

RULES REVISION FOR TECHNICAL FIXES

BACKGROUND

In 2009, the State Board of Education (SBE) began a periodic review of its rules, as stipulated by WAC 180-08-015. The review process is designed to fix outdated text and to align the rules with the current work of the Board.

At the September 2010 meeting, SBE staff presented draft revisions to SBE's rules to fix technical errors that have developed over time. Subsequent to Board approval, staff filed the proposed language with the Code Reviser and set a hearing date of Tuesday, November 9, 2010.

POLICY CONSIDERATION

The SBE will conduct a hearing on the proposed revisions to Title 180 WAC, included in Attachment A. The revisions fix inaccurate references to rules and statutes. The inaccuracies have developed over time due to modifications or deletions of the referenced rules and statutes.

EXPECTED ACTION

Adoption of the proposed revisions to Title 180 WAC.

Attachment A

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

WAC 180-08-001 Purpose and authority. (1) The purpose of this chapter is to establish the formal and informal procedures of the state board of education relating to rules adoption, protection of public records, and access to public records.

(2) The authority for this chapter is RCW 34.05.220 and (~~42.17.250 through 42.17.348~~) chapter 42.56 RCW.

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

WAC 180-08-004 Definitions. (1) As used in this chapter, "public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the state board of education, regardless of physical form or characteristics. Personal and other records cited in RCW (~~42.17.310~~) 42.56.210 are exempt from the definition of public record.

(2) As used in this chapter, "writing" means handwriting, typewriting, printing, photostating, photographing, use of facsimile and electronic communication, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which data may be obtained or translated.

(3) The state board of education shall hereafter be referred to as the "board" or "state board."

AMENDATORY SECTION (Amending WSR 06-23-007, filed 11/2/06, effective 12/3/06)

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)~~) 42.56 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)~~) 42.56.070.

(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 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)~~) 42.56.210. 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)~~) 42.56.070, 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 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 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 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 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)) 42.56 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)) 42.56.210 and 42.56.510, and the provisions of the statute which require the board to protect public records from damage or disorganization, prevent excessive interference with essential functions of the 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)) 42.56.120. 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.

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

WAC 180-08-008 Administrative practices regarding hearings and rule proceedings. (1) Administrative practices before and pertaining to the state board of education are governed by the state Administrative Procedure Act, chapter 34.05 RCW, the Washington State Register Act, chapter 34.08 RCW, and the Office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "agency action"; the conduct of "adjudicative proceedings"; and "rule making" as these terms are defined in RCW 34.05.010.

(2) The rules of the state code reviser (currently set forth in chapter(~~s 1-08 and~~) 1-21 WAC) and the rules of the office of administrative hearings (currently set forth in chapter 10-08 WAC) shall govern procedures and practices before the state board of education for the following: Petitions for declaratory rulings; petitions for adoption, amendment, or repeal of a rule; and the conduct of adjudicative proceedings. All other regulatory actions and hearings conducted by the state board of education may be conducted informally at the discretion of the state board of education.

AMENDATORY SECTION (Amending WSR 02-18-053, filed 8/28/02, effective 9/28/02)

WAC 180-16-162 Strike defined--Presumption of approved program operation--Strikes--Exception--Approval/disapproval of program during strike period--Work stoppages and maintenance of approved programs for less than one hundred eighty days not condoned.

(1) Strike defined. For the purpose of this section the term "strike" shall mean: A concerted work stoppage by employees of a school district of which there has been a formal declaration by their recognized representative and notice of the declaration has been provided to the district by the recognized representative at least two calendar school days in advance of the actual stoppage.

(2) Presumption of approved program. It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

(a) Upon the submission of a written complaint of substandard program operation by a credible observer, the state superintendent of public instruction may investigate the complaint and program being operated during the strike.

(b) The district's program shall be deemed disapproved if the investigation of the state superintendent establishes a violation of one or more of the following standards or, as the case may be, such deviations as have been approved by the state board:

(i) All administrators must have proper credentials;

(ii) WAC 180-16-220(~~(+2)~~) (1) which requires that all teachers have proper credentials;

(iii) The school district shall provide adequate instruction for all pupils in attendance;

(iv) Adequate provisions must be made for the health and safety of all pupils;

(v) The local district shall have a written plan for continuing the school program during this period; and

(vi) The required ratio of enrolled pupils to certificated personnel for the first five days shall not exceed 60 to 1, for the next five days shall not exceed 45 to 1 and thereafter shall not exceed 30 to 1.

(c) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the state superintendent and shall apply to those particular school days encompassed in whole or in part by the remainder of the strike period.

(d) The decision of the state superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

(e) The program shall be deemed approved during those days of operation for which a trial court order ordering striking employees to work is in effect.

(3) Work stoppages. Nothing in this section or WAC 180-16-191 through 180-16-225 shall be construed as condoning or authorizing any form of work stoppage which disrupts any portion of the planned educational program of a district or the maintenance of an approved program for less than the minimum number of school days required by law, except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW 28A.150.290.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-16-164 Work stoppages and maintenance of approved programs for less than 180 days not condoned. Nothing in WAC 180-16-162, 180-16-163 or 180-16-191 through (~~180-16-240~~) 180-16-225 shall be construed as condoning or authorizing any form of work stoppage which disrupts the planned educational program of a district, or any portion thereof, or the maintenance of an approved program for less than the minimum number of school days required by law except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW 28A.150.290.

AMENDATORY SECTION (Amending WSR 04-23-008, filed 11/4/04, effective 12/5/04)

WAC 180-16-220 Supplemental basic education program approval requirements. The following requirements are hereby established by the state board of education as related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).

(1) **Current and valid certificates.** Every school district employee required by WAC (~~180-79A-140~~) 181-79A-140 to possess an education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC (~~180-82-105, 180-82-120, and 180-82-125~~) 181-82-105, 181-82-120, and 181-82-125,

respectively.

(2) **Annual school building approval.**

(a) Each school in the district shall be approved annually by the school district board of directors under an approval process determined by the district board of directors.

(b) At a minimum the annual approval shall require each school to have a school improvement plan that is data driven, promotes a positive impact on student learning, and includes a continuous improvement process that shall mean the ongoing process used by a school to monitor, adjust, and update its school improvement plan. For the purpose of this section "positive impact on student learning" shall mean:

(i) Supporting the goal of basic education under RCW 28A.150.210, ". . .to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. . .";

(ii) Promoting continuous improvement of student achievement of the state learning goals and essential academic learning requirements; and

(iii) Recognizing nonacademic student learning and growth related, but not limited to: Public speaking, leadership, interpersonal relationship skills, teamwork, self-confidence, and resiliency.

(c) The school improvement plan shall be based on a self-review of the school's program for the purpose of annual building approval by the district. The self-review shall include active participation and input by building staff, students, families, parents, and community members.

(d) The school improvement plan shall address, but is not limited to:

(i) The characteristics of successful schools as identified by the superintendent of public instruction and the educational service districts, including safe and supportive learning environments;

(ii) Educational equity factors such as, but not limited to: Gender, race, ethnicity, culture, language, and physical/mental ability, as these factors relate to having a positive impact on student learning. The state board of education strongly encourages that equity be viewed as giving each student what she or he needs and when and how she or he needs it to reach their achievement potential;

(iii) The use of technology to facilitate instruction and a positive impact on student learning; and

(iv) Parent, family, and community involvement, as these factors relate to having a positive impact on student learning.

(3) Nothing in this section shall prohibit a school improvement plan from focusing on one or more characteristics of effective schools during the ensuing three school years.

(4) School involvement with school improvement assistance under the state accountability system or involvement with school improvement assistance through the federal Elementary and Secondary Education Act shall constitute a sufficient school improvement plan

for the purposes of this section.

(5) Nonwaiverable requirements. Certification requirements, including endorsements, and the school improvement plan requirements set forth in subsection (2) of this section may not be waived.

AMENDATORY SECTION (Amending WSR 10-10-007, filed 4/22/10, effective 5/23/10)

WAC 180-18-040 Waivers from minimum one hundred eighty-day school year requirement and student-to-teacher ratio requirement.

(1) A district desiring to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district may apply to the state board of education for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW ((~~28A.150.220(5)~~)) 28A.305.140 and WAC 180-16-215 by offering the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220 in such grades as are conducted by such school district. The state board of education may grant said initial waiver requests for up to three school years.

(2) A district that is not otherwise ineligible as identified under WAC 180-18-050 (3)(b) may develop and implement a plan that meets the program requirements identified under WAC 180-18-050(3) to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW ((~~28A.150.220(5)~~)) 28A.305.140 and WAC 180-16-215 by offering the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220 in such grades as are conducted by such school district.

(3) A district desiring to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district may apply to the state board of education for a waiver from the student-to-teacher ratio requirement pursuant to RCW 28A.150.250 and WAC 180-16-210, which requires the ratio of the FTE students to kindergarten through grade three FTE classroom teachers shall not be greater than the ratio of the FTE students to FTE classroom teachers in grades four through twelve. The state board of education may grant said initial waiver requests for up to three school years.

AMENDATORY SECTION (Amending WSR 10-10-007, filed 4/22/10, effective 5/23/10)

WAC 180-18-050 Procedure to obtain waiver. (1) State board of education approval of district waiver requests pursuant to WAC 180-18-030 and 180-18-040 (1) and (3) shall occur at a state board

meeting prior to implementation. A district's waiver application shall be in the form of a resolution adopted by the district board of directors. The resolution shall identify the basic education requirement for which the waiver is requested and include information on how the waiver will support improving student achievement. The resolution shall be accompanied by information detailed in the guidelines and application form available on the state board of education's web site.

(2) The application for a waiver and all supporting documentation must be received by the state board of education at least fifty days prior to the state board of education meeting where consideration of the waiver shall occur. The state board of education shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(3)(a) Under this section, a district meeting the eligibility requirements may develop and implement a plan that meets the program requirements identified under this section and any additional guidelines developed by the state board of education for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW ~~((28A.150.220(5)))~~ 28A.305.140 and WAC 180-16-215. The plan must be designed to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district by offering the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220 in such grades as are conducted by such school district. This section will remain in effect only through August 31, 2018. Any plans for the use of waived days authorized under this section may not extend beyond August 31, 2018.

(b) A district is not eligible to develop and implement a plan under this section if:

(i) The superintendent of public instruction has identified a school within the district as a persistently low achieving school; or

(ii) A district has a current waiver from the minimum one hundred eighty-day school year requirement approved by the board and in effect under WAC 180-18-040.

(c) A district shall involve staff, parents, and community members in the development of the plan.

(d) The plan can span a maximum of three school years.

(e) The plan shall be consistent with the district's improvement plan and the improvement plans of its schools.

(f) A district shall hold a public hearing and have the school board approve the final plan in resolution form.

(g) The maximum number of waived days that a district may use is dependent on the number of learning improvement days, or their equivalent, funded by the state for any given school year. For any school year, a district may use a maximum of three waived days if the state does not fund any learning improvement days. This

maximum number of waived days will be reduced for each additional learning improvement day that is funded by the state. When the state funds three or more learning improvement days for a school year, then no days may be waived under this section.

Scenario	Number of learning improvement days funded by state for a given school year	Maximum number of waived days allowed under this section for the same school year
A	0	3
B	1	2
C	2	1
D	3 or more	0

(h) The plan shall include goals that can be measured through established data collection practices and assessments. At a minimum, the plan shall include goal benchmarks and results that address the following subjects or issues:

- (i) Increasing student achievement on state assessments in reading, mathematics, and science for all grades tested;
- (ii) Reducing the achievement gap for student subgroups;
- (iii) Improving on-time and extended high school graduation rates (only for districts containing high schools).

(i) Under this section, a district shall only use one or more of the following strategies in its plan to use waived days:

- (i) Use evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance;
- (ii) Use data from multiple measures to identify and implement comprehensive, research-based, instructional programs that are vertically aligned from one grade to the next as well as aligned with state academic standards;
- (iii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction to meet the needs of individual students;
- (iv) Implement strategies designed to recruit, place, and retain effective staff;
- (v) Conduct periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;
- (vi) Increase graduation rates through, for example, credit-recovery programs, smaller learning communities, and acceleration of basic reading and mathematics skills;
- (vii) Establish schedules and strategies that increase instructional time for students and time for collaboration and professional development for staff;
- (viii) Institute a system for measuring changes in instructional practices resulting from professional development;
- (ix) Provide ongoing, high-quality, job-embedded professional development to staff to ensure that they are equipped to provide effective teaching;
- (x) Develop teacher and school leader effectiveness;
- (xi) Implement a school-wide "response-to-intervention" model;

- (xii) Implement a new or revised instructional program;
- (xiii) Improve student transition from middle to high school through transition programs or freshman academies;
- (xiv) Develop comprehensive instructional strategies;
- (xv) Extend learning time and community oriented schools.

(j) The plan must not duplicate activities and strategies that are otherwise provided by the district through the use of late-start and early-release days.

(k) A district shall provide notification to the state board of education thirty days prior to implementing a new plan. The notification shall include the approved plan in resolution form signed by the superintendent, the chair of the school board, and the president of the local education association; include a statement indicating the number of certificated employees in the district and that all such employees will be participating in the strategy or strategies implemented under the plan for a day that is subject to a waiver, and any other required information. The approved plan shall, at least, include the following:

- (i) Members of the plan's development team;
- (ii) Dates and locations of public hearings;
- (iii) Number of school days to be waived and for which school years;

- (iv) Number of late-start and early-release days to be eliminated, if applicable;

- (v) Description of the measures and standards used to determine success and identification of expected benchmarks and results;

- (vi) Description of how the plan aligns with the district and school improvement plans;

- (vii) Description of the content and process of the strategies to be used to meet the goals of the waiver;

- (viii) Description of the innovative nature of the proposed strategies;

- (ix) Details about the collective bargaining agreements, including the number of professional development days (district-wide and individual teacher choice), full instruction days, late-start and early-release days, and the amount of other noninstruction time; and

- (x) Include how all certificated staff will be engaged in the strategy or strategies for each day requested.

(l) Within ninety days of the conclusion of an implemented plan a school district shall report to the state board of education on the degree of attainment of the plan's expected benchmarks and results and the effectiveness of the implemented strategies. The district may also include additional information, such as investigative reports completed by the district or third-party organizations, or surveys of students, parents, and staff.

(m) A district is eligible to create a subsequent plan under this section if the summary report of the enacted plan shows improvement in, at least, the following plan's expected benchmarks and results:

- (i) Increasing student achievement on state assessments in reading and mathematics for all grades tested;

(ii) Reducing the achievement gap for student subgroups;
(iii) Improving on-time and extended high school graduation rates (only for districts containing high schools).

(n) A district eligible to create a subsequent plan shall follow the steps for creating a new plan under this section. The new plan shall not include strategies from the prior plan that were found to be ineffective in the summary report of the prior plan. The summary report of the prior plan shall be provided to the new plan's development team and to the state board of education as a part of the district's notification to use a subsequent plan.

(o) A district that is ineligible to create a subsequent plan under this section may submit a request for a waiver to the state board of education under WAC 180-18-040(1) and subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 06-23-006, filed 11/2/06, effective 12/3/06)

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)))~~) chapter 246-100 WAC).

(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) "Exclusion" shall mean the case or instance when the student is denied initial or continued attendance due to failure to submit a schedule of immunization, or a certificate of exemption in accordance with RCW 28A.210.120.

(7) "School day" shall mean 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.

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

AMENDATORY SECTION (Amending WSR 02-14-125, filed 7/2/02, effective 8/2/02)

WAC 180-52-070 Approved standardized tests for use by students receiving home-based instruction--Examples--Assistance.

(1)(a) Pursuant to RCW 28A.200.010(~~(+3)~~), the state board of education will provide a list of examples of standardized achievement tests that a parent may use to assess and determine whether their child is making reasonable academic progress.

(b) Tests on the list are approved by the state board of education on the basis that they are standardized achievement tests.

(c) Parents may use a standardized test that does not appear on the list of examples if it has been evaluated by a test evaluation organization recognized by the state board of education and cited on the state board web page.

(d) Parents may contact the state board of education office for assistance in determining if a test of their choosing that is not on the list of examples is standardized.

(2) The list of examples of standardized achievement tests shall be:

(a) Made available on the web page of the state board;

(b) Included in the following publication of the office of the superintendent of public instruction, "*Washington's State Laws Regulating Home-Based Instruction*"; and

(c) Provided on request.

(3) The list of examples of standardized achievement tests on the state board web page may not be changed without prior approval of the state board of education.

AMENDATORY SECTION (Amending WSR 04-20-093, filed 10/5/04, effective 11/5/04)

WAC 180-72-050 Adult education defined. For the purpose of this chapter "adult education" shall be defined as set forth in RCW 28B.50.030(~~(+12)~~) which provides as follows: "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" (~~((WAC 180-51-061(2)))~~) chapter 180-51 WAC provided by public educational institutions and community-based organizations, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: Nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

AMENDATORY SECTION (Amending WSR 03-04-053, filed 1/29/03, effective 3/1/03)

WAC 180-90-112 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved private school" means a nonpublic school or nonpublic school district conducting a program consisting of kindergarten and at least grade one, or a program consisting of any or all of grades one through twelve which has been approved by the state board of education in accordance with the minimum standards for approval as prescribed in this chapter.

(2)(a) "Reasonable health requirements" means those standards contained in chapter ((248-64)) 246-366 WAC as adopted by the state board of health.

(b) "Reasonable fire safety requirements" means those standards adopted by the state fire marshal pursuant to chapter ((48-48)) 43.44 RCW.

(3)(a) "Minor 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, and which does not raise a question as to the ability of the school to provide an educational program which is in substantial compliance with the minimum standards set forth in WAC 180-90-160, and which, therefore, does not preclude the granting of full approval.

(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 raises a question as to 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.

(c) "Unacceptable deviation" means a variance from the standards established by these regulations which either:

(i) Constitutes a serious, imminent threat to the health or safety of students or school personnel; or

(ii) Demonstrates that the school is not capable of providing an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160.

(4) "Total instructional hour offering" means those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school staff, as directed by the administration and board of directors, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the approved private school for the purpose of discussing students' educational needs for progress, and exclusive of time actually spent for meals.

(5)(a) "Non-Washington state certificated teacher" means a person who has:

(i) A K-12 teaching certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) A minimum of forty-five quarter credits beyond the baccalaureate degree with a minimum of forty-five quarter credits in courses in the subject matter to be taught or in courses closely related to the subject matter to be taught; or

(iii) A minimum of three calendar years of experience in a specialized field. For purposes of this subsection the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to, the fields of art, drama, dance, music, physical education, and career and technical or occupational education.

(b) "Exceptional case" means that a circumstance exists within a private school in which:

(i) The educational program offered by the private school will be significantly improved with the employment of a non-Washington state certificated teacher. Each teacher not holding a valid Washington state certificate shall have experience or academic preparation appropriate to K-12 instruction and consistent with the school's mission. Such experience or academic preparation shall be consistent with the provisions of (c) of this subsection; and

(ii) The school which employs a non-Washington state certificated teacher or teachers pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education and (c) of this subsection to every twenty-five FTE students enrolled in grades kindergarten through twelve. The school will report the academic preparations and experience of each teacher providing K-12 instruction; and

(iii) The non-Washington state certificated teacher of the private school, employed pursuant to this section and as verified by the private school, meets the age, good moral character, and personal fitness requirements of WAC ((~~180-79A-150~~) 181-79A-150) (1) and (2), has not had his or her teacher's certificate revoked by any state or foreign country. (WAC ((~~180-79A-155~~) 181-79A-155) (5)(a).)

(c) "Unusual competence": As applied to an exceptional case wherein the educational program as specified in RCW 28A.195.010 and WAC 180-90-160(7) will be significantly improved with the employment of a non-Washington state certificated teacher as defined in (a) of this subsection.

(d) "General supervision" means that a Washington state certificated teacher or administrator shall be generally available at the school site to observe and advise the teacher employed under provision of (c) of this subsection and shall evaluate pursuant to policies of the private school.

AMENDATORY SECTION (Amending Order 21-88, filed 12/14/88)

WAC 180-96-040 Regular high school education program--
Definition. As used in this chapter the term "regular high school education program" means a secondary education program operated pursuant to chapters (~~(180-50)~~) 392-410 and 180-51 WAC leading to the issuance of a high school diploma.