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## Education Committee

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### ESSB 6242

**Brief Description:** Concerning waivers from the one hundred eighty-day school year requirement.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators King, Rolfes, Litzow, Billig, Fain, Chase and McAuliffe).

#### Brief Summary of Engrossed Substitute Bill

- Removes the expiration date for the waiver program.
- Changes the limitation that the State Board of Education (SBE) may grant waivers to two school districts with student populations under 150 and three districts with student populations between 150 and 500, to allow the SBE to grant up to five waivers to districts with fewer than 500 full-time equivalent students.
- Retains the requirement that school districts provide an annual average instructional hour offering, but removes the phrase "at least 1,000 hours."
- Makes a technical change.

**Hearing Date:** 2/19/14

**Staff:** Megan Wargacki (786-7194).

#### **Background:**

##### Minimum Instructional Requirements.

A school district's basic educational program must consist of a minimum of 180 school days per school year. Currently, for students enrolled in grades 1-12, school districts must make available a district-wide annual average of at least 1,000 instructional hours. In the future but not before the 2014-15 school year, this average must be increased to at least 1,080 instructional hours for students enrolled in grades 4-12, according to an implementation schedule adopted by the Legislature.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Waivers.

The State Board of Education (SBE) is authorized to adopt rules regarding compliance with its program requirements, which include Basic Education, graduation requirements, accountability, and other specified matters. The SBE may grant waivers of program requirements, including minimum instructional hours, the length of the school year, and student-teacher ratios, if the waiver is necessary to implement a school district's local plan to provide an effective education system designed to enhance the educational program for each student.

### *Waivers for Economy and Efficiency.*

In 2009 the Legislature granted the SBE authority to waive the 180-day requirement for districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency. Only five school districts are eligible for these waivers, two of which have student populations under 150 and three of which have student populations between 150 and 500. The SBE may not waive the 1,000 instructional hours requirement as part of this waiver.

School districts seeking such waivers must submit:

- a proposed calendar showing how the instructional hour requirement will be met;
- an explanation and estimate of the economies and efficiencies to be gained;
- an explanation of how the monetary savings will be redirected to support student learning;
- a summary of public comments received at a public hearing on the proposal, together with an explanation of how any concerns will be addressed;
- an explanation of the impact on students who rely on free and reduced lunch and on the ability of the child nutrition program to operate an economically independent program;
- an explanation of the impact on employee recruitment and retention;
- an explanation of the impact on students whose parents work during the missed school day; and
- other information as requested by the SBE to assure that the proposal will not adversely affect student learning.

These waivers may be granted for up to three years, with all waivers expiring August 31, 2014. Currently, two districts, both with fewer than 150 enrolled students, are receiving these waivers.

The 2009 legislation also required the SBE to examine these waivers and recommend to the Legislature whether the program should be continued, modified, or allowed to terminate based on empirical evidence. In November 2013 the SBE recommended to the Legislature that the waivers be allowed to continue for an interim period because though the data was inconclusive, it did not show a measurable decline in student achievement.

### **Summary of Bill:**

The expiration date for the waiver program is removed.

The requirement that the SBE grant up to five waivers, where two districts have student populations under 150 and three districts have student populations between 150 and 500, is changed to allow the SBE to grant up to five waivers to school districts with fewer than 500 full-time equivalent students on the first of October of the school year in which the request is being made.

The requirement that school districts provide an annual average instructional hour offering is retained, but the phrase "at least 1,000 hours" is removed.

A technical change is made to the name of the assessment reviewed in the SBE's December 2013 report to the Legislature.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.