

6/14/2016



SADDLE  
MOUNTAIN  
SCHOOL

2015-2016  
SCHOOL COMPLIANCE NARRATIVE REPORT

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# SADDLE MOUNTAIN SCHOOL

Established 2008

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June 14, 2016

To: Office of Superintendent of Public Instruction  
Office of Private Education  
Old Capitol Building  
PO Box 47200  
Olympia WA 98504-7200

Washington State Board of Education  
PO Box 47206  
Olympia, WA 98504-7206

From: Phyllis Magden, Chief Administrator of Saddle Mountain School

Re: Narrative Report: Major Deviations—WAC 180-90-160 (1)(b) and WAC 180-90-141(1)(a)

On May 6, 2016, OSPI sent our school a letter citing two major deviations and a suggestion regarding serving adults to the Washington State Board of Education. Saddle Mountain School is fully committed to being in complete compliance with the Washington State Standards of Compliance.

Over the course of the time OSPI allotted to address the deviations and make corrections, our school used the time to analyze our program, seek clarification on existing statues and regulations, and make all corrections needed to be in full compliance with Washington State Standards of Compliance.

While improvements may be necessary to comply with the new law, we would like to highlight some major points we believe the OSPI and Washington State Board of Education should address:

- 2016-2017 State Standard of Compliance did not reflect the current change of the law in paper or electronic format. Saddle Mountain relied on the Standard of Compliance as issued.
- All the private schools approved at the May 2016 meeting, certified compliance under the **old** law, which was in effect until December 31, 2015, *not* the amended law. Saddle Mountain School and possibly one other school was singled-out based on outdated information.

- Information requested from OSPI in November 2015 for a six-month period, pertained to the old law *not* the amended law—effective January 1, 2016. However, a major deviation was issued based on information from May 2015.
- Laura Moore issued a letter to the State Board of Education in July 2014 that states the school had a lack of attendance policy.
- There was a miscommunication and misinterpretation regarding student information requested from the OSPI.
- Saddle Mountain School’s non-discrimination policy is modeled after OSPI’s non-discrimination policy.
- RCW 28A.195.10 does not reflect changes in the amended law.

Saddle Mountain School has made every effort to remedy the reported deviations. We agree with the deviations because of our error in the interpretation of reporting the requested information. Our school only reported graduated students and not the currently enrolled as a response to the request from OSPI. That said, immediate action was taken to identify, research, and correct the deviations. Our school used part of OSPI’s “School Improvement Planning Process Guide” as a tool to correct the deviations and improve the quality of the school. We also sent a letter to OSPI regarding WAC 180-90-41 (1)(a) to seek additional clarification to prevent further miscommunications and misunderstanding on reporting information. Had we reported the information correctly, we would have included our currently enrolled students along with the graduated students. Since we now know that WAC 180-90-160 (1)(b) was amended our school appropriately adopted a new attendance policy to ensure compliance.

In addition, it is important to note, that we have had several parents of middle school students contact us regarding enrollment for the entire 2016-2017 school year. We have already committed to serve one seventh grade student, with medical issues, during the summer. Upon approval, the student will continue enrollment with our program throughout the year and several other students will commence in September, as full-time students at the physical facility, with an attendance policy in place.

If you have any additional questions, please do not hesitate to contact me at the number or email below.

Sincerely,

Phyllis Magden  
509-760-3321  
[phyllismagden@yahoo.com](mailto:phyllismagden@yahoo.com)



## Assess Readiness to Benefit

### Process

1. Make contact with staff and attorney. First, meeting regarding the May 6, 2016 letter citing two major deviations and a suggestion from OSPI about serving adult students. Principal informs staff about the school improvement process.

### May 10<sup>th</sup> Meeting Notes:

- The May 6, 2016 letter from OSPI was read.
- Informed staff and attorney that a school improvement plan is necessary to address Major Deviations and OSPI belief about serving adult students over the age of 18.
- Create school improvement plan/compliance report using OSPI's "School Improvement Planning Process Guide" as a reference tool and guidance.
- Schedule next meeting for May 11<sup>th</sup> discussing, time, effort, and resources.

### May 11<sup>th</sup> Meeting Notes:

- Purpose: Increase staff awareness regarding compliance and major deviations.
- Goal: Become compliant with the 2016-2017 Minimum State Standards of Compliance for Washington State Private Schools.
- Action: Make a list of questions and comments that need to be addressed and start researching practices of other schools and agencies within Washington state.
- Have first Leadership meeting on May 13<sup>th</sup> with questions ready.

### May 13<sup>th</sup> Meeting Notes:

- Conducted General Readiness Assessment
  - ✓ Stakeholders understand that the continuous improvement process is a process, not an event, and that the first "round" will take a number of months to complete.  
Note: Deadline for OSPI narrative report is **June 14, 2016**.
  - ✓ Leadership Team includes a person knowledgeable about the continuous improvement process or technical assistance for the process is available.
  - ✓ Leadership Team includes student and parent representatives.
  - ✓ 2–3 hour blocks of time are available for whole staff involvement in the process (LID, early release, extended time, etc.).
  - ✓ Resources are available to provide Leadership Team meetings.
  - ✓ Communication and decision-making processes are established in the school.
  - ✓ Staff are ready to focus on actions that will improve student achievement.

- ✓ Staff value giving input during decision-making
- ✓ Staff are receptive to the idea that change may be necessary.

General Readiness statements were Developed by Northwest Educational Service District 189

<http://www.k12.wa.us/StudentAndSchoolSuccess/SIPGuide/SIPGuide.pdf>

- Staff provided copies of their list of questions and comments regarding two major deviations and OSPI belief about serving adult students.
  1. What is WAC 180-90-160 (1)(b)?
  2. What is WAC 180-90-141 (1)(a)?
  3. Did the application for 2016-2017 reflect the changes of the amended law?
  4. What is a major deviation?
  5. Was there a miscommunication of the documents submitted to OSPI in November 2015?  
What about our site-based, extension students, and currently enrolled students?
  6. I thought issues that happened in January 2014, were cleared up in the 2013-2014 school year.
  7. My statement about working with students has been taken out of context for the third time.
  8. Do laws become effective on December 1? I always thought it happened in January.
  9. What is OSPI's non-discrimination statement?
  
- Next meeting May 14, 2016

**May 14, 2016**

**Meeting Goals:** Answer questions 1-4

**Time Needed:** 2 hours

**Meeting Tasks:** Answer questions with supporting documentation.

**Set Dates and Deadlines:** Next Meeting May 16,2016—Be ready to Collect, Sort, and Select Data. Bring answers to questions 1-4 with supporting documentation.

**Evaluate Effectiveness of Meeting:** The meeting was very effective in making sure all stakeholders were aware of the laws. However, there was one question we were unable to answer: Does WAC 180-90-141 (1)(a) mean one student needs to be enrolled for six consecutive calendar months or does the school have to have all students enrolled six consecutive calendar months? If the latter, this interpretation is without a rational basis as there are circumstances in every school (public or private) that would require certain students to only be enrolled for less than 6 months: i.e. illness, move, disability, or other possible issues



## Collect, Sort, and Select Data

**May 16, 2016**

**Meeting Goals:** Answers to questions 1-4, with Supporting Documentation. Begin draft of clarification letter. Address question 5.

**Time Needed:** 2 hours

**Meeting Tasks:** Copy and Paste answers to questions with supporting documentation. Discuss clarification letter draft. Address question 5 with follow-up task

**Set Dates and Deadlines:** May 17<sup>th</sup> next meeting. Bring supporting documentation for question 5.

**Evaluate Effectiveness of Meeting:** This meeting created much needed discussion about WAC's and follow-up questions that staff could not answer.

### What is WAC 180-90-160 (1)(b)?

On each school day, pupils enrolled and in attendance at the school are engaged in educational activity planned by and under the direction of the school; and that pupils are provided a total instructional hour offering as prescribed in RCW 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.150.220 do not apply to private schools and that the total instructional hour offering, except as otherwise specifically provided in RCW 28A.150.220, made available is at least:

- (i) 450 hours for students in kindergarten.
- (ii) 1000 hours for students in grades one through twelve.

Statutory Authority: RCW 28A.195.040

<http://apps.leg.wa.gov/wac/default.aspx?cite=180-90-160>

### What was WAC 180-90-160 (1)(b) before the rule was amended?

((Following initial approval as a private school by the state board of education, evidence of current accreditation by a state board of education approved accrediting body may be submitted annually in lieu of approval documents described in 1-12.

(1)) (a) The minimum school year for instructional purposes consists of no less than ((180)) one hundred eighty school days or the equivalent in annual minimum instructional hour offerings as prescribed in RCW 28A.150.220.

((2)) (b) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total instructional hour offering as prescribed in RCW 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.150.220 do not apply to private schools and that the total instructional hour offering, except as otherwise specifically provided in RCW 28A.150.220, made available is at least: ((a)) (i) 450 hours for students in kindergarten. [ 5 ] OTS-7195.1

((b)) (ii) 1000 hours for students in grades one through twelve.

[http://www.sbe.wa.gov/documents/rulemaking/180-17PrivateSchool\\_rulechange.pdf](http://www.sbe.wa.gov/documents/rulemaking/180-17PrivateSchool_rulechange.pdf)

**Note:** Did not see the amended rule change on the Washington State Board of Education's webpage under Rulemaking—June 3, 2015.

**What is WAC 180-90-141 (1)(a)?**

- (a) Failure to have students enrolled for any six consecutive calendar months in the school's physical facilities or failure to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time.

<http://apps.leg.wa.gov/wac/default.aspx?cite=180-90-141>

**Did the application for 2016-2017 reflect the changes of the amended law?**

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board, and that the total instructional hour offering, made available is at least: (a) 450 hours for students in Kindergarten. (b) 1,000 hours for students in Grades 1 through 12.

<http://www.k12.wa.us/PrivateEd/PrivateSchools/forms/618A.pdf>

**What is a major deviation?**

(b) "Major deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel but may impact the ability of the school to provide an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160, but is not so serious as to constitute an unacceptable deviation.

<http://apps.leg.wa.gov/wac/default.aspx?cite=180-90-112>

**Was there a miscommunication of the documents submitted to OSPI in November 2015? What about our site-based, extension students, and currently enrolled students?**

- The request wanted students who enrolled in the past six months, with other information including the date of graduation.
- The request did not seek specific enrollment dates...just in the past six months.
- The request was in past tense, “have enrolled”, which reasonably led us to believe the OSPI only wanted our graduated students.
- The request did not seek those “students who have enrolled and are currently enrolled”.
- In a follow-up email, sent to Laura Moore asking if she needed additional information. She responded on November 23, 2015 “not at this time.” This again, reasonably led us to believe we sent the information that OSPI wanted.
- Not all the students listed on the report were enrolled less than six months. We had students who were enrolled May-October, which totals six months—May-August of the 2014-2015 school year and September-October of the 2015-2016 school year.
- Only graduated students were submitted to OSPI as requested per Laura Moore.
- The letter stated “OSPI has become aware of concerns regarding Saddle Mountain School’s practices in awarding diplomas to high school students,” which additionally led us to believe OSPI was only wanted us to report graduated students.
- The follow up from letter OSPI was regarding adult students, not student enrollment.



#### **List of questions or scenarios that need addressed and clarified**

1. A senior in high school student transfers to our program, has 24 credits, and is missing .50 credit of PE. The student is interviewed and a decision is made to how the coursework will be completed. The student and teacher agree to log 75 hours of PE at the physical location based on the old time-based definition of a credit (1 credit=150 hours, .50=75 hours). That means if a student was required to be enrolled for six months then the student would have to be in class 4500 minutes or 75 hours—meaning a student would have to be enrolled and active for 37.5 minutes each day to fulfill the six month requirement. If the student completed one hour of PE a day, then the student would only be enrolled for 75 days. If the student completed two hours of PE a day, the student would be at school for approximately 37.5 days. It seems unreasonable to have a student be enrolled at school for 37.5 minutes per day to meet the six-month requirement or complete one hour a day and sit for 45 days.
2. A student enters our program with 25 or more credits—already completing credits in almost all the required subject areas, would that student have to be enrolled for six months?

3. Does the six-month enrollment account for schools that have their programs based on quarter (generally 12 weeks or 60 days) or semesters (generally 18 weeks or 90 days)? Is the OSPI stating a student cannot be enrolled for one quarter or one semester to finish coursework?
4. How does the six-month enrollment period work for a school that has a traditional 180-day school year? A six-month enrollment period would be approximately 120 days.
5. Did the electronic copy of the 2016-2017 STATE STANDARDS CERTIFICATE OF COMPLIANCE reflect the amended changes?
6. Did we have a miscommunication with OSPI?

### **May 17, 2016**

**Meeting Goals:** Address questions 6-9 with supporting documentation.

**Time Needed:** 2 hours

**Meeting Tasks:** Address questions 6-9

**Set Dates and Deadlines:** Next meeting May 18

**Evaluate Effectiveness of Meeting:** The meeting generating more questions adding to the confusion regarding WAC's and letter from Laura Moore dated May 6, 2016.

### **It was presumed that issues that occurred in January 2014, were cleared up in the 2013-2014 school year.**

An informal email was sent to Laura Moore in 2013 mentioning how we do work with students sometimes for 20 to 30 minutes if they do not understand a concept. On December 20, 2013 Laura Moore sent a letter wanting clarification:

“Explain how each student is meeting the minimum of 1,000 hours of instruction when the students are at the school for 20 to 30 minutes by appointment only?”

The response to that statement was

“All students who enroll in Saddle Mountain School have the opportunity to engage in the annual 1000 hours of educational activities provided and planned by the teachers. Students have the opportunity to gain and further their knowledge to complete graduation requirements, preparation for academic/vocational post-secondary education, and become productive citizens within the United States.

Saddle Mountain School recognizes that not all students learn at the same pace, have different levels of retention, have different motivational levels, and have different amounts of credits.

Saddle Mountain School hours are opened to all students. However, if a student wants one-on-one assistance with a particular subject or concept, students are asked to schedule an appointment in advanced. Sometimes the student is able to learn the material within 20 to 30 minutes or sometimes it might take 3 to 4 hours as indicated in a previous e-mail.

Another example is if a student enrolls and is in need of one credit, then through an appointment the credit would be discussed and the student would make the choice to work at the facility or complete the material independently. The student most likely would not need the 1000 hours of instruction, but the hours would be provided. The goal is to focus on student-centered learning.”

On March 18, 2014 another letter was issued from Dan Newell, once again omitting part of the statement (Sometimes the student is able to learn the material within 20 to 30 minutes or sometimes it might take 3 to 4 hours as indicated in a previous e-mail) and only focused on the “20 to 30 minutes by appointment only” made in an informal email to Laura Moore. In the letter he also stated “If you do not provide us adequate assurances regarding the education program you are offering at Saddle Mountain School, OSPI will have no choice but to find unacceptable deviation from the minimum standards and will not recommend approval of the school to the State Board of Education.”

Saddle Mountain School used the letter as an opportunity to reevaluate the educational program and make changes. However, after OSPI evaluated the documents submitted in May 2014 they did identify one minor deviation with our extension program. On June 6, 2014 OSPI contacted by certified letter Saddle Mountain School worked diligently and remedied the deviation.

On June 17, 2014 OSPI also sent a letter to the State Board of Education stating:

From the information provided to OSPI, it appears that Saddle Mountain School intends to make a 2,300 instructional hour program available to students in the site-based program. We do not know if students will be required to attend the program full-time. However, because chapters 28A.195 RCW and 180-96 WAC do not clearly require approved private schools to adopt attendance policies or insure that students are actually engaged in educational activity for a minimum of 1,000 hours, we cannot identify a deviation from the standards set forth in WAC 180-90-160(1)-(2), nor are we able to recommend non-approval of the application.

Based on the letter OSPI sent us on June 6, 2014 “we will recommend full approval of Saddle Mountain School to the State Board of Education” and the letter OSPI sent to the Washington State Board of Education “Under the requirements of RCW 28A.195.010 and WAC 180-90-130, the Office of Superintendent of Public Instruction recommends the full approval of Saddle Mountain School as an approved private school in Washington” we thought the issue had been resolved. Again, Saddle Mountain relies upon OSPI’s previous communications and administrative findings.

**The statement about working with students has been taken out of context for the third time.**

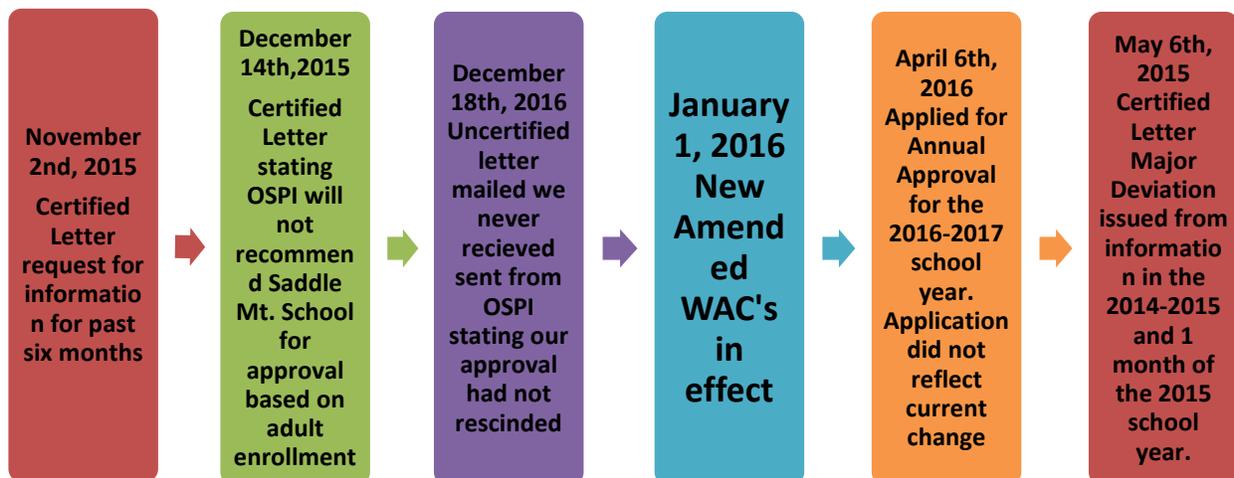
See above

### Do laws become effective on December 1? I always thought it happened in January.

On May 6, 2016 Laura Moore stated in a letter “The State Board of Education amended its private school rules effective December 1, 2015, to expressly require student attendance in a private school’s physical facilities for six consecutive months.” Does OSPI believe the law went into effect 12-1-2015? The information requested and collected by OSPI was for the end/summer of 2014-2015 and two months of the 2015-2016 school year. Did OSPI give our school a deviation on collected information that was not even a law at the time the information was requested?

[Statutory Authority: RCW **28A.195.040**. WSR 15-24-108, § 180-90-160, filed 12/1/15, effective 1/1/16. Statutory Authority: 2014 c 217 and RCW **28A.230.090**. WSR 14-19-032, § 180-90-160, filed 9/8/14, effective 10/9/14. Statutory Authority: RCW **28A.195.040**. WSR 03-04-053, § 180-90-160, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW **28A.305.130**(6), **28A.195.040** and 1996 c 83. WSR 96-15-099, § 180-90-160, filed 7/22/96, effective 8/22/96. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-90-160, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW **28A.02.240**. WSR 89-01-038 (Order 23-88), § 180-90-160, filed 12/14/88; WSR 87-09-039 (Order 7-87), § 180-90-160, filed 4/14/87. Statutory Authority: RCW **28A.02.240**. WSR 85-24-056 (Order 23-85), § 180-90-160, filed 12/2/85. Statutory Authority: RCW **28A.04.120**(4). WSR 82-04-004 (Order 3-82), § 180-90-160, filed 1/21/82. Statutory Authority: RCW **28A.02.201** et seq. and **28A.04.120**(4). WSR 78-06-064 (Order 9-78), § 180-90-160, filed 5/25/78; Order 2-77, § 180-90-160, filed 3/24/77; Order 1-76, § 180-90-160, filed 2/3/76; Order 1-75, § 180-90-160, filed 2/4/75.]

<http://apps.leg.wa.gov/wac/default.aspx?cite=180-90-160>



What is OSPI’s non-discrimination statement?

## **Nondiscrimination Policy**

OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to:

Equity and Civil Rights Director

P.O. Box 47200

Olympia, WA 98504-7200

(360) 725-6162/TTY: (360) 664-3631

<http://www.k12.wa.us/GeneralInfo/NondiscriminationPolicy.aspx>

**May 18, 2016**

**Meeting Goals:** Review questions 1-9 and determine what is clear and not clear.

**Time Needed:** 3 hours

**Meeting Tasks:** Discuss answers and write down new questions

**Set Dates and Deadlines:** May 19th

**Evaluate Effectiveness of Meeting:** Reviewing the documentation, sent from OSPI has generated more confusion and a clarification letter needs to be made.

<b>Clear</b>	<b>Not Clear</b>	<b>Notes</b>
What is WAC 180-90-160 (1)(b)?		Clear that the law changed, but not clear on the date OSPI cited.
	What is WAC 180-90-141 (1)(a)?	Does WAC 180-90-141 (1)(a) mean one student needs to be enrolled for six consecutive calendar months or does the school have to have students enrolled six consecutive calendar months?
Did the application for 2016-2017 reflect the changes of the amended law? No, it did not		Paper and electronic format were consistent with old law.
What is a major deviation?		
Was there a miscommunication of the documents submitted to OSPI in November 2015? What about our site-based, extension students, and currently enrolled students? Yes, there was a miscommunication		Based on May 6, 2016 letter from Laura Moore and the documentation submitted and sent on November 20, 2015— there is clearly a miscommunication.

	I thought issues that happened in January 2014, were cleared up in the 2013-2014 school year.	Does not seem issues from 2013-2014 were cleared if they were addressed in 2016.
My statement about working with students has been taken out of context for the third time.		Part of the statement was omitted, therefore changing the meaning of the statement.
Do laws become effective on December 1? I always thought it happened in January.		We believe the law did go into effect 1/1/2016
What is OSPI's non-discrimination statement?		

### New Question list

1. Does WAC 180-90-141 (1)(a) mean one student needs to be enrolled for six consecutive calendar months or does the school have to have students enrolled six consecutive calendar months?
2. Did OSPI give our school a deviation on collected information that was not even a law at the time the information was requested?
3. Were all the other private schools approved under the old law at the May 2016 meeting because all the schools used the same electronic form to certify they were in compliance?
4. Do we need an attendance policy?
5. If we wanted to add an online component to our program, what are the steps?
6. How do the public schools report enrollment and attendance?
7. Can we use the public school enrollment/attendance handbook as a guide to meet minimum state standards?
8. What is RCW 28a.195.10?
9. What is Washington State Board of Education's non-discrimination policy?

**May 19, 2016**

**Meeting Goals:** Answer questions new questions 1-3

**Time Needed:** 2 hours

**Meeting Tasks:** Answer questions 1-3

**Set Dates and Deadlines:** May 20

**Evaluate Effectiveness of Meeting:** This meeting was very effective because it helped create an action plan, although there is some general confusion regarding the WACs and why Saddle Mt. School (possibly one other school) are the only schools that are be required to meet new state requirements.

**Does WAC 180-90-141 (1)(a) mean one student needs to be enrolled for six consecutive calendar months or does the school have to have students enrolled six consecutive calendar months?**

The best way to answer this question is to get clarification from OSPI.

**Did OSPI give our school a deviation on collected information that was not even a law at the time the information was requested?**

Yes, OSPI did give our school a deviation for collected information that was not a law at the time the information was requested.

**Were all the other privates schools approved under the old law at the May 2016 meeting because all the schools used the same electronic form to certify they were in compliance?**

Any school that applied for the initial private school application certified they were meeting minimum state requirements under the old law (see Appendix 1).

Any existing private school that applied for renewal using their ESD account applications certified that they met minimum state standards for the 2016-2017 school year under the old law.

That means all the private schools that OSPI recommended at the May 2016 received approval, certifying compliance under the old law.

Saddle Mountain School and possibly one other school (see Appendix 3) are the only schools that are being required to certify compliance for the 2016-2017 school year under the new law.

**May 20, 2016**

**Meeting Goals:** Answer questions new questions 4-6

**Time Needed:** 2 hours

**Meeting Tasks:** Answer questions 4-6

**Set Dates and Deadlines:** May 21

**Evaluate Effectiveness of Meeting:** An attendance policy was discussed and drafted. We need clarification for an online component. Reviewed public schools enrollment reporting handbook. Attendance records were also discussed and agreed that component needed to be changed

**Do we need an attendance policy?**

On June 17, 2014, Laura Moore sent a letter to the Washington State Board of Education stating “because chapters 28A.195 RCW and 180-96 WAC do not clearly require approved private schools to adopt State Board of Education attendance policies or insure that students are actually engaged in educational activity for a minimum of 1,000 hours, we cannot identify a deviation from the standards set forth in WAC 180-90-160(1)-(2).” Saddle Mountain School staff only kept attendance record home-extension students and on some students that attended school every day because RCW and WAC did not require attendance policies according to Laura Moore. Saddle Mountain School began drafting a policy for attendance because we agree a policy needs to be in place.

### **If we wanted to add an online component to our program, what are the steps?**

We know several existing private schools added an online component to their educational program. After review the 2016-2017 electronic application for meeting the State Standards Certificate of Compliance we are unclear of the process of adding the online component. Ask OSPI for clarification & call other schools.

### **How do the public schools report enrollment and attendance?**

Read and review OSPI’s 2015-2016 enrollment reporting handbook for a better understanding of how public schools report enrollment and attendance.

**May 21, 2016**

**Meeting Goals:** Answer questions new questions 4-6

**Time Needed:** 2 hours

**Meeting Tasks:** Answer questions 7-9

**Set Dates and Deadlines:** May 23

**Evaluate Effectiveness of Meeting:** This was an effective meeting because we reviewed how public schools report enrollment. In addition, we reviewed RCW 28a.195.10 and noticed it did not reflect the amended law and also reminded staff that “ All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.”

### **Can we use the public school enrollment/attendance handbook as a guide to meet minimum state standards?**

The public school enrollment documentation is to collect state funding , is published by the OSPI, and some of the statues and regulations to apply to both public and private schools.

### **What is RCW 28a.195.10?**

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

(2) The school day shall be the same as defined in RCW 28A.150.203.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

<http://app.leg.wa.gov/RCW/default.aspx?cite=28A.195.010>

### **What is Washington State Board of Education's non-discrimination policy?**

*Not found*

**May 23, 2016**

**Meeting Goals:** Draft clarification letter to OSPI

**Time Needed:** 2 hours

**Meeting Tasks:** Draft clarification letter to OSPI

**Set Dates and Deadlines:** May 24

**Evaluate Effectiveness of Meeting:** Each staff wrote a first draft in order to gain clarification on questions.

**May 24, 2016**

**Meeting Goals:** Review attendance policy

**Time Needed:** 2 hours

**Meeting Tasks:** Complete attendance policy

**Set Dates and Deadlines:** May 25

**Evaluate Effectiveness of Meeting:** Staff drafted attendance policy and reviewed laws.

**May 25, 2016**

**Meeting Goals:** Address serving students over 18

**Time Needed:** 3 hours

**Meeting Tasks:** Review documentation

**Set Dates and Deadlines:** May 27

**Evaluate Effectiveness of Meeting:** This meeting was held because Laura Moore states in a May 6, 2016 letter that “OSPI intends to encourage the State Board to specify that it does not have the authority to approve a private school’s program that issues high school diplomas to adults over the age of 18.” We contacted the WSSDA and the state agency sent us a copy of the policy that supports educational programs to admit students over the age of 21(Appendix E). Included is page 33 from “A Citizen’s Guide to Washington State K-12 Finance (Appendix F),” addressing the question “What is the role of the federal government in public elementary and secondary education?” Also, we included a link to the U.S. Department of Education “Know your Rights” page (Appendix G).

<http://www2.ed.gov/about/offices/list/ocr/know.html>

**May 27, 2016**

**Meeting Goals:** Send clarification letter to Laura Moore

**Time Needed:** 2 hours

**Meeting Tasks:** Write final draft and send to Laura Moore

**Set Dates and Deadlines:** May 30

**Evaluate Effectiveness of Meeting:** Final draft was reviewed and will send on Monday to Laura Moore.

**May 30, 2016**

**Meeting Goals:** Send clarification letter to Laura Moore & wait for a response—discuss student registration for 2016-2017.

**Time Needed:** 2 hours

**Meeting Tasks:** Letter sent and discuss student enrollment

**Set Dates and Deadlines:** Next meeting will take place when OSPI responds.

**Evaluate Effectiveness of Meeting:** Letter sent & going to make contact with parents regarding student enrollment for the upcoming year.

**June 9, 2016**

**Meeting Goals:** Review response from OSPI

**Time Needed:** 2 hours

**Meeting Tasks:** Discuss response from OSPI

**Set Dates and Deadlines:** June 10

**Evaluate Effectiveness of Meeting:** We did get clarification on the six month rule. We will need additional clarification regarding adding an online component to our program.

**June 10, 2016**

**Meeting Goals:** Find out if we can fax, email, or hand deliver the response to make the June 14 deadline. Complete narrative report.

**Time Needed:** 5 hours

**Meeting Tasks:** Email Laura Moore and complete the narrative report.

**Set Dates and Deadlines:** June 13

**Evaluate Effectiveness of Meeting:** Laura Moore stated to email the narrative report. The narrative report was drafted.

**June 14, 2016**

**Meeting Goals:** Review and send narrative report to OSPI

**Time Needed:** 2 hours

**Meeting Tasks:** Review and send narrative report to OSPI

**Set Dates and Deadlines:** Next meeting pending

**Evaluate Effectiveness of Meeting:** Saddle Mountain School believes we have made every effort to correction the deviations in the OSPI's findings. However, we do believe that there was a misinterpretation of the material requested in November 2015. A miscommunication between Laura Moore and Phyllis Magden occurred regarding the information requested.

June 14, 2016

**Final Analysis:**

After many questions, clarifications, revisions and re-evaluations, we realize our interpretation of Laura Moore attendance request was in error. We sent only the students who were enrolled and graduated within the six- month framework, (May thru October). We had other students who were enrolled, but had not yet graduated.

We have committed to serve one student this summer, who has a faulty valve in his heart and is being bullied at school. If we are re-approved for next year, he will be our first seventh grader. His parents would like him to be enrolled until he graduates from high school. The need for a safe learning environment is a concern for our parents. By having smaller class size and constant monitoring our school can provide that assurance. He will be starting with our summer program, which begins this Friday, the 17<sup>th</sup>.



Appendix B

	<p>OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION          Office of Private Education          Old Capitol Building          PO BOX 47200          Olympia WA 98504-7200          (360) 725-6433 TTY (360) 664-3631</p>
<p><b>STATE STANDARDS CERTIFICATE OF COMPLIANCE          2016-17</b></p>	

School Name \_\_\_\_\_  
 Physical Location \_\_\_\_\_  
 Address (required) \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 (if different) \_\_\_\_\_

**Please mark with an "X" all appropriate areas.**

This school:

<input type="checkbox"/> Offers child care	<input type="checkbox"/> Is profit
<input type="checkbox"/> Offers preschool	<input type="checkbox"/> Offers a gifted program
<input type="checkbox"/> Is a residential school	<input type="checkbox"/> Offers a special education program
<input type="checkbox"/> Is nonprofit	

PUBLIC SCHOOL DISTRICT IN WHICH THE SCHOOL IS LOCATED \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that I am the principal or chief administrator of the above-named school; that said school is located at the address listed above and conducts Grades \_\_\_\_\_ through \_\_\_\_\_. Projected enrollment for the 2016-17 school year is preschool \_\_\_\_\_ Grades K-12 \_\_\_\_\_. This school is scheduled to meet throughout the 2016-17 school year; and this school will meet all standards as stated in this document, with the exception only of such deviations, if any, as are set forth in (11) below:

**Initial each number indicating compliance as appropriate.**

- \_\_\_\_\_ (1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum instructional hour offerings as prescribed in WAC 180-90-112(4).
- \_\_\_\_\_ (2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board, and that the total instructional hour offering, made available is at least:
  - (a) 450 hours for students in Kindergarten.
  - (b) 1,000 hours for students in Grades 1 through 12.
- \_\_\_\_\_ (3) All classroom teachers hold appropriate Washington State certification or meet the definition of a non-Washington State certificated teacher in WAC 180-90-112(5)(a-d).
- \_\_\_\_\_ (4) (a) ALL classroom teachers will not have \_\_\_\_\_; will have \_\_\_\_\_; have \_\_\_\_\_; a Washington State background check (check most appropriate).  
 (b) ALL other staff who have regularly scheduled unsupervised access to children will not have \_\_\_\_\_; will have \_\_\_\_\_; have \_\_\_\_\_; a Washington State background check (check most appropriate).
- \_\_\_\_\_ (5) The school intends to operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The projected enrollment for the extension program is \_\_\_\_\_.
- \_\_\_\_\_ (6) The extension program meets the following requirements:
  - (a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW who is employed by the school.
  - (b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (5), (6), and (8) on this certificate.
  - (c) The certified person spends a minimum average each month of one contact hour per week with each student under his/her supervision who is enrolled in the extension program.
  - (d) Each student's progress is evaluated by the certified person.
  - (e) The certified person does not supervise more than 30 students enrolled in the approved private school's extension program.

- \_\_\_\_\_ (7) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities or the retention of duplicates in a separate and distinct area.
- \_\_\_\_\_ (8) (a) \_\_\_\_\_ The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, and substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office.
- OR
- \_\_\_\_\_ (b) \_\_\_\_\_ When a parent, guardian, or person having legal custody is instructing only his or her child under subsection (4) of this section a residential dwelling is deemed an adequate facility.
- \_\_\_\_\_ (9) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting State Board of Education graduation requirements, as set forth in chapter 180-51 WAC. The school curriculum is available upon request.
- \_\_\_\_\_ (10) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district and a copy is enclosed. A copy will be provided to all student families.
- \_\_\_\_\_ (11) The school does not engage in a policy of racial segregation or discrimination.
- \_\_\_\_\_ (12) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the State Board of Education and the standards contained in chapter 180-90 WAC. Any such deviation is described herewith and includes a timeline indicating how and when the deviation will be corrected. (Use additional paper with school heading.)
- \_\_\_\_\_ (13) The Superintendent of Public Instruction shall be notified in writing of any deviation from these standards which occurs after the action taken by the State Board of Education. Such notification shall be filed within 30 days of occurrence of the deviation.
- \_\_\_\_\_ (14) Approval by the State Board of Education is contingent upon on-going compliance with standards certified herein. We understand that failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school by the State Board of Education and will be considered in subsequent application for approval as a private school.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Return to:**

Office of Superintendent of Public Instruction  
 Office of Private Education  
 Old Capitol Building  
 PO BOX 47200  
 OLYMPIA WA 98504-7200

\_\_\_\_\_  
 Authorized Signature

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 E-mail Address

\_\_\_\_\_  
 Telephone Number

\_\_\_\_\_  
 Fax Number

\_\_\_\_\_  
 Web Site Address

## Appendix C

### SADDLE MOUNTAIN SCHOOL

Established 2008

2451 WEST BENCH RD, OTHELLO, WA 99344

PHONE 509.760.3321

FAX 509.488.4079

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May 27, 2016

To: Office of Superintendent of Public Instruction  
Office of Private Education  
Old Capitol Building  
PO Box 47200  
Olympia WA 98504-7200

Washington State Board of Education  
PO Box 47206  
Olympia, WA 98504-7206

From: Phyllis Magden, Chief Administrator of Saddle Mountain School

Re: Clarification Request: Major Deviations—WAC 180-90-160 (1)(b) and WAC 180-90-141(1)(a)

Dear Ms. Moore & members of the Washington State Board of Education

On May 6, 2016, OSPI sent our school a letter citing two major deviations and a suggestion regarding serving adults to the Washington State Board of Education. Saddle Mountain School is fully committed to addressing the deviations, proposing remedial action, and being in full compliance with Washington's States Standards of Compliance. However, in making sure our school is in full compliance we do seek clarification on WAC 180-90-141(1)(a) and on adding an online component to our program.

WAC 180-90-141(1)(a) Failure to have students enrolled for any six consecutive calendar months in the school's physical facilities or failure to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time.

- Does WAC 180-90-141 (1)(a) mean one student needs to be enrolled for six consecutive calendar months or does the school have to have students enrolled six consecutive calendar months? Here are two possible examples and other questions that need clarified:
  - A senior in high schools transfers to our program, has 24 credits, and is missing .50 credit of PE. The student is interviewed and a decision is made to how the coursework will be completed. The student and teacher agree to log 75 hours of PE at the physical location based on the old time-based definition of a credit (1 credit=150 hours, .50=75 hours). That means if a student was required to be enrolled for six months then the student would have to be in class 4500 minutes or

## SADDLE MOUNTAIN SCHOOL

Established 2008

2451 WEST BENCH RD, OTHELLO, WA 99344

PHONE 509.760.3321

FAX 509.488.4079

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75 hours—meaning a student would have to be enrolled and active for 37.5 minutes each day to fulfill the six month requirement. If the student completed one hour of PE a day, then the student would only be enrolled for 75 days. If the student completed two hours of PE a day, the student would be at school for approximately 37.5 days. It seems unreasonable to have a student be enrolled at school for 37.5 minutes per day to meet the six-month requirement or complete one hour a day and sit for 45 days.

- A student enters our program with 25 or more credits—already completing credits in almost all the required subject areas, would that student have to be enrolled for six months? Please see the attached transcript (not to be published on the internet).
- Does the six-month enrollment account for schools that have their programs based on quarter (generally 12 weeks or 60 days) or semesters (generally 18 weeks or 90 days)? Is the OSPI stating a student cannot be enrolled for one quarter or one semester to finish coursework?
- How does the six-month enrollment period work for a school that has a traditional 180-day school year? A six-month enrollment period would be approximately 120 days.

That is why we interpreted the law as meaning the school must have student enrollment for six consecutive months—not one student must be enrolled for a consecutive six months.

- If our school wants to add an online component, what steps are necessary? We have found little information about the approval or procedural process.

In moving forward to be considered for approval in the 2016-2017 school, Saddle Mountain School is seeking clarification to the questions listed. Please respond as soon as possible, so our school will be able to complete a narrative report by the deadline requested by OSPI.

Sincerely,

Phyllis Magden



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## SUPERINTENDENT OF PUBLIC INSTRUCTION

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Randy I. Dorn Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

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June 9, 2016

Phyllis Magden  
Saddle Mountain School  
2451 West Bench Road  
Othello, Washington 99344

Re: Response to Clarification Request—Major Deviation—WAC 180-90-160(1)(b) and  
WAC 180-90-141(1)(a)

Dear Ms. Magden:

Now that I have had the opportunity to confer with State Board of Education staff, this letter provides my responses to the questions you asked in your May 27 letter.

1. Does WAC 180-90-141(1)(a) mean that one student needs to be enrolled for six consecutive calendar months or does the school have to have students enrolled six consecutive calendar months?
  - The rule requires that a minimum of at least one student must be enrolled for six consecutive calendar months. This is to ensure that the school is offering a full curriculum of study to its students.
2. Does the six-month enrollment account for schools that have their programs based on quarter (generally 12 weeks or 60 days) or semesters (generally 18 weeks or 90 days)?
  - Yes, it does account for schools that have their programs based on quarters or semesters.
3. Is the OSPI stating a student cannot be enrolled for one quarter or one semester to finish coursework?
  - The State Board of Education rule does not contain that statement. However, please refer back to my answer to Question 1 above.
4. How does the six-month enrollment period work for a school that has a traditional 180-day school year? A six-month enrollment period would be approximately 120 days.
  - The rule states "calendar months", which should be clear. Six calendar months means approximately 120 school days.
5. If our school wants to add an online component, what steps are necessary?
  - A private school must identify any online component in its application to the State Board of Education, and receive approval for its online component. All laws and rules applicable to private schools also apply to the online portion of the school.

Phyllis Magden Letter  
June 9, 2016  
Page 2

As I indicated in my May 6 letter, please provide your narrative report to the Office of the Superintendent of Public Instruction no later than June 14, 2016.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Moore".

Laura Moore, Project Specialist  
Private Education

C: Dan Newell, Assistant Superintendent, Secondary Education & Student Support  
Linda Drake, Director, Career- and College-Ready Initiatives, State Board of  
Education

## **Procedure Qualification of Attendance and Placement**

### **Entrance Qualifications for Kindergarten Program**

As a minimum, eligibility for the exemption from the age requirement will be based upon an analysis of the child's (1) physical, health and motor development; (2) social and emotional development; (3) approaches toward learning; (4) language, literacy and communication; and (5) cognition and general knowledge. Where feasible, assessment devices will be used that will permit students who are to be considered for exemption to be compared to the level of performance that would be expected of children with a chronological age of 5 years for kindergarten and 6 years for first grade in each of the areas of ability.

### **Admission of Students Aged Twenty-One or Older**

The student will petition the superintendent for admission. The petition will identify the student's name, age, address and grade level or program of study.

If approved, the petition will specify the tuition fee to be paid, will be signed by the student and the superintendent and will constitute the written agreement required by law. It will be retained as a public document and made available to the state Superintendent of Public Instruction upon request.

The tuition fee will be calculated in the same way the state Superintendent of Public Instruction determines the cost of educating a student in the district, except that a disabled student who turns twenty-one during the school year will only pay that amount of money deemed as "excess cost."

Adoption Date:

Classification:

Revised Dates: **08.99; 04.06; 12.11**

## Appendix F

What is the role of the federal government in public elementary and secondary education?

Public K-12 education is primarily a state and local responsibility. However, the federal role in education has been evolving and increasing over time. Although the federal Constitution, which gives U.S. Congress its authority to act, is silent on the subject of education, Article I, Section 8, of the U.S. Constitution provides that Congress has the power to provide funding for the general welfare of the United States. Congress has relied on this provision when enacting federal assistance programs addressing education, including the education of students with disabilities (the Individuals with Disabilities Education Act – IDEA, and the Americans with Disabilities Act – ADA) and the education of students in poverty (Title I programs). State participation in these programs is voluntary; however, if the state accepts the federal funds then the state must comply with all of the federal program requirements. Federal funds comprise approximately 9 percent of the total of Washington K-12 funding. Additionally, the due process and equal protection clauses of the U.S. Constitution provide the basis for the anti-discrimination laws (Title VI, Title VII, and Title IX) enacted by Congress. The federal courts have also had a significant impact on public education, especially in the areas of racial segregation, First Amendment and due process rights of students and employees, school finance, and education programs for students who have limited English proficiency and for students with disabilities. The No Child Left Behind Act of 2001 (NCLB) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). This legislation greatly expanded the federal role in public education. Part of the stated intent of the reauthorized ESEA is that all students obtain a high-quality education that will enable them to meet challenging state academic achievement standards. The new law represents the most sweeping changes to the ESEA since it was originally enacted in 1965. Under the NCLB, states are required to increase student testing; collect and disseminate subgroup results; ensure a highly qualified teacher in every classroom; and guarantee that all students, regardless of socioeconomic factors, achieve a “proficient” level of education by school year 2014. As these provisions are implemented, the Office of Superintendent of Public Instruction and others are continuing to assess the adequacy of federal funding and potential changes to NCLB. Most recently, part of the American Recovery and Reinvestment Act of 2009 included \$4.35 billion for the Race to the Top Fund. The program's intent was to provide competitive grants to encourage states to advance education reform in the following four areas: adopting standards and assessments; building data systems; recruiting and retaining effective teachers and principals; and turning around low-achieving schools. Grant awards were announced in 2010 for 12 states. Washington State was not a successful contender for the award.

[http://leg.wa.gov/LIC/Documents/EducationAndInformation/Citizens\\_Guide\\_to\\_K-12\\_Ed.pdf](http://leg.wa.gov/LIC/Documents/EducationAndInformation/Citizens_Guide_to_K-12_Ed.pdf)

# Know Your Rights

- [OCR Complaint Process](#)
- [Sex Discrimination](#)
- [Race and National Origin Discrimination](#)
- [Age Discrimination](#)
- [Disability Discrimination](#)
- [Boy Scouts of America Equal Access Act](#)

OCR enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive Federal funds from the Department of Education. These laws prohibit discrimination on the basis of race, color, and national origin, sex, disability, and on the basis of age. These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds. OCR also has responsibilities under Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance). In addition, as of January 8, 2002, OCR enforces the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001). Under the Boy Scouts of America Equal Access Act, no public elementary or secondary school or State or local education agency that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society, that wishes to meet at the school.

### Attendance Policy

#### **Truancy (Becca Bill) and Compulsory Attendance**

Attendance is important for academic success, and unexcused absences may be an early warning sign for unaddressed problems with school and future dropout. When youth fail to attend school, they are considered truant.

Washington law requires children from age 8 to 17 to attend a public school, private school, or to receive home-based instruction (homeschooling) as provided in subsection (4) of RCW 28A.225.010. Children who are 6- or 7-years-old are not required to be enrolled in school. However, if parents enroll their 6- or 7-year-old, the student must attend full-time. Youth who are 16 or older may be excused from public school if they meet certain requirements.

<http://www.k12.wa.us/GATE/Truancy/>

Full-time students will be required to attend classes each day at the physical facility. If student cannot make class, the student and parent or guardian must submit a valid excuse to the school via phone, email, text, or fax. Examples of valid excuses are the following:

- (1) Participation in a district or school approved activity or instructional program;
  - (2) Illness, health condition or medical appointment (including, but not limited to, medical, counseling, dental or optometry) for the student or person for who the student is legally responsible;
  - (3) Family emergency including, but not limited to, a death or illness in the family;
  - (4) Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;
  - (5) Court, judicial proceeding, or serving on a jury;
  - (6) Post-secondary, technical school or apprenticeship program visitation, or scholarship interview;
  - (7) State-recognized search and rescue activities consistent with RCW 28A.225.055;
  - (8) Absence directly related to the student's homeless status;
  - (9) Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW 28A.705.010;
  - (10) Absence resulting from a disciplinary/corrective action (e.g., short-term or long-term suspension, emergency expulsion);
- and
- (11) Principal (or designee) and parent, guardian, or emancipated youth mutually agreed upon approved activity.

The school principal (or designee) has the authority to determine if an absence meets the above criteria for an excused absence.

#### **Unexcused daily absences**

Any absence from school is unexcused unless it meets one of the criteria above for an excused absence.

<http://apps.leg.wa.gov/wac/default.aspx?cite=392-400-325>

[http://www.k12.wa.us/GATE/pubdocs/Webinar\\_Attendance\\_150916.pdf](http://www.k12.wa.us/GATE/pubdocs/Webinar_Attendance_150916.pdf)

Saddle Mountain School does not discriminate in any programs, admission, or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups. Every student will be provided equal educational opportunities and treated with respect. The following employee(s) has been designated to handle questions and complaints of alleged discrimination: [Phyllis Magden, Chief Administrator] [2451 W. Bench Rd Othello, WA 99344] [509-760-3321] [phyllismagden@yahoo.com].

<http://www.k12.wa.us/Equity/Districts/NondiscriminationStatement.aspx>

**Unexcused daily absences:**

Saddle Mt. School will make every effort to contact the student/parent/guardian and provide different intervention strategies, but if five unexcused absences occur in month will we withdraw the student from the school. Saddle Mt. School is not under any requirement to continue a student's enrollment or re-enroll a student.

**Home-extension students:**

Students enrolled in the home-extension program will be required to spend one contact hour per week with certified teacher. If student is unable to make the meeting, the student should attempt to reschedule within the week or have a valid excuse for absence. If student does not attempt to make any contact for one month (four unexcused absences), the student will be withdrawn from the program. Saddle Mt. School is not under any requirement to continue a student's enrollment or re-enroll a student.

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Enrollment start date \_\_\_\_\_ 2016-2017 school year

Notes:

Adopted: 5/2016

Saddle Mountain School does not discriminate in any programs, admission, or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups. Every student will be provided equal educational opportunities and treated with respect. The following employee(s) has been designated to handle questions and complaints of alleged discrimination: [Phyllis Magden, Chief Administrator] [2451 W. Bench Rd Othello, WA 99344] [509-760-3321] [phyllismagden@yahoo.com].

<http://www.k12.wa.us/Equity/Districts/NondiscriminationStatement.aspx>

## Appendix I

### **SADDLE MOUNTAIN SCHOOL**

**Established 2008**

2451 WEST BENCH RD, OTHELLO, WA 99344

PHONE 509.760.3321

FAX 509.488.4079

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June 14, 2016

#### **Description of Deviation and Timeline**

To: Office of Superintendent of Public Instruction  
Office of Private Education  
Old Capitol Building  
PO Box 47200  
Olympia WA 98504-7200

From: Phyllis Magden, Chief Administrator of Saddle Mountain School

Re: Compliance Requirements: Number 12—Description of deviation and timeline indicating correction of the deviation.

#### **Description of deviation:**

- WAC 180-90-160 (1)(b) “On each school day, pupils enrolled and in attendance at the school are engaged in educational activity planned by and under the direction of the school; and the pupils are provided a total instructional hour offering” of 1,000 instructional hours.
- WAC 180-90-141 (1)(a) “ Failure to have students enrolled for any six consecutive calendar months in the school's physical facilities or failure to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time.”

**Timeline:** The following timeline has been included indicating, how and when the deviation has been corrected:

**11/02/2015-** Certified letter from Laura Moore requesting credit policy, students who were enrolled and graduation date for past six months (not with specific dates).

**11/20/2015-** Requested information sent to OSPI.

**12/14/2015-** Certified letter issued from OSPI regarding non-approval of our program, citing no deviations.

**12/18/2015-** Uncertified letter sent that our school never received, addressing three points about our approval, OSPI appeal, State Board of Education appeal.

**01/01/2016-** Amended WAC 180-90-160 (1)(b) went into effect.

**03/15/2016-** Letter from school's attorney addressing 12/14/2015 letter.

**04/06/2016-** Attorney General Response to 3/15/2015 letter.

**04/06/2016-** Applied for Renewal for the 2016-2017 school year

**05/06/2016-** Letter issued citing two deviations WAC 180-90-141 (1)(a) and WAC 180-90-160 (1)(a)

**05/10/2016-** Discussed 05/06/2015 letter.

**05/11/2016-** Increase staff awareness regarding compliance and major deviations.

Goal: Become compliant with the 2016-2017 Minimum State Standards of Compliance for Washington State Private Schools.

**05/13/2016-** Conducted General Readiness Assessment

**05/14/2016-** List questions and get supporting documentation

**05/16/2016-** Answered questions—determined misinterpretation of information requested, there were students in attendance for six months, and did not send the information about students who currently enrolled.

**05/17/2016-** Answered questions

**05/18/2016-** Reviewed answers and determined what was clear and not clear.

**05/19/2016-** Created action plan

**05/20/2016-** Attendance policy drafted

**05/21/2016-** Reviewed public schools enrollment/attendance reporting procedures.

**05/23/2016-** Draft Clarification letter to OSPI.

**05/24/2016-** Completed attendance policy—demonstrates compliance with the amended WAC

**05/25/2016-** Discussed serving students over 18.

**05/27/2016-** Final clarification letter completed.

**05/30/2016-** Letter sent to Laura Moore.

**06/09/2016-** Discuss response from Laura Moore

**06/10/2016-** Sent email to Laura Moore asking if she wanted Narrative Report faxed, emailed, or hand delivered.

**06/14/2016-** Review and send Narrative Report.

The educational program at Saddle Mountain School assures OSPI that all state standards are met and in compliance for the 2016-2017 school year.

For further assistance or questions, please do not hesitate to contact me at the following number (509) 760-3321.

Sincerely,

Phyllis Magden