Emergency School Closure

Waiver Request

As part of the basic education requirements in Washington state, each local education agency (LEA\*) must make a minimum of 180 school days available to students each school year. LEAs 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). LEAs receive state 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. (\**LEAs include public school districts, state-tribal education compact schools, and charter schools.)*

Occasionally, unforeseen emergencies cause temporary school closures because the facilities could be unsafe, unhealthy, inaccessible, or inoperable. Unforeseeable emergencies include one or more natural event, mechanical failure, or action or inaction by one or more persons. Under certain circumstances, LEAs may request an emergency school closure waiver from the 180-day school year requirement.

## To request an Emergency School Closure Waiver, LEAs must:

* Submit the Emergency School Closure Waiver Day request form.
* Indicate the district will meet the average annual hours of instruction requirement of 1,027 hours (or 1,000 hours for K–8 districts).
* Make-up at least three (3) school days for district-wide closures, per incident, and demonstrate reasonable effort to make-up all the missed school days. Per WAC 392-129-105, “reasonable effort” means:
  + Extension of the school year to and through June 14.
  + Use of scheduled vacation days and foreseeable school closure days to meet the requirements for 180 days and 1,027 hours.
  + If a state of emergency proclamation is issued by the governor, LEAs may meet the "reasonable effort" test by providing at least the district-wide annual average total instruction hour offerings.

### Emergency School Closure Waiver Request form must be submitted to the Office of Superintendent of Public Instruction (OSPI) at [waivers@k12.wa.us](mailto:waivers@k12.wa.us).

Emergency School Closure Waiver Request

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| Local Education Agency (LEA): | | |  | | | | | |
| LEA Superintendent: | |  | | | | | | |
| Email: |  | | | | Phone: | |  | |
| Person submitting application *(if different)*: | | | |  | | | | |
| Email: |  | | | | | Phone: | |  |

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| --- | --- | --- |
| Emergency Closure Date(s) |  | |
| Was the closure district-wide?  *If, certain schools only, list individual schools that did not operate.* |  | |
| Cause of emergency district-wide or school closure *(describe in detail)* |  | |
| Instructional Hours – Will the LEA meet the annual instructional hour requirement? *(If no, explain in detail)* |  | |
| Make-Up Date(s)  Specific date(s) the school district has scheduled to make up the missed day(s). For district-wide closures, districts must make-up at least 3 school days. |  | |
| LEA Superintendent statement:  The board of directors (governing body) of the above-named LEA have reviewed this Emergency School Closure Waiver application and supports its submittal. Foreseeable school closure days were not included in this request. | | |
| Signed *(LEA Superintendent)*: | | Date: |

# Submit Emergency Waiver Request to OSPI [waivers@k12.wa.us](mailto:waivers@k12.wa.us)

# Emergency School Closure Waiver Frequently Asked Questions

## How many days does the LEA need to make-up?

The LEA 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 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, LEAs may meet the "reasonable effort" test by providing at least the district-wide annual average total instruction hour offerings.

## Is there a deadline for requesting a waiver?

No. However, LEAs should apply with enough time to make scheduling adjustments accordingly (if necessary). In the event of multiple emergencies in a school year, such as a fall flood and a winter blizzard, the LEA may submit one cumulative emergency waiver request.

## Is there a date in statute past which school cannot be held?

No. If LEAs need to hold school into July to meet the requirement for minimum average annual hours of instruction, nothing in statute prohibits that from occurring.

## Can late start or early release be counted as instructional time?

No. Regularly scheduled late start/early release hours are not counted as instructional hours.

## Does a school board resolution need to be submitted?

No. However, the LEA board of directors (governing body) must review the Emergency School Closure Waiver request and support its submittal.

## 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 an LEA governing body and any employee of the school district.
* Construction delays that are foreseeable and reasonably anticipated (as defined 28A.150.290) do not qualify as an emergency for the purposes of a waiver.

## Laws and rules for emergency school closures:

RCW 28A.150.290 and chapter 392-129 WAC