



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**

REPORT TO THE LEGISLATURE

# 180-Day Waivers for the 2019–20 School Year

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; or
  - Student transition days.
- 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).
- 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).
- 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).

## 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 2019–20 school year, 15 school districts submitted waiver applications for the Regular 180-day School Year Waiver. OSPI reviewed the applications and concluded the applying districts demonstrated that they met the required standards adopted by the SBE (Washington Administrative Code [WAC] 180-18-040, WAC 180-18-050). All 15 were approved.

Appendix A identifies all school districts with active 180-day School Year Waivers as of December 31, 2020.

## 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 simply provide notification to OSPI at least 30 days prior to implementation of the plan. The waiver can be effective for up to three years.

During the 2019–20 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, 2020.

## 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 2019–20 school year, four school districts submitted waiver applications for approval.<sup>1</sup> All were renewal requests for districts currently operating with an Economy and Efficiency Waiver. After review by OSPI staff, all four were approved, as staff determined that the districts met the SBE’s criteria.

Currently, six 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
Paterson	34	3	3/25/20	Renewal	2022–23
Selkirk	30	3	3/25/20	Renewal	2022–23
Waterville	30	3	5/10/18	New	2020–21
Pe Ell	30	3	6/14/19	New	2021–22

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<sup>1</sup> One school district submitted an incomplete waiver application, and the application was subsequently withdrawn. The district intends to re-submit the application in 2021.

## 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); and
- 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; and
- Construction delays that are foreseeable and reasonably anticipated.

(See RCW 28A.159.290, WAC 392-129.)

Due to the global pandemic caused by the COVID-19 virus during the 2019–20 school year, school districts were faced with unprecedented challenges with safety and learning. In the spring of 2020, in order to protect the health and safety of students, educators, and their families, Governor Inslee ordered the closure of school buildings and asked schools to provide instruction for the remainder of the year remotely. As a result, OSPI created a special emergency waiver process for the many school districts that could not meet the days and hours requirements in the law due to building closures.

On April 29, 2020, OSPI adopted temporary emergency rules (chapter 392-901 WAC) establishing the terms and conditions governing school district’s entitlement to state funds

during the 2019–20 school year due to school facilities closures caused by the COVID-19 pandemic and other unforeseen emergency events.

Under this special emergency waiver process, school districts could apply for an emergency school closure waiver for “school days and hours” or for “hours only.” The “school days and hours” waiver was granted to 186 districts. The “hours only” waiver was granted to 112 districts.

School districts that were unable to meet the statutory minimum 180-school day requirement were required to extend the school year by five additional school days but were not required to extend beyond June 19, 2020.

School districts that experienced weather-related or other unforeseen emergencies prior to the closures caused by the COVID-19 pandemic were instructed to include those missed days in calculating their cumulative school year.

Appendix C identifies the school districts that were granted an Emergency School Closure Waiver for school days and hours for the 2019–20 school year. Appendix D lists school districts that were granted an Emergency School Closure Waiver for hours only for the 2019–20 school year.



# 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.

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 2019–20 school year, OSPI received a few inquiries about waivers but did not have any waiver requests during the reporting period.

## CONCLUSION & NEXT STEPS

The rules permitting special COVID-related emergency school closure waivers have expired. OSPI has continued to receive and process 180-day waiver applications for the 2021–22 school year, and we anticipate that OSPI will receive applications for traditional weather-related emergency school day waivers for the 2020–21 school year in the spring. As required under RCW 28A.300.760, OSPI will report on these applications following the end of the current 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](#) itself.

# APPENDIX A

## 180-Day School Year Waivers

*School districts with active 180-day School Year Waivers (as of 12/31/20)*

DISTRICT	DAYS	YEARS	GRANTED	Approved Thru (SY)	PURPOSE OF WAIVER
Auburn	3	3	8/19/20	2022-2023	professional development
Bethel	2	3	2/12/20	2022-2023	professional development
Cle Elum-Roslyn	3	3	8/19/20	2022-2023	professional development
Columbia	2	3	7/10/19	2021-2022	professional development
Davenport	2	3	3/25/19	2021-2022	professional development
Granger	5	3	8/14/20	2022-2023	professional development
Kelso	1	3	7/12/18	2020-2021	student transition day
LaConner	3	3	4/26/19	2021-2022	professional development
Lynden	4	3	5/18/20	2022-2023	professional development
Methow Valley	6	3	3/23/20	2022-2023	professional development
Mount Baker	3	3	9/24/20	2022-2023	professional development
Mukilteo	2	3	7/22/19	2021-2022	professional development
Napavine	3	3	5/18/20	2022-2023	professional development
Onion Creek	3	3	5/18/20	2022-2023	professional development
Orient	5	5	5/18/20	2022-2023	professional development
Reardan-Edwall	2	3	1/17/20	2021-2022	professional development
Richland	7	3	5/10/18	2020-2021	professional development
Ridgefield	1	3	1/11/18	2020-2021	student transition day
Ridgefield	1	3	12/9/20	2023-2024	student transition day
Riverside	1	1	8/19/20	2020-2021	professional development
South Bend	3	3	3/7/18	2020-2021	professional development
Sultan	6	3	5/10/18	2020-2021	prof. dev.; conferences
Sunnyside	7	3	8/19/20	2022-2023	professional development
Tacoma	4	3	3/7/18	2020-2021	professional development
Tacoma (IDEA)	15	3	8/23/19	2021-2022	alternative school calendar
Tacoma (SAMI)	15	3	8/23/19	2021-2022	alternative school calendar
Tacoma (SOTA)	15	3	8/23/19	2021-2022	alternative school calendar
Toppenish	24	1	10/9/20	2020-2021	alternative school calendar
Valley	3	3	2/12/20	2022-2023	professional development
White River	3	3	3/23/20	2022-2023	professional development
Zillah	3	3	12/16/19	2022-2023	professional development

# APPENDIX B

## Parent-Teacher Conference Days Waivers

*School districts with active Parent-Teacher Conference Days Waivers (as of 12/31/20)*

DISTRICT	DAYS	YEARS	GRANTED	Approved Thru (SY)
Aberdeen	4	3	5/29/19	2021-2022
Bainbridge Island	5	3	5/18/20	2022-2023
Brewster	5	3	3/25/19	2021-2022
Cascade	4	3	2/15/18	2020-2021
Cashmere	2	2	4/10/19	2020-2021
Central Kitsap	3	3	5/18/20	2022-2023
Cheney	4	2	4/26/19	2020-2021
Chimacum	3	3	5/29/19	2021-2022
Clarkston	3	3	8/3/18	2020-2021
Colville	4	3	1/15/20	2022-2023
Dayton	3	3	4/26/19	2021-2022
Deer Park	4	3	10/22/18	2020-2021
Eastmont	5	3	12/12/16	2020-2021
Entiat	4	3	12/16/19	2022-2023
Fife	5	3	3/25/19	2021-2022
Finley	3	3	7/10/19	2021-2022
Freeman	4	2	5/29/19	2020-2021
Highline	3	3	2/26/20	2022-2023
Issaquah	2	3	2/8/18	2020-2021
Kettle Falls	4	3	5/18/20	2022-2023
Liberty	4	1	8/26/20	2020-2021
Lind	4	3	2/1/19	2021-2022
Longview	2	3	4/5/18	2020-2021
Medical Lake	4	3	8/28/20	2022-2023
North Franklin	4	3	11/19/19	2021-2022
North Kitsap	4	3	5/29/19	2021-2022
Oak Harbor	4	3	11/19/19	2022-2023
Ocosta	4	3	10/2/19	2021-2022
Okanogan	4	3	8/28/20	2022-2023
Omak	4	3	8/23/19	2021-2022
Orcas Island	4	3	3/23/20	2022-2023
Orondo	4	3	5/29/19	2021-2022
Port Townsend	2	3	7/10/19	2021-2022
Prosser	4	3	8/8/18	2020-2021
Pullman	4	3	3/25/19	2021-2022

<b>DISTRICT</b>	<b>DAYS</b>	<b>YEARS</b>	<b>GRANTED</b>	<b>Approved Thru (SY)</b>
Reardan-Edwall	1	3	1/17/20	2021-2022
Ritzville	4	3	2/1/19	2021-2022
Riverside	4	3	2/1/19	2021-2022
Riverview	1	3	10/2/19	2021-2022
Seattle	3	3	3/11/19	2021-2022
Tonasket	4	3	12/16/19	2022-2023
Toppenish	4	3	4/5/18	2020-2021
Valley	4	3	2/12/20	2022-2023
Vashon Island	4	3	7/5/18	2020-2021
Vashon Island	5	3	5/29/19	2021-2022
Waitsburg	2	3	8/28/20	2022-2023
Walla Walla	2	3	3/23/20	2022-2023
Walla Walla (K only)	1	3	5/29/19	2021-2022
Wenatchee	4	1	2/26/20	2020-2021
West Valley (Spokane)	4	3	1/2/18	2020-2021
Zillah	4	3	12/16/19	2022-2023

# APPENDIX C

## Emergency School Closure Waivers – Days and Hours

*School districts granted an Emergency School Closure Waiver for 2019–20 school year*

Anacortes	Evaline	Loon Lake
Arlington	Everett	Lopez Island
Asotin-Anatone	Evergreen (Stevens)	Lyle
Auburn	Ferndale	Lynden
Bainbridge Island	Fife	Mary M. Knight
Battle Ground	Finley	Mary Walker
Bellevue	Freeman	Marysville
Bellingham	Garfield	Mead
Blaine	Glenwood	Medical Lake
Bremerton	Grand Coulee Dam	Meridian
Brewster	Grandview	Methow Valley
Bridgeport	Granite Falls	Mill A
Camas	Grapeview	Monroe
Cashmere	Great Northern	Mount Adams
Castle Rock	Green Mountain	Mount Baker
Central Kitsap	Griffin	Mount Vernon
Central Valley	Harrington	Mukilteo
Cheney	Highland	Naches Valley
Chewelah	Highline	Napavine
Chief Leschi Schools	Index	Newport
Clarkston	Issaquah	Nine Mile Falls
Cle Elum Roslyn	Kahlotus	Nooksack Valley
Clover Park	Kalama	North Franklin
College Place	Kelso	North Thurston
Columbia (Walla Walla)	Kennewick	Northshore
Colville	Kent	Oak Harbor
Concrete	Kettle Falls	Oakesdale
Coupeville	Kittitas	Ocean Beach
Creston	Klickitat	Odessa
Cusick	La Conner	Olympia
Dayton	Lake Chelan	Omak
Deer Park	Lake Quinault	Onalaska
Dieringer	Lake Stevens	Orcas Island
East Valley (Spokane)	Lake Washington	Orient
Eastmont	Lakewood	Othello
Edmonds	Lamont	Palouse
Elma	Liberty	Pasco
Endicott	Lind-Ritzville	Pateros
Entiat	Longview	Pe Ell

Peninsula  
Pioneer  
Port Angeles  
Port Townsend  
Prescott  
Quilcene  
Quillayute Valley  
Quincy  
Renton  
Republic  
Richland  
Ridgefield  
Ritzville  
Riverside  
Riverview  
Royal  
Satsop  
Seattle  
Sedro Woolley  
Selah  
Sequim  
Shelton  
Shoreline  
Skamania

Skykomish  
Snohomish  
Snoqualmie Valley  
South Bend  
South Kitsap  
South Whidbey  
Spokane  
Spokane International  
Academy  
Sprague  
St. John  
Stanwood-Camano  
Star  
Steptoe  
Sultan  
Summit Valley  
Sunnyside  
Tacoma  
Taholah  
Tahoma  
Tekoa  
Tenino  
Thorp  
Tonasket

Tukwila  
Tumwater  
University Place  
Valley  
Vancouver  
Vashon Island  
Wa He Lut Indian School  
WA School for Deaf & Hard  
of Hearing  
Wahluke  
Wapato  
Washougal  
Wellpinit  
Wenatchee  
White Pass  
White Salmon  
Wilbur  
Willapa Valley  
Wishkah Valley  
Wishram  
Yakima  
Yelm  
Zillah

# APPENDIX D

## Emergency School Closure Waivers – Hours Only

*School districts granted an Emergency School Closure Waiver for 2019–20 school year*

Aberdeen	Enumclaw	North Beach	Southside
Adna	Ephrata	North Kitsap	Starbuck
Almira	Evergreen (Clark)	North Mason	Stehekin
Benge	Federal Way	North River	Steilacoom
Bethel	Franklin Pierce	Northport	Stevenson-Carson
Boistfort	Goldendale	Oakville	Sumner-Bonney
Brinnon	Granger	Ocosta	Lake
Burlington Edison	Hockinson	Okanogan	Toledo
Carbonado	Hood Canal	Onion Creek	Toppenish
Cascade	Hoquiam	Orchard Prairie	Touchet
Centerville	Impact Public	Orondo	Toutle Lake
Centralia	Schools	Oroville	Trout Lake
Chehalis	Inchelium	Orting	Union Gap
Chimacum	Keller	Palisades	WA State School
Colfax	Kiona-Benton	Paterson	for the Blind
Colton	La Center	Pomeroy	Wahkiakum
Columbia (Stevens)	LaCrosse	Pullman	Waitsburg
Conway	Mabton	Puyallup	Walla Walla
Cosmopolis	Mansfield	Queets-Clearwater	Warden
Coulee Hartline	Manson	Quileute Tribal	Washtucna
Crescent	McCleary	School	Waterville
Curlew	Mercer Island	Rainier	West Valley
Damman	Montesano	Raymond	(Spokane)
Darrington	Morton	Reardan-Edwall	West Valley
Davenport	Mossyrock	Rochester	(Yakima)
Dixie	Mount Pleasant	Roosevelt	White River
East Valley	Muckleshoot Tribal	Rosalia	Winlock
(Yakima)	School	San Juan Island	Woodland
Easton	Naselle-Grays	Selkirk	
Eatonville	River Valley	Shaw Island	
Ellensburg	Nespelem	Soap Lake	

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