

STATE BOARD OF EDUCATION

HEARING TYPE: X PUBLIC HEARING/ADOPTION CONSIDERATION

DATE: OCTOBER 26-27, 2006

SUBJECT: **STATE BOARD OF EDUCATION
RULE CHANGES PURSUANT TO E2SHB 3098**

SERVICE UNIT: Edie Harding, Executive Director
State Board of Education

PRESENTER: Pat Eirish, Program Manager
State Board of Education

RECOMMENDATION:

It is recommended that the State Board of Education adopt the proposed amendments and repealers at its October 2006 meeting. Said repealers and amendments shall become effective 31 days after the date of filing with the State Code Reviser pursuant to RCW 34.05.380.

It is recommended that the State Board of Education **repeal** Chapter 180-16-227 WAC, Chapter 180-34 WAC, Chapter 180-36 WAC, and Chapter 180-43 WAC, and **adopt** the proposed amendments to the following SBE WACs as presented herein: Chapter 180-08 WAC, Chapter 180-38 WAC, and Chapter 180-55 WAC.

BACKGROUND:

Due to 2006 legislation, E2SHB 3098, the following Washington Administrative Code (WAC) changes are required. At this time, only technical amendments are included as needed.

Repeal:

Chapter 180-16 WAC
(Section 227)

State Support of Public Schools
This sub-section is outdated.

Chapter 180-34 WAC (entire chapter)
(Authority given to school districts)

Real Property Sales Contracts

Chapter 180-36 WAC (entire chapter)
(Authority given to school districts)

Central Purchasing

Chapter 180-43 WAC (entire chapter)
(SBE's authority repealed in
E2SHB 3098)

Interscholastic Activities

Chapters and/or Sections Retained that Require Technical Amendments:

Chapter 180-08 WAC

Practice, Procedure, and Access to Public Records

This technical amendment is required to incorporate the purpose statement language from E2SHB 3098. Language is lifted directly from the bill.

Chapter 180-38 WAC

Immunization Requirement and Life Threatening Health Condition

These technical amendments are required to amend the entire WAC to eliminate references to public schools. OSPI has adopted rules in Chapter 392-400 WAC to eliminate references to private schools.

Chapter 180-55 WAC

School Accreditation

These technical amendments are required to reflect only private schools.

Attachments

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-16-227

Implementation timeline for WAC 180-16-220(2).

| REPEAL SECTION

WAC 180-16-227 Implementation timeline for WAC 180-16-220(2). The provisions of WAC 180-16-220(2) shall take effect beginning the 2003-04 school year. If a school district already requires its schools to have a school improvement plan, but such plan does not include some or all of the required elements listed in WAC 180-16-220(2)(c) and (d) as of the beginning of the 2003-04 school year, the district may request from the state board of education an extension of the timeline to the beginning of the 2004-05 school year.

[Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). 04-04-093, § 180-16-227, filed 2/3/04, effective 3/5/04; 02-18-056, § 180-16-227, filed 8/28/02, effective 9/28/02.]

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-34-005 Authority and purpose.
WAC 180-34-010 General conditions.

REPEAL CHAPTER

Chapter 180-34 WAC

REAL PROPERTY SALES CONTRACTS Last Update: 2/4/98 WAC

34-005	180-34-005	Authority and purpose.
34-010	180-35-010	General conditions.
	180-34-015	Payments--Interest--Duration. [Order 3-76, § 180-34-015, filed 3/23/76.] Repealed by 98-05-002, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.335.120(7).
	180-34-020	Down payment. [Order 3-76, § 180-34-020, filed 3/23/76.] Repealed by 98-05-002, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.335.120(7).
	180-34-025	Title to property--Transfer upon satisfaction of contract. [Order 3-76, § 180-34-025, filed 3/23/76.] Repealed by 98-05-002, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.335.120(7).

WAC 180-34-005 Authority and purpose. The purpose of this chapter is to establish the terms and conditions governing sales of school district surplus real property pursuant to real estate sales contracts as authorized by RCW 28A.335.120.

[Statutory Authority: 1990 c 33. 90-17-009, § 180-34-005, filed 8/6/90, effective 9/6/90; Order 3-76, § 180-34-005, filed 3/23/76.]

WAC 180-34-010 General conditions. When in the judgment of the board of directors of a school district a greater amount may be received for surplus real property and the sale facilitated by selling pursuant to a real estate sales contract, the board of directors may do so on such terms and conditions as the directors judge in consultation with their legal counsel to be lawful and in the best interests of the school district. Note: The rental or lease value of the property, and state constitutional limitations on gifts (Article 8, subsections 5 and 7), may have a bearing on the minimum annual payment a district may agree to.

[Statutory Authority: RCW 28A.335.120(7). 98-05-002, § 180-34-010, filed 2/4/98, effective 3/7/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-34-010, filed 8/6/90, effective 9/6/90; Order 3-76, § 180-34-010, filed 3/23/76.]

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-36-005	Authority and purpose.
WAC 180-36-007	Central purchasing by school districts.
WAC 180-36-010	Definitions.
WAC 180-36-015	Conditions to purchases of property and conveyances of a purchase money security interest therein.

REPEAL CHAPTER

Chapter 180-36 WAC

CENTRAL PURCHASING Last Update: 2/6/98 WAC

36-005
36-007
36-010
36-015

Authority and purpose.
Central purchasing by school districts.
Definitions.
Conditions to purchases of property and conveyances of a purchase money security interest therein.

WAC 180-36-005 Authority and purpose. The purposes of this chapter are to implement RCW 28A.335.100 and establish the conditions pursuant to which certain associations established by school districts may purchase real and personal property and create a purchase money security interest therein.

[Statutory Authority: 1990 c 33. 90-17-009, § 180-36-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.03.030. 83-13-001 (Order 2-83), § 180-36-005, filed 6/2/83; Order 5-76, § 180-36-005, filed 6/1/76.]

WAC 180-36-007 Central purchasing by school districts. Two or more school districts, or a purchasing association formed by two or more school districts, may centrally or collectively purchase real and personal property, on such terms and conditions as the board of directors or the association judge appropriate, so long as the districts or association comply with state constitutional limitations on gifts (Article 8, subsections 5 and 7).

[Statutory Authority: RCW 28A.335.100. 98-05-021, § 180-36-007, filed 2/6/98, effective 3/9/98.]

WAC 180-36-010 Definitions. As used in this chapter:
(1) "Association" shall mean and be limited to a legal entity established by two or more public school districts pursuant to the Interlocal Cooperation Act (chapter 39.34 RCW) for the sole purpose of jointly and cooperatively purchasing school supplies, materials and equipment.
(2) Purchase money security interest: A purchase money security interest is defined as (a) an interest taken by the seller of real or personal property of every kind, character or description or any interest in such real or personal property to secure all or part of its price, or (b) an interest taken by a person who by making advances or incurring an obligation gives value to enable the association to acquire rights in or the use

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of real or personal property of every kind, character or description or any interest in such real or personal property, to secure all or part of the obligation owed such person: Provided, That for real property or any interest in real property, the term "purchase money security interest" shall include, but is not limited to, a mortgage and a deed of trust: Provided further, That for real property or any interest in real property, a purchase money security interest shall not include a conditional sales contract.

[Order 5-76, § 180-36-010, filed 6/1/76.]

WAC 180-36-015 Conditions to purchases of property and conveyances of a purchase money security interest therein. An association may purchase real and personal property and may convey a purchase money security interest on the following conditions:

(1) The real or personal property shall be purchased for actual use by the association consistent with its lawful and established purposes, and not be for purposes of investment.

(2) The real or personal property shall be necessary for the efficient maintenance and operation of the lawful activities of the association.

(3) Every purchase money security interest shall be in writing and shall set forth substantially the following in bold face type: (a) That the creditor of the association does not by virtue of its purchase money security interest acquire any rights or interests whatsoever against any property, properties or assets of any kind or nature of the school districts which establish and/or participate in the association; and (b) that the creditor shall be entitled to and agrees to look solely to the assets and properties of the association for payment of any obligation incurred by the association.

(4) An authorized representative of the association shall certify in writing to the secretary of the state board of education that: (a) Each proposed purchase of real or personal property and conveyance of a purchase money security interest therein shall be in compliance with this chapter; and (b) the association possesses sufficient income and a reasonable assurance of a continuation of such income to meet previously incurred debt obligations, current and foreseeable maintenance and operation expenses and the debt about to be incurred.

[Order 5-76, § 180-36-015, filed 6/1/76.]

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REPEALER

The following chapter of the Washington Administrative Code
is repealed:

WAC 180-43-005	Purpose and authority.
WAC 180-43-010	Annual report.
WAC 180-43-015	Rules and policies.

43-005
43-010
43-015

Purpose and authority.
Annual report.
Rules and policies.

WAC 180-43-005 Purpose and authority. (1) The purpose of this chapter is to implement certain statutory provisions relating to student participation in interscholastic activities.

(2) The authority for this chapter is RCW 28A.600.200.

[Statutory Authority: RCW 28A.600.200. 02-18-062, § 180-43-005, filed 8/29/02, effective 9/29/02. Statutory Authority: 1990 c 33. 90-17-009, § 180-43-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.125. 80-02-146 (Order 2-80), § 180-43-005, filed 2/5/80.]

WAC 180-43-010 Annual report. (1)(a) The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, shall submit an annual report to the state board of education.

(b) The annual report shall be delivered in writing to the executive director of the state board not later than December 15 of each calendar year and presented to the state board at its winter meeting.

(2) The annual report shall include:

(a) The standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts; and

(b) A section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August 31). Details of the summary shall include student's school, the rule

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and factual issue involved, interscholastic activities association district disposition and date, and if ruled ineligible at the district level, interscholastic activities association executive director and/or executive board disposition and date.

[Statutory Authority: RCW 28A.600.200. 02-18-062, § 180-43-010, filed 8/29/02, effective 9/29/02. Statutory Authority: RCW 28A.600.200 (1) and (2). 95-08-028, § 180-43-010, filed 3/29/95, effective 4/29/95. Statutory Authority: 1990 c 33. 90-17-009, § 180-43-010, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.125. 80-02-146 (Order 2-80), § 180-43-010, filed 2/5/80.]

WAC 180-43-015 Rules and policies. (1) All rules and policies applied by the Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

(2) No such participation rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules or policies shall be submitted annually by the association and other nonprofit entities to the state board office on or before May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

[Statutory Authority: RCW 28A.600.200. 02-18-062, § 180-43-015, filed 8/29/02, effective 9/29/02. Statutory Authority: RCW 28A.600.200 (1) and (2). 95-08-028, § 180-43-015, filed 3/29/95, effective 4/29/95. Statutory Authority: 1990 c 33. 90-17-009, § 180-43-015, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.125. 80-02-146 (Order 2-80), § 180-43-015, filed 2/5/80.]

**Chapters and/or Sections Retained
that Require Technical Amendments**

AMENDATORY SECTION (Amending WSR 02-18-054, filed 8/28/02, effective 9/28/02)

WAC 180-08-002 General description of organization. (1) The state board of education is created by law in chapter 28A.305 RCW.

(2) The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board shall:

(a) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(b) Form committees as necessary to effectively and efficiently conduct the work of the board;

(c) Seek advice from the public and interested parties regarding the work of the board;

(d) For the purposes of statewide accountability:

(i) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems necessary to improve student learning;

(ii) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of certificates;

(iii) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(A) An increase in the percent of students meeting standards;

(B) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(C) Improvements despite challenges such as high levels of

mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting standard, or the improvement index.

(iv) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards;

(v) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions;

(vi) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(vii) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction for any improvements needed to the system; and

(viii) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board.

(e) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve; provide that no private school may be approved that operates a kindergarten program only; provided further that no private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(f) Articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(g) Hire an executive director and an assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020.

(3) The board consists of ((one voting member from each congressional district in the state, elected by the members of school district boards of directors in the congressional district, who serve staggered four-year terms; the superintendent of public instruction, who serves as an ex officio member and chief executive officer of the board and votes only to break ties; and one member elected at large by members of the boards of directors of approved private schools, who serves a four-year term. A secretary (executive director) is appointed by the board.)):

(a) Five members, three from Western Washington and two from

Eastern Washington elected by members of school district boards of directors in those respective regions;

(b) Seven members appointed by the governor;

(c) The superintendent of public instruction;

(d) One member elected at large by members of the boards of directors of approved private schools; and

(e) Two high school students, selected by a process determined by the state board, who are nonvoting members.

((+2)) (4) The governor appointed and school director elected members serve staggered terms of office of no more than two consecutive four-year terms.

(5) The board determines its own officers.

(6) General policy powers of the board relate to ((educator preparation and certification requirements, school construction)) the school accountability system, high school graduation requirements, school district approval for basic education funding purposes, waivers from basic education requirements, private school approval and accreditation, ((school)) educational service district boundaries, ((approval)) immunization of private school((s)) students, and ((other matters)) home-based testing.

((+3)) (7) The state board ((typically meets six times a year and)) publishes a schedule of its meetings and notices of proposed rule-making actions in the Washington State Register. ((The meetings may be scheduled in various locations across the state.)) The secretary (executive director) to the state board of education maintains a complete record of all board proceedings and supporting materials.

AMENDATORY SECTION (Amending WSR 02-18-054, filed 8/28/02, effective 9/28/02)

WAC 180-08-006 Public records officer--Access to public records--Requests for public records--Determination regarding exempt records--Review of denials of public record requests--Protection of public records--Copying--Office hours. (1) The state board's public records officer shall be the board's secretary (executive director) located in the administrative office of the board located in the Old Capitol Building, 600 South Washington, Olympia, Washington 98504-7206. The secretary (executive director) shall be responsible for implementation of the board's rules and regulations regarding release of public records and generally ensuring compliance by staff with the public records disclosure requirements in chapter 42.17 RCW.

(2) Access to public records in the state board of education shall be provided in compliance with the provisions of RCW 42.17.260.

(3) Requests for public records must comply with the following procedures:

(a) A request shall be made in writing to the secretary (executive director) or designee of the ((board)) director. The request may be brought to the administrative office of the board during customary office hours or may be mailed, delivered by facsimile, or by electronic mail. The request shall include the following information:

(i) The name of the person requesting the record;

(ii) The time of day and calendar date on which the request was made;

(iii) The nature of the request;

(iv) If the matter requested is referenced within the current index maintained by the secretary (executive director), a reference to the requested information as it is described in such current index;

(v) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested shall be provided.

(b) In all cases in which a member of the public is making a request, it shall be the obligation of the secretary (executive director), or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

(4) (a) The board reserves the right to determine that a public record requested in accordance with subsection (3) of this section is exempt under the provisions of RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the secretary (executive director) or an assistant attorney general assigned to the board.

(b) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(c) Response to requests for a public record must be made promptly. Within five business days of receiving a public record request, the ((board)) executive director shall respond by either:

(i) Providing the record;

(ii) Acknowledging that the board has received the request and providing a reasonable estimate of the time ((the board will require)) required to respond to the request; or

(iii) Denying the public record request.

(d) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the ((agency)) executive director may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request within five working days of being asked for said clarification, the ((board)) executive director need not respond to

it.

(5) All denials of request for public records must be accompanied by a written statement, signed by the secretary (executive director) or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

(6) (a) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(b) The written request by a person petitioning for prompt review of a decision denying a public record shall be submitted to the board's secretary (executive director) or designee.

(c) Within two business days after receiving a written request by a person petitioning for a prompt review of a decision denying a public record, the secretary (executive director) or designee shall complete such review.

(d) During the course of the review the secretary (executive director) or designee shall consider the obligations of the board to comply fully with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the ((agency)) board to protect public records from damage or disorganization, prevent excessive interference with essential functions of the ((agency)) board, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

(7) Public records and a facility for their inspection will be provided by the secretary (executive director) or designee. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged for according to the provisions of subsection (8) of this section.

(8) No fee shall be charged for the inspection of public records. The board may impose a charge for providing copies of public records and for the use by any person of agency equipment to copy public records. Copying charges shall be reasonable and conform with RCW 42.17.300. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

(9) Public records shall be available for inspection and copying during the customary office hours of the administrative office of the board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and dates of official state board of education business requiring all board staff to be away from the office.

Chapter 180-38 WAC

((PUPILS)) PRIVATE SCHOOL PUPIL IMMUNIZATION REQUIREMENT ((~~AND LIFE-THREATENING HEALTH CONDITION~~))

AMENDATORY SECTION (Amending WSR 05-23-044, filed 11/9/05, effective 12/10/05)

WAC 180-38-005 Purpose and authority. (1) The purpose of this chapter is to establish the procedural and substantive due process requirements governing the exclusion of students from ((public and)) private schools for failure to comply with the immunization requirement of the state of Washington ((or, in the case of public schools only, failure to present a medication or treatment order for a life-threatening health condition)).

(2) The authority for this chapter is RCW 28A.210.160.

AMENDATORY SECTION (Amending WSR 02-24-019, filed 11/26/02, effective 12/27/02)

WAC 180-38-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Student" shall mean the same as defined for "child" in RCW 28A.210.070(6).

(2) "Chief administrator" shall mean the same as defined in RCW 28A.210.070(1).

(3) "Full immunization" shall mean the same as defined in RCW 28A.210.070(2).

(4) "Schedule of immunization" shall mean the beginning or continuing of a course of immunization, including the conditions for private school attendance when a child is not fully immunized, as prescribed by the state board of health (WAC 246-100-166(5)).

(5) "Certificate of exemption" shall mean the filing of a statement exempting the child from immunizations with the chief administrator of the private school, on a form prescribed by the department of health, which complies with RCW 28A.210.090.

(6) ((~~"Life-threatening condition" shall mean a health condition that will put the child in danger of death during the~~

school day if a medication or treatment order and a nursing plan are not in place.

~~(7) "Medication or treatment order" shall mean the authority a registered nurse obtains under RCW 18.79.260(2). The order shall be signed by a licensed health care practitioner listed under RCW 18.79.260(2).~~

~~(8) "Nursing plan" shall mean a plan of care developed for the student consistent with the standards of nursing conduct or practice set out in department of health regulations, WAC 246-840-700 et seq. The nursing plan implements the medication or treatment order.~~

~~(9)) "Exclusion" shall mean the case or instance when the student is denied initial or continued attendance((=~~

~~(a)) due to failure to submit a schedule of immunization, or a certificate of exemption((= or~~

~~(b) In the case of a life-threatening health condition, due to failure to submit a medication or treatment order and any medication or equipment identified in the order, unless the school district is required to provide the medication or equipment as a related service under federal law)) in accordance with RCW 28A.210.120.~~

~~((=10)) (7) "School day" shall mean ((the same as in RCW 28A.150.030 and shall be inclusive of school or district sponsored field trip experiences and extracurricular activities and summer school)) each day of the school year on which students enrolled in the private school are engaged in educational activity planned by and under the direction of the staff, as directed by the chief administrator and applicable governing board of the private school.~~

~~((=11)) (8) "Parent" shall mean parent, legal guardian, or other adult *in loco parentis*.~~

AMENDATORY SECTION (Amending WSR 02-24-019, filed 11/26/02, effective 12/27/02)

WAC 180-38-045 Private school attendance conditioned upon presentation of proofs. (1) The initial attendance of every student at every ~~((public and))~~ private school in the state is conditioned upon proof of immunization as set forth in RCW 28A.210.080.

(2) The chief administrator of each ~~((public or))~~ private school shall prohibit the further presence at school of each student already in attendance and who has failed to provide proof of immunization in accordance with RCW 28A.210.080(1). Such exclusion shall be preceded by written notice as set forth in WAC 180-38-050. If written notice has not been provided, any exclusion shall be stayed until notice is received by a parent, guardian or other adult *in loco parentis*.

~~((=3) The initial attendance of every student at every public~~

~~school who has a life-threatening health condition is conditioned upon:~~

~~(a) Presentation by the parent of a medication or treatment order addressing any life-threatening health condition the child has that may require medical services to be performed at the school, and~~

~~(b) Formulation of a nursing plan to implement the order.~~

~~The parent shall also provide any medication or equipment identified in the medication or treatment order necessary to carry out the order, unless the school district is required to provide the medication or equipment as a related service under federal law.~~

~~(4) The chief administrator of each public school shall prohibit the further attendance of each student already in attendance for whom a medication or treatment order has not been provided if the child has a life-threatening health condition that may require medical services to be performed at the school. Any such exclusion shall be preceded by written notice as set forth in WAC 180-38-050. If written notice has not been provided, any exclusion shall be stayed until notice is received by a parent. The school shall continue to prohibit the child's presence until the school:~~

~~(a) Receives a medication or treatment order and any medication or equipment identified in the order necessary to carry out the order, unless the school district is required to provide such medication or equipment as a related service under federal law; and~~

~~(b) Has a nursing plan in place.~~

~~A new medication or treatment order must be submitted whenever there are changes in the medication or treatment needs of the child. The nursing plan shall be amended accordingly.~~

~~(5) Upon receipt of a medication or treatment order, the school shall develop a nursing plan.~~

~~(6) The requirements of this chapter shall be applied consistent with the requirements of section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA-.)~~

AMENDATORY SECTION (Amending WSR 02-24-019, filed 11/26/02, effective 12/27/02)

WAC 180-38-050 **Written notice prior to exclusions from private school.** (1) Private schools must provide written notice to parents prior to excluding students from school for failure to comply with WAC 180-38-045.

~~(2) ((The written notice for public school students shall:~~

~~(a) Be delivered in person or by certified mail and provided to parents in their native language if feasible.~~

~~(b) Inform the appropriate parents of the applicable laws and~~

~~implementing rules. In addition to notification of the applicable laws and regulations, a copy of the laws and regulations shall be included with the notice.~~

~~(c) In cases of exclusion due to lack of proof of immunization, provide information regarding immunization services that are available from or through the local health department and other public agencies.~~

~~(d) Order the student excluded from school and state that such order is effective immediately upon receipt of the notice.~~

~~(e) Describe the rights of the parents and student to a hearing, describe the hearing process, and explain that the exclusion continues until either the necessary proof of immunization, or medication or treatment plan is received, or until a hearing officer determines that the student is no longer excluded from school.~~

~~(3)) The written notice for private school students shall:~~

~~(a) Inform the appropriate party of the applicable laws and provide copies of such law and implementing rules.~~

~~(b) Provide information regarding immunization services that are available from or through the local health department or other public agencies.~~

~~(c) Order the exclusion of the student from school and state that such order is effective upon receipt of the notice.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-38-080

Prehearing and hearing process.

Chapter 180-55 WAC

PRIVATE SCHOOL ACCREDITATION

AMENDATORY SECTION (Amending WSR 05-08-015, filed 3/28/05, effective 4/28/05)

WAC 180-55-005 Purpose((s)) and authority. (1) **Purpose((s)).** The provision of school accreditation procedures for approved private schools by the state board of education is designed to ~~((serve the following purposes:~~

- ~~(a) Support the state board's long-term vision of a performance-based education system under WAC 180-51-001 by aligning school accreditation requirements to continuous improvement of student learning, achievement, and growth;~~
- ~~(b) Promote educational excellence and equity for every student through enhancement of the quality and effectiveness of the school's educational program in safe and supportive learning environments;~~
- ~~(c) Promote staff growth and commitment to the learning of every student;~~
- ~~(d) Build stronger links with families, parents, and the community by reaching consensus about educational expectations through family, parent, and community involvement;~~
- ~~(e)) provide a statement of accountability to the public((~~
- ~~(f) Assure that school districts, under the district policy on recognizing earned credits under WAC 180-51-050, shall accept credits earned from schools or programs, accredited by the state board of education or other accrediting body as may be recognized by the state board of education pursuant to WAC 180-55-017, and~~
- ~~(g) Facilitate the sharing of)) and validate effective ~~((schools)) practices ((and positive impacts on student learning)) in private schools through an external appraisal process.~~~~

(2) **Authority.** The authority for this chapter is RCW 28A.305.130(~~((6))~~) (5).

AMENDATORY SECTION (Amending WSR 05-08-015, filed 3/28/05, effective 4/28/05)

WAC 180-55-015 Definitions. (1) An "accredited school" is a ((public or)) state board of education approved private school that meets statutory requirements and rules established by the state board of education, and one that has satisfactorily completed the accreditation procedures described by the state board of education pursuant to RCW 28A.305.130((+6+)) (5) and WAC 180-55-005 through 180-55-020.

(2) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 28A.195 RCW and chapter 180-90 WAC.

(3) "Accredited" status shall be assigned to ((public or)) state board of education approved private schools that:

(a) Complete and meet fully state board of education requirements for accreditation as described in WAC 180-55-020((7)); or((7))

(b) Participate and qualify in accordance with standards and procedures established by accrediting bodies or processes recognized by the state board of education.

(4) "School improvement plan" shall mean the same as described under WAC 180-16-220 (2)(b) and (d).

(5) "Continuous improvement process" shall mean the ongoing process used by a school to monitor, adjust, and update its school improvement plan.

(6) "Self-review" shall mean the same as described under WAC 180-16-220 (2)(c).

(7) "Appraisal" shall mean an objective, external appraisal of a school's self-review activities and school improvement plan pursuant to WAC 180-55-020(5).

(8) "Recognized accrediting body" shall mean an organization recognized by the state board of education and listed on the state board web site.

(9) "Recognized accrediting process" shall mean the state board of education process managed through the educational service districts for approved private schools.

AMENDATORY SECTION (Amending WSR 05-08-015, filed 3/28/05, effective 4/28/05)

WAC 180-55-017 Criteria for state board of education recognition of accrediting bodies. (1)(a) A recognized accrediting body shall meet the definition of such pursuant to WAC 180-55-015(8).

(b) Accrediting bodies recognized by the state board of education shall verify that standards for approved private schools seeking accreditation through them meet or exceed the school

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accreditation standards pursuant to WAC 180-16-220.

(c) Accrediting bodies recognized by the state board of education for the specific purpose of accrediting state board approved private schools, prior to being considered by the state board for recognition, shall have their accreditation standards verified for compliance under (b) of this subsection by a private school advisory committee established by the superintendent of public instruction. If verified, the committee may recommend the accrediting body to the state board for recognition.

(d) A list of recognized accrediting bodies will be maintained on the web site of the state board of education.

(2) ~~((a) Public school districts must be approved by the state board of education prior to a school in the district being recommended by a state board of education recognized accrediting body for state accreditation consideration.~~

~~(b) Public schools may not seek accreditation through a sectarian affiliated accrediting body. Public schools may seek accreditation through a state board of education recognized accrediting body or process and be recommended for state accreditation consideration.~~

~~(c)) Private schools must be approved by the state board of education prior to being recommended by a state board of education recognized accrediting body or process for state accreditation consideration.~~

AMENDATORY SECTION (Amending WSR 04-04-093, filed 2/3/04, effective 3/5/04)

WAC 180-55-020 Prerequisite to application for accreditation by ~~((public schools/))~~ approved private schools--Types of accreditation--Conditions--Effective periods--Administration of accreditation procedures. (1) ~~((a) Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225 or 180-18-030, shall be prerequisite to a public school's application to the state board of education for accreditation under WAC 180-55-015 (3)(b).~~

~~(b)) Certification by the state board of education of compliance with private school approval requirements under chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application to the state board of education for accreditation under WAC 180-55-015 (3)(b).~~

(2) **Standard accreditation - six years**, shall be granted to ~~((a))~~ an approved private school after a satisfactory external appraisal of the school's self-review activities and school improvement plan, and approval by the state board of education of the appraisal findings and recommendations by the external site appraisal team.

(3) **Conditional accreditation - one year**, for ((a)) an approved private school where the external appraisal identifies omissions, inaccuracies or weaknesses in the building's self-review activities, or school improvement plan or continuous improvement process.

(4) **Application.** Application for school accreditation shall be made to the state board of education or other body or entity designated by the state board of education. Such application shall be submitted jointly by the appropriate officials of the (~~school and school district, or~~) private school and governing board, in accordance with procedures and timelines established by the state board of education.

(5) (a) **External appraisal.** The state board of education, or other body or entity designated by the state board of education, shall direct an external appraisal process for approved private school accreditation purposes. The state board may place yearly limits on the number of schools that may participate in the external appraisal process using the state board accreditation option. The external appraisal shall be conducted by persons external to the approved private school (~~and district~~). The external site appraisal team shall include, but is not limited to, certificated teachers and administrators who may earn continuing education clock hours pursuant to WAC 180-85-033(2).

(b) The external appraisal shall focus on the provisions of WAC 180-16-220 (2)(b), (c) and (d), and 180-55-005(1). The appraisal shall focus on an analysis of the school's self-review activities, the school's improvement plan and its progress and impact, in particular relating to WAC 180-55-005 (1)(c), and the school's continuous improvement process.