

School Days & Instructional Hours Emergency Waivers & District Reporting Requirements: Frequently Asked Questions

Background & Introduction

Revised Code of Washington (RCW) 28A.150.220 provides the minimum requirements of the statewide instructional program of basic education that school districts must offer. Each school year must consist of a minimum of 180 school days (RCW 28A.150.220[5][a]). And school districts also must provide at least 1,000 annual instructional hours to kindergarteners through 8th graders, and at least 1,080 annual instructional hours to grades 9 through 12—or a district-wide average of at least 1,027 hours in grades 1–12. RCW 28A.150.220(2)(a)–(b).

Ordinarily, school districts 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. The Office of Superintendent of Public Instruction (OSPI), however, is authorized to waive the school day and average instructional hour requirements for districts in the event of unforeseen emergency events, including epidemics (RCW 28A.150.290[2]).

On April 29, 2020, OSPI adopted temporary emergency rules (Chapter 392-901 of the Washington Administrative Code [WAC]) establishing the terms and conditions that will govern school districts' entitlement to receive their state basic education apportionment allocations during the 2019–20 school year when the district was unable to fully meet its statutory school days and instructional hours requirements due to school closures caused by the novel coronavirus (COVID-19) pandemic and other unforeseen emergency events.

Districts that meet those terms and conditions will receive their full annual allocation of state basic education apportionment (WAC 392-901-025[2]). Districts will be required to submit an application to OSPI requesting the waiver of school days and instructional hours.

Below are answers to frequently asked questions regarding school days and instructional hours waivers and school district reporting requirements.

Q-1: What will school districts have to do to demonstrate their compliance with the statutory school days and instructional hours requirements in the 2019–20 school year?

Every school district must submit to OSPI either a school days and instructional hours emergency waiver application or, alternatively, documentation demonstrating that the district has fully met the 180 school days and 1,027 instructional hours requirements.



- Districts that will not meet the 1,027 average instructional hour and the 180 school days requirements due to the COVID-19 pandemic and other unforeseen emergency events must comply with the requirements identified below in Q-2. OSPI anticipates *most* districts will apply for this waiver because they provided time off immediately following the school facility closure for their employees as they created plans for continuous learning.
- Districts that will not offer 1,027 average instructional hours due to the COVID-19 pandemic and other unforeseen emergency events but will provide 180 school days must comply with the requirements identified below in Q-3. OSPI anticipates *some* districts will apply for this waiver because they immediately engaged both staff and students with continuous learning opportunities.
- Districts that will fully meet the 180 school days and 1,027 instructional hours requirements must comply with the requirements identified below in Q-4. OSPI anticipates very few, if any, districts will apply for this waiver. Districts must have maintained the school day and instructional hours requirements outside of a school facility immediately following school closure.

Q-2: What are the requirements for districts that will not offer 1,027 average instructional hours and will not provide 180 school days?

These districts will receive their full annual allocation of state apportionment if:

- The district implemented a continuous student learning plan;
- The district's school board adopts a resolution approving the continuous learning plan by May 29, 2020;
- The district extends the school year by an additional five school days (but is not required to extend beyond June 19, 2020);
- The district's school board supports the request for school days and instructional hours emergency waiver; and
- The district submits a waiver application on a form provided by OSPI. The application will consist of the elements in Q-7 below, including a copy of the continuous learning plan approved by the school board and the district's school year calendar.

Q-3: What are the requirements for districts that will not offer 1,027 average instructional hours but will provide 180 school days?

These districts will receive their full annual allocation of state apportionment if:

- The district made available continuous learning opportunities for all enrolled students immediately following the statewide closure of school facilities beginning March 17, 2020;
- The district's school board adopts a resolution approving the continuous learning plan by May 29, 2020;



- The district’s school board supports the request for the instructional hours emergency waiver; and
- The district submits a waiver application on a form provided by OSPI. The application will include the information identified in Q-7 below, including a copy of the continuous learning plan approved by the school board and the school district’s 180-day school calendar. The plan must demonstrate that continuous student learning commenced after March 17, 2020, and include evidence that students were provided an opportunity to engage in educational activities.

Q-4: What are the requirements for districts that will both offer 1,027 average instructional hours and provide 180 school days?

These districts will receive their full annual allocation of state apportionment if:

- The district implemented a continuous student learning plan;
- The district submits to OSPI a copy of the continuous learning plan approved by the school board; and
- The district’s continuous learning plan includes the district’s 180-day calendar and provides evidence that the district offered an average of 1,027 instructional hours to all enrolled students.

Q-5: OSPI’s new rules (WAC 392-901-025[1][c]) say nothing in the rules precludes school districts from scheduling the last five school days of the school calendar for noninstructional purposes, including, but not limited to, the observance of graduation and early release from school for students who are graduating from high school. Does this mean school districts are not required to offer instruction to all students over the last five days of school?

No. The rule simply re-affirms that school districts may schedule noninstructional activities for *graduating seniors* in the last five days of the school year under RCW 28A.150.220(5)(c).

Q-6: What elements must a continuous learning plan include?

“Continuous learning” means establishing and maintaining connections with students and their families to provide learning materials and supports using a variety of modalities (e.g., email, telephone, printed learning materials, or available online platforms) taking into account recommendations provided by the Office of Superintendent of Public Instruction in its published guidance.

A district’s approved continuous learning plan must:

- Offer educational engagement, planned by staff, as directed by the administration and governing board for all enrolled students;

- Include the district’s school year calendar, including a weekly schedule of staff and student engagement following March 17, 2020;
- Provide a process for the district to determine which learning standards are most essential;
- Establish a district- or school-based system of collecting student engagement information. The record can be daily or weekly. Attendance information is not required for reporting enrollment under Chapter 392-121 WAC and districts must not file truancy petitions for absences occurring after March 17, 2020; and
- Award academic grading as specified in WAC 392-901-030(4) and OSPI’s guidance on grading during the COVID-19 pandemic.

Q-7: What information will school districts need to provide in the waiver application?

The application will be primarily limited to the following elements:

- Districts must provide the name of district and district superintendent.
- Districts must affirm that:
 1. The school board has reviewed and supports the application for an emergency waiver of school days and instructional hours,
 2. The district has implemented a continuous learning plan for all students, and
 3. The continuous learning plan implemented by the district meets the minimum requirements outlined in Chapter 392-901 WAC.
- Districts must provide OSPI a copy of its approved continuous student learning plan.

The application will *not* require districts to submit the board resolution approving the continuous learning plan or the record of the board vote reviewing and supporting the application for emergency waiver of school days and instructional hours. School districts will need to retain this documentation consistent with state records retention requirements.

Q-8: When will school districts be able to apply for the waiver?

OSPI will make an electronic waiver application form available to school districts by May 15, 2020.

