

## **STATE BOARD OF EDUCATION VACANCIES AND ELECTIONS RULE DRAFT**

### **BACKGROUND**

There are occasions when the Office of Superintendent of Public Instruction has rules that affect SBE business. Staff recommends the Board give comments to OSPI on the Elected Board Vacancies and Special Elections Rule WAC 392-109-120 for some potential changes.

Under 392-109-120 (1), when a vacancy occurs among the elected members from the public school directors, the current elected members call for candidates to apply and select from a pool of qualified candidates<sup>1</sup>. That person is then subject to WAC 392-109-120 (3), which requires the Superintendent of Public Instruction to call for an election the following year. At that election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.

Currently, the new appointment to the Board will have to run for election to fill out the remainder of Steve Floyd's position which expires in January 2012. Thus, the new Board member will need to stand for election in the fall of 2010. If that person then chooses to run for a new term, he or she will be required to run the following year in the fall of 2011.

### **POLICY CONSIDERATION**

Although we cannot change the process for our new Board appointment, staff suggests that changes be recommended to OSPI so that the next appointment could serve out the remainder of the term without running for the seat until the term expires. In addition, staff is presenting two options for the Board to consider in terms of which members should be involved in the appointment.

Under Option A, the current Elected Board members would continue to make the decision about who to appoint. The reason to support this option is that the elected members have a direct link with the Washington State School Directors' Association and would ensure that their interests are reflected in the selection. That person may choose to run in the future and would then be elected by school board directors.

Under Option B, the current Elected Board members would do an initial screening and recommend one or more finalists to the full Board for approval. The reason to support this option is that the elected members would still do the initial screening, but the final selection would be made by the full board. This allows ownership by the entire Board for the selection of the new person. It also minimizes the "we" vs. "they" roles of the Board members.

### **EXPECTED ACTION**

The Board will approve Option A or B to give direction to OSPI staff on revising the rule for future appointments.

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<sup>1</sup> Elected members are not required to fill the vacancy with a current or former school board member.

**OPTION A: WAC 392-109-120: Current Elected Members Make Final  
Decision**

**WAC 392-109-120 Vacancies and special elections. (1)**

Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the remaining members representing public school boards of directors to fill such vacancy by appointment consistent with the appropriate regional position being vacated, and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy ~~consistent with the qualifications in RCW 28A.305.102~~ and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

~~(3) When a vacancy occurs, the superintendent of public instruction shall include such a position in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.~~

~~(4) Special elections provided for in RCW 28A.305.102 shall be conducted in accordance with this chapter.~~

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-120, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]

**OPTION B: WAC 392-109-120 Whole Board Makes Final Selection**

**WAC 392-109-120 Vacancies and special elections. (1)**

Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the remaining members representing public school boards of directors to conduct an initial screening of candidates and recommend one or more finalists for consideration and appointment by all members of the board. The Board shall fill such the vacancy by appointment consistent with the appropriate regional position being vacated, and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy ~~consistent with the qualifications in RCW 28A.305.102~~ and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

~~(3) When a vacancy occurs, the superintendent of public instruction shall include such a position in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter,~~

~~at which election a successor shall be elected to hold office  
for the unexpired term of the member whose position was vacated.~~

~~(4) Special elections provided for in RCW 28A.305.102 shall  
be conducted in accordance with this chapter.~~

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5732. 05-22-007, § 392-109-120, filed 10/20/05, effective  
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109-120, filed 7/19/90, effective 8/19/90. Statutory Authority:  
RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed  
6/17/80.]

## **COMMUNITY COLLEGE HIGH SCHOOL DIPLOMAS**

### **BACKGROUND**

A State Board of Education (SBE) rule (WAC 180-08-015) states that SBE will review all Board rules not less than every three years. SBE may update or clarify any of its rules and may fix incorrect references that have developed due to changes in other rules and laws.

#### **Community College High School Diploma Programs Rule Revision**

Currently community and technical colleges can issue a high school diploma to students if they meet the State Board of Education's graduation requirements. Last session, the legislature created two more options under Substitute House Bill 1758. The changes require a revision to the Board's rule concerning community college high school diploma programs (WAC 180-51-053).

The new options allow for community or technical colleges to issue a high school diploma without meeting the State Board of Education's graduation requirements to students if they complete an Associate's Degree and are either enrolled in Running Start or are twenty-one years or older.

### **POLICY CONSIDERATION**

#### **Community College High School Diploma Programs Rule Revision**

The amendments to WAC 180-51-053 add two references to the law. The full rule, with the amendments, is attached as a separate document. An excerpt of the rule, which shows the applicable sections is provided below (new language is underlined).

#### **WAC 180-51-053 Community college high school diploma programs.**

(1)(a) **Minimum requirements for high school diploma.** The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC or as set forth in RCW 28B.50.535 (2) or (3).

(b) Any high school graduation diploma issued by or through a community or technical college district shall certify that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction or as set forth in RCW 28B.50.535 (2) or (3).

### **EXPECTED ACTION**

SBE will give direction to staff to submit the proposed amendment for WAC 180-51-053 to the Code Reviser and to set a public hearing for the November Regular Board meeting.

**WAC 180-51-053 Community college high school diploma programs. (1) (a) Minimum requirements for high school diploma.**

The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC or as set forth in RCW 28B.50.535 (2) or (3).

(b) Any high school graduation diploma issued by or through a community or technical college district shall certify that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction or as set forth in RCW 28B.50.535 (2) or (3).

**(2) Provisions governing program for persons eighteen years of age and over.**

(a) The appropriate school district, community college, or technical college education official shall evaluate the previous educational records of the student and may provide evaluative testing to determine the student's educational level. The official shall recommend an appropriate course or courses of study and upon the successful completion of such study the student will be eligible for the high school diploma.

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods with the applicable

institution granting credit verifying completion of course requirements.

(i) Actual completion of courses regularly conducted in high school;

(ii) Technical college;

(iii) Community college;

(iv) Approved correspondence or extension courses;

(v) Supervised independent study; or

(vi) Testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student either in or out of a formal school program to determine the degree to which the student has satisfied the minimum credit requirements for completion of the high school program. Consideration may be given to work experience, vocational training, civic responsibilities discharged by the adult and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements for high school completion. The diploma shall be issued by the appropriate school district, community college, or technical college: Records of diplomas issued under the provisions of this subsection shall be maintained by the issuing agency.

(3) Provisions governing program for persons under eighteen years of age.



(a) The high school principal shall evaluate the previous educational record of the individual and prior to his or her enrollment in courses and in cooperation with the appropriate education official of a community college or technical college shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

[Statutory Authority: Chapter 28A.230 RCW and RCW 28B.50.915.  
04-20-093, § 180-51-053, filed 10/5/04, effective 11/5/04.]