/21	2023–24
Highline	3	3	2/26/20	2022–23
Issaquah	2	3	4/29/21	2023–24
Kettle Falls	4	3	5/18/20	2022–23
Lind	4	3	2/1/19	2021–22
Mary M. Knight	3	1	7/19/21	2021–22
Mead	4	3	12/3/21	2024–25
Medical Lake	4	3	8/28/20	2022–23
Mukilteo	5	1	7/19/21	2021–22
Nespelem	1	1	3/2/21	2020–21
Nespelem	2	1	3/2/21	2021–22
North Franklin	4	3	11/19/19	2021–22
North Kitsap	4	3	5/29/19	2021–22
North Thurston	2	1	8/20/21	2021–22
Oak Harbor	4	3	11/19/19	2022–23
Ocosta	4	3	10/2/19	2021–22
Okanogan	4	3	8/28/20	2022–23
Omak	4	3	8/23/19	2021–22
Orcas Island	4	3	3/23/20	2022–23
Orondo	4	3	5/29/19	2021–22
Port Townsend	2	3	7/10/19	2021–22
Prosser	4	3	8/20/21	2023–24
Pullman	4	3	3/25/19	2021–22

DISTRICT	DAYS	YEARS	GRANTED	Approved Through (SY)
Reardan-Edwall	1	3	1/17/20	2021–22
Richland	4	3	8/4/21	2023–24
Ritzville	4	3	2/1/19	2021–22
Riverside	4	3	2/1/19	2021–22
Riverview	1	3	10/2/19	2021–22
Rochester	3	3	8/20/21	2023–24
Seattle	3	3	3/11/19	2021–22
Seattle (K only)	2	1	8/26/21	2021–22
Sultan	4	3	5/14/21	2023–24
Tonasket	4	3	12/16/19	2022–23
Tonasket	5	3	4/29/21	2023–24
Toppenish	4	3	5/25/21	2023–24
Tumwater	3	1	7/19/21	2021–22
Valley	4	3	2/12/20	2022–23
Vashon Island	5	3	5/29/19	2021–22
Waitsburg	2	3	8/28/20	2022–23
Walla Walla	2	3	3/23/20	2022–23
Walla Walla (K only)	1	3	5/29/19	2021–22
Wenatchee	4	3	10/22/21	2023–24
West Valley (Spokane)	4	3	4/29/21	2023–24
Zillah	4	3	12/16/19	2022–23

APPENDIX C: EMERGENCY SCHOOL CLOSURE WAIVERS

Table 5: School Districts Granted an Emergency School Closure Waiver for 2020–21 School Year

DISTRICT	DAYS WAIVED	CAUSE	APPROVED
White Salmon Valley	3	COVID-19 pandemic high case numbers in county	5/19/21
Battle Ground	2	Wildfire (smoke, power outages, road closures)	4/28/21
Bridgeport	5	Wildfire (smoke, power outages, road closures)	3/8/21
Dieringer	1	Wildfire (smoke, power outages, road closures)	6/16/21
Endicott	2	Wildfire (smoke, power outages, road closures)	3/1/21
Kittitas	1	Widespread power outage	6/16/21
Liberty	1	Wildfire (smoke, power outages, road closures)	4/27/21
Puyallup	1	Widespread power outages due to high winds	2/19/21
St. John	2	Wildfire (smoke, power outages, road closures)	3/1/21

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