

PROPOSED RULE MAKING



CR-102 (October 2017) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: State Board of Education

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR September 26, 2016 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The following sections of Chapter 180-105 (Performance Improvement Goals): 180-105-020 (Reading and mathematics) and 180-105-060 (High school graduation).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 10, 2018	11:45 A.M.	6500 Tye Drive SW, Tumwater, WA 98501	

Date of intended adoption: January 11, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Andrew J. Parr

Address: 600 Washington Street SE, Olympia, WA 98504

Email: andrew.parr@k12.wa.us

Fax: 360-586-2357

Other:

By (date) January 5, 2018

Assistance for persons with disabilities:

Contact Tami Jensen

Phone: 360-725-4475

Fax: 360-586-2357

TTY:

Email: tami.jensen@k12.wa.us

Other:

By (date) January 3, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to make various amendments to two sections of Chapter 180-105 WAC (Performance Improvement Goals) to align district and improvement goals to long-term goals described in the Washington Every Student Succeeds Act (ESSA) State Accountability Plan. The proposed amendments also make certain technical corrections to this chapter.

Reasons supporting proposal: The need to ensure that Chapter 180-105 WAC (Performance Improvement Goals) is consistent in language and provisions with Chapter 28A.305 RCW.

Statutory authority for adoption: Chapter 28A.305 RCW.

Statute being implemented: Chapter 28A.305 RCW

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) State Board of Education

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Andrew J. Parr	600 Washington Street SE, Olympia, WA 98504	360-725-6063
Implementation:	Executive Director - TBD	600 Washington Street SE, Olympia, WA 98504	360-725-6024
Enforcement:	Executive Director - TBD	600 Washington Street SE, Olympia, WA 98504	360-725-6024

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name: Thomas J. Kelly
Address: Rm. 433, 600 Washington Street SE, Olympia, WA 98504.
Phone: 360-725-6301
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:
 No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date:	Signature: Place signature here
Name: Deb Merle	
Title: Interim Executive Director	

WAC 180-105-020 Reading and mathematics. (1) Each school district board of directors shall by December 15, 201803:

(a) Adopt district-wide performance improvement goals using the federal requirements to determine the increase in the percentage of students who meet or exceed the standard on the ~~Washington assessment of student learning~~ current statewide assessment for reading or English language arts and mathematics in grades ~~four, seven, three through eight~~ and ten; and

(b) Direct each school in the district that administers the current statewide assessment~~Washington assessment of student learning~~ for grades three through eight~~four, seven,~~ or ten to adopt performance improvement goals using the federal requirements to determine the increase in the percentage of students meeting the standard for its ~~fourth, seventh, third through eighth~~ or tenth grade students in reading or English language arts and mathematics.

(2) School districts and schools shall establish separate district-wide and school reading or English language arts and mathematics improvement goals using the federal requirements to determine the increase in requirements under subsection (1) of this section for each of the following groups of students:

- (a) All students;
- (b) Students of each major racial and ethnic group;
- (c) Economically disadvantaged students;
- (d) Students with disabilities; and
- (e) Students with limited English proficiency.

(3) School districts and schools are not required to publish numerical improvement goals in a grade level for reading or English language arts and mathematics for 2018~~04~~ or in any year thereafter for any student group identified in subsection (2) of this section in which there were fewer than ten students eligible to be assessed on the current statewide assessment ~~Washington assessment of student learning~~ in the prior year. However, this subsection shall not be construed to affect WAC 180-16-220 (2) (b) or any other requirements for school and school district improvement plans.

(4) Annual performance improvement goals for both school districts and schools shall be determined:

(a) By using the starting point and annual goals established using the federal requirements for determining starting points in the ~~2003~~ Washington State ~~No Child Left Behind (NCLB)~~ Every Student Succeeds Act (ESSA) -Accountability Plan approved by the U.S. Department of Education.

~~_(b) If the performance improvement goals established by using the federal requirements to determine the increase for assessments administered in the spring of 2003 and each year thereafter through and including assessments administered in the spring of 2013 are not met, but the other indicator is met [the other indicator for high schools is the graduation goal (WAC 180-105-040(4)) and the other indicator for elementary and middle schools is the unexcused absences goal (Washington State Accountability System under NCLB 2001)] then a substitute calculation may be made. That substitute calculation representing satisfactory progress shall not be less than the sum of:~~

~~(i) The percentage of students meeting standard on the assessments administered in the spring of the preceding year for the relevant student group, grade level and subject; and~~

~~(ii) The percentage of students who did not meet standard on the assessments administered in the spring of the preceding year for the relevant student group, grade level and subject, multiplied by ten percent.~~

(eb) The performance improvement goals for assessments administered in the spring of 2014-2027 shall be that ninety percent of all students eligible to be assessed meet standard on the current statewide assessment~~Washington assessment of student learning~~.

(5) School districts and schools shall be deemed to have met the performance improvement goals established pursuant to this chapter if the school district or school achieves the ~~minimum~~ improvement goal required under subsection (4) of this section, ~~even if the school district or school does not achieve the performance improvement goals established by using the federal requirements to determine the increase.~~

(6) No performance improvement goal for a group in a subject and grade established pursuant to this section shall be used for state or federal accountability purposes if fewer than ~~thirty~~ twenty students in the group for a subject and grade are eligible to be assessed on the current statewide assessment ~~Washington assessment of student learning.~~

[Statutory Authority: RCW 28A.305.130. WSR 07-07-052, § 180-105-020, filed 3/14/07, effective 4/14/07. WSR 05-15-036, ~~recodified as § 180-105-020~~, filed 7/11/05, effective 7/11/05. Statutory Authority: RCW 28A.655.030 (1)(a). WSR 03-09-144, § 3-20-200, filed 4/23/03, effective 5/24/03.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 180-105-060 High school graduation. (1) Each school district board of directors shall by December 15, ~~2005~~2018, revise district-wide graduation rate goals for ~~2006-2018~~ and each year thereafter and shall direct each high school in the district to revise graduation rate goals for ~~2006-2018~~ and each year thereafter, subject to approval by the board.

(2) Annual performance improvement goals for both school districts and schools shall be determined for each of the groups of students listed in WAC 180-105-040(4), by using the starting point and annual goals for the four-year graduation rate established using the federal requirements for determining starting points in the Washington State Every Student Succeeds Act (ESSA) Accountability Plan approved by the U.S. Department of Education.

~~The minimum graduation rate goals through 2013 shall be as follows for each of the nine groups of students listed in WAC 180-105-040(4):~~

~~(a) Sixty-six percent in 2005, one percentage point above the previous year's goal from 2006 through 2009, and three percentage points above the previous year's goal in 2010 through 2013; or~~

~~(b) For any student group whose graduation rate falls below sixty-six percent in 2005, the minimum goal for 2005 is two percentage~~

~~points above that group's graduation rate in 2004, an additional two percentage points per year above the previous year's goal in 2006 through 2009, and an additional four percentage points per year above the previous year's goal in 2010 through 2013, until the rate for that group meets or exceeds the goal described in (a) of this subsection.~~

(3) Graduation rate goals in ~~2014~~2027 and each year thereafter for each group of students listed in WAC 180-105-040(4) shall be not less than ~~eighty-five~~ninety percent.

(4) School district boards of directors are authorized to adopt district-wide graduation rate goals and to approve high school graduation rate goals that exceed the minimum level required under this section. However, district-wide and high school graduation rate goals that exceed the minimum level required under this section shall not be used for federal or state accountability purposes.

[Statutory Authority: RCW 28A.305.130. WSR 07-07-052, § 180-105-060, filed 3/14/07, effective 4/14/07. WSR 05-15-036, ~~recodified as § 180-105-060, filed 7/11/05, effective 7/11/05.~~ Statutory Authority: RCW 28A.655.030 (1)(a). WSR 05-11-046, § 3-20-400, filed 5/12/05, effective 6/13/05.]