



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

Title: WAC Review: Public Hearing on Proposed Rules for Repeal

- As Related To:**
- Goal One: Develop and support policies to close the achievement and opportunity gaps.
 - Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.
 - Goal Three: Ensure that every student has the opportunity to meet career and college ready standards.
 - Goal Four: Provide effective oversight of the K-12 system.
 - Other

- Relevant To Board Roles:**
- Policy Leadership
 - System Oversight
 - Advocacy
 - Communication
 - Convening and Facilitating

The Board will receive testimony on the proposed repeal of WAC 180-16-225 (Waiver – Substantial lack of classroom space), Chapter 180-44 WAC (Teachers’ Responsibilities), and WAC 180-51-001 (Education reform vision)

Policy Considerations / Key Questions: Are there rules proposed for repeal that the Board wishes to delete from consideration for action at this time, based on public testimony and other public comment?

- Possible Board Action:**
- Review
 - Approve
 - Adopt
 - Other

- Materials Included in Packet:**
- Memo
 - Graphs / Graphics
 - Third-Party Materials
 - PowerPoint

Synopsis: At the November 7-8, 2014 meeting the Board approved the filing of a CR-101 (Preproposal Statement of Inquiry) with the Office of the Code Reviser on 14 sections in five chapters of Title 180, Washington Administrative Code. The CR-101 was the product of the periodic review of board rules required by WAC 180-08-015 (Scheduled review of state board rules). At the January 7-8 meeting the Board approved the filing of a CR-102 (Proposed Rule Making) and publication of proposed rules repealing two sections and one chapter of WAC included in the filing of the CR-101. Staff requested public comment on the proposed rules through posting on the SBE web site and e-mail outreach to interested persons. At this meeting the Board will hear public testimony on the proposed repeal of these rules, and consider adoption of the repeals during the business items portion of the meeting.

In your packet you will find:

- The CR-102, proposed rules as published in the State Register, and the fiscal impact statement prepared by the Office of the Superintendent of Public Instruction in accordance with RCW 28A.305.135.
- The full text of the rules proposed for repeal.

WSR 15-04-125
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed February 3, 2015, 3:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-24-030.

Title of Rule and Other Identifying Information: WAC 180-16-002 (Purpose and authority), 180-16-225 (Waiver—Substantial lack of classroom space), chapter 180-44 WAC (Teachers' responsibilities), and WAC 180-51-001 (Education reform vision).

Hearing Location(s): Pacific Lutheran University, 12180 Park Avenue South, Tacoma, WA 98447, on March 11, 2015, at 1:00 p.m.

Date of Intended Adoption: March 12, 2015.

Submit Written Comments to: Jack Archer, 600 Washington Street, P.O. Box 47206, Olympia, WA 98504, e-mail jack.archer@k12.wa.us, fax (360) 586-2357, by March 9, 2015.

Assistance for Persons with Disabilities: Contact Denise Ross by March 6, 2015, TTY (360) 664-3361 or (360) 725-6035.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to correct a statutory reference in WAC 180-16-002 and to repeal WAC 180-16-225, chapter 180-44 WAC, and WAC 180-51-001 as unnecessary or obsolete in Title 180 WAC.

Reasons Supporting Proposal: WAC 180-08-015 requires the state board of education (SBE) to review all board rules no less than every three years. This proposal is a product of that review, as presented to the board at its meeting in November 2014, at which the board approved the filing of a CR-101 for amendment or repeal of nine sections of rule. The board determined that the rules included for repeal in this proposal are unnecessary, out-of-date, duplicative of other agencies' rules, or not consistent with board policies.

Statutory Authority for Adoption: RCW [28A.150.220](#), 28A.305.130, 28A.230.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: SBE, governmental.

Name of Agency Personnel Responsible for Drafting: Jack Archer, Old State Capitol, 600 Washington Street, Olympia, WA 98504, (360) 725-6035; Implementation and Enforcement: Ben Rarick, Old State Capitol, 600 Washington Street, Olympia, WA 98504, (360) 725-6025.

A school district fiscal impact statement has been prepared under section 1, chapter 210, Laws of 2012.

SCHOOL DISTRICT FISCAL IMPACT STATEMENT

WSR:	Title of Rule: WAC 180-51-001 Education reform vision.	Agency: SDF - School District Fiscal Impact - SPI
-------------	--	--

Part I: Estimates: No fiscal impact, this section of rule does not require school districts to take any specific action. As such, there is not fiscal impact to school districts through the repeal of this rule.

Estimated Cash Receipts to: No estimated cash receipts.

Estimated Expenditures From: No estimated expenditures.

Estimated Capital Impact: No estimated capital impact.

Part II: Narrative Explanation:

II. A - Brief Description Of What the Measure Does That Has Fiscal Impact: Briefly describe by section, the significant provisions of the rule, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

None.

II. B - Cash Receipts Impact: Briefly describe and quantify the cash receipts impact of the rule on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures: Briefly describe the agency expenditures necessary to implement this rule (or savings resulting from this rule), identifying by section number the provisions of the rule that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None.

Part III: Expenditure Detail:

III. A - Expenditures by Object or Purpose: None.

Part IV: Capital Budget Impact: None.

WSR:	Title of Rule: Chapter 180-44 WAC, Teachers responsibilities.	Agency: SDF - School District Fiscal Impact - SPI
-------------	---	--

Part I: Estimates: No Fiscal Impact, repeal of chapter 180-44 WAC would not have any fiscal impact to school districts. Professional standards and teacher responsibilities are defined in chapter 181-187 WAC, which does not contain citations to chapter 180-44 WAC.

Estimated Cash Receipts to: No estimated cash receipts.

Estimated Expenditures From: No estimated expenditures.

Estimated Capital Impact: No estimated capital impact.

Part II: Narrative Explanation:

II. A - Brief Description Of What the Measure Does That Has Fiscal Impact: Briefly describe by section, the significant provisions of the rule, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

None.

II. B - Cash Receipts Impact: Briefly describe and quantify the cash receipts impact of the rule on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures: Briefly describe the agency expenditures necessary to implement this rule (or savings resulting from this rule), identifying by section number the provisions of the rule that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None.

Part III: Expenditure Detail:

III. A - Expenditures by Object or Purpose: None.

Part IV: Capital Budget Impact: None.

WSR:	Title of Rule: WAC 180-16-225.	Agency: SDF - School District Fiscal Impact - SPI
-------------	--	--

Part I: Estimates: No Fiscal Impact, a waiver as allowed under this WAC has never been requested by a school district. Therefore, repeal of this WAC will have no fiscal impact.

Estimated Cash Receipts to: No estimated cash receipts.

Estimated Expenditures From: No estimated expenditures.

Estimated Capital Impact: No estimated capital impact.

Part II: Narrative Explanation:

II. A - Brief Description Of What the Measure Does That Has Fiscal Impact: Briefly describe by section, the significant provisions of the rule, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

None.

II. B - Cash Receipts Impact: Briefly describe and quantify the cash receipts impact of the rule on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures: Briefly describe the agency expenditures necessary to implement this rule (or savings resulting from this rule), identifying by section number the provisions of the rule that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None.

Part III: Expenditure Detail:

III. A - Expenditures by Object or Purpose: None.

Part IV: Capital Budget Impact: None.

A copy of the statement may be obtained by contacting Thomas J. Kelly, Room 433, Old State Capitol, 600 Washington Street S.E., Olympia, WA 98504, phone (360) 725-6301, e-mail thomas.kelly@k12.wa.us.

A cost-benefit analysis is not required under RCW [34.05.328](#).

February 3, 2015
Ben Rarick
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-16-225 Waiver-Substantial lack of classroom space-Grounds and procedure.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-44-005 Regulatory provisions relating to RCW [28A.305.130](#)(6) and 28A.600.010.

WAC 180-44-007 Regulatory provisions relating to RCW [28A.04.120](#)(6) and 28A.58.101-Application.

WAC 180-44-010 Regulatory provisions relating to RCW [28A.04.120](#)(6) and 28A.58.101-Responsibilities related to instruction.

WAC 180-44-020 Regulatory provisions relating to RCW [28A.04.120](#)(6) and 28A.58.101-Responsibilities related to discipline of pupils.

WAC 180-44-040 Regulatory provisions relating to RCW [28A.04.120](#)(6) and 28A.58.101-Classroom-Physical environment.

WAC 180-44-060 Regulatory provisions relating to RCW [28A.04.120](#)(6) and 28A.58.101-Drugs and alcohol-Use of as cause for dismissal.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-51-001 Education reform vision.

WAC 180-16-225

Waiver—Substantial lack of classroom space—Grounds and procedure.

(1) **Grounds.** The state board of education may waive one or more of the basic education allocation entitlement requirements set forth in WAC [180-16-200](#) through [180-16-220](#)(1) only if a school district's failure to comply with such requirement(s) is found by the state board to be caused by substantial lack of classroom space.

As a condition to a waiver based on substantial lack of classroom space the state board will consider and a school district must demonstrate, at least, that the facilities of the school district do not contain enough classroom space or other space that can reasonably be converted into classroom space, and that necessary classroom space may not reasonably be acquired by lease or rental to enable the district to comply with the referenced entitlement requirements.

(2) **Waiver procedure.** In order to secure a waiver pursuant to subsection (1) of this section a school district must submit a petition together with a detailed explanation and documentation in support of its request not later than thirty days prior to either:

(a) The state board of education meeting immediately preceding commencement of the school year; or

(b) The March (or such other meeting as the state board shall have established) meeting of the board at which the board will consider certifications of compliance and noncompliance with these entitlement requirements.

A school district that can reasonably foresee an inability to comply with entitlement requirements by reason of substantial lack of classroom space should petition for a waiver as early as the state board meeting immediately preceding commencement of the school year in order to allow for the possibility that the request may be denied.

[Statutory Authority: RCW [28A.150.220](#), 28A.305.140, and 28A.305.130. WSR 04-23-008, § 180-16-225, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW [28A.150.220](#)(4), 28A.305.140, and 28A.305.130(6). WSR 04-04-093, § 180-16-225, filed 2/3/04, effective 3/5/04. Statutory Authority: RCW [28A.58.754](#)(6). WSR 86-13-015 (Order 5-86), § 180-16-225, filed 6/10/86; WSR 84-11-043 (Order 2-84), § 180-16-225, filed 5/17/84. Statutory Authority: RCW [28A.04.120](#). WSR 83-13-002 (Order 3-83), § 180-16-225, filed 6/2/83; WSR 80-06-093 (Order 7-80), § 180-16-225, filed 5/29/80. Statutory Authority: RCW [28A.41.130](#) and 28A.58.754. WSR 78-06-097 (Order 3-78), § 180-16-225, filed 6/5/78.]

Chapter 180-44 WAC

TEACHERS' RESPONSIBILITIES

WAC Sections

- [180-44-005](#) Regulatory provisions relating to RCW [28A.305.130\(6\)](#) and 28A.600.010.
- [180-44-007](#) Regulatory provisions relating to RCW [28A.04.120\(6\)](#) and 28A.58.101—Application.
- [180-44-010](#) Regulatory provisions relating to RCW [28A.04.120\(6\)](#) and 28A.58.101—Responsibilities related to instruction.
- [180-44-020](#) Regulatory provisions relating to RCW [28A.04.120\(6\)](#) and 28A.58.101—Responsibilities related to discipline of pupils.
- [180-44-040](#) Regulatory provisions relating to RCW [28A.04.120\(6\)](#) and 28A.58.101—Classroom—Physical environment.
- [180-44-060](#) Regulatory provisions relating to RCW [28A.04.120\(6\)](#) and 28A.58.101—Drugs and alcohol—Use of as cause for dismissal.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 180-44-030 Regulatory provisions relating to RCW [28A.04.120\(6\)](#) and 28A.58.101—Excuse for pupil absence required. [SBE 44-4-22, filed 3/29/65, effective 4/29/65.] Repealed by WSR 81-12-022 (Order 4-81), filed 6/1/81. Statutory Authority: RCW [28A.04.120](#) and 28A.58.101.
- 180-44-050 Regulatory provisions relating to RCW [28A.305.130\(6\)](#) and 28A.600.010—School day as related to the teacher. [Statutory Authority: RCW [28A.600.010](#). WSR 91-08-055, § 180-44-050, filed 4/2/91, effective 5/3/91; SBE 44-4-24, filed 3/29/65, effective 4/29/65.] Repealed by WSR 07-07-055, filed 3/14/07, effective 4/14/07. Statutory Authority: RCW [28A.305.130](#).

180-44-005

Regulatory provisions relating to RCW

[28A.305.130\(6\)](#) and 28A.600.010.

Pursuant to authority vested in the state board of education under provisions of RCW [28A.305.130\(6\)](#) and 28A.600.010 to prescribe rules and regulations for the government of the common schools, pupils and teachers, the state board of education hereby adopts rules and regulations provided in WAC [180-44-007](#) through [180-44-060](#) relating to teachers. [Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-44-005, filed 8/6/90, effective 9/6/90; Order 7-77, § 180-44-005, filed 6/1/77; SBE 44-4-1, filed 3/29/65, effective 4/29/65.]

180-44-007

Regulatory provisions relating to RCW

[28A.04.120\(6\)](#) and 28A.58.101—Application.

The rules and regulations provided for in WAC [180-44-010](#) through [180-44-060](#) shall be applicable to all teachers and other certificated personnel of grades kindergarten through twelve of the common schools.

[SBE 44-4-2, filed 3/29/65, effective 4/29/65.]

180-44-010

Regulatory provisions relating to RCW

[28A.04.120\(6\)](#) and 28A.58.101—Responsibilities related to instruction.

(1) It shall be the responsibility of the teacher to follow the prescribed courses of study and to enforce the rules and regulations of the school district, the state superintendent of public instruction and the state board of education, maintaining and rendering the appropriate records and reports.

(2) Teachers shall have the right, and it shall be their duty, to direct and control within reasonable limits the studies of their pupils, taking into consideration individual differences among pupils: Provided, That all pupils shall receive instruction in such prescribed courses of study as are required by law and regulations.

(3) Teachers shall be responsible for the evaluation of each pupil's educational growth and development and for making periodic reports to parents or guardian and to the designated school administrator.

(4) Teachers are required to make daily preparation for their duties, preparation to include attendance at teachers' meetings and such other professional work contributing to efficient school service as may be required by the principal, superintendent or board of directors.

[Order 7-77, § 180-44-010, filed 6/1/77; SBE 44-4-20, filed 3/29/65, effective 4/29/65.]

180-44-020

Regulatory provisions relating to RCW

[28A.04.120\(6\)](#) and 28A.58.101—Responsibilities related to discipline of pupils.

(1) Teachers shall maintain good order and discipline in their classrooms at all times, and any neglect of this requirement shall constitute sufficient cause for dismissal.

[Order 7-77, § 180-44-020, filed 6/1/77; SBE 44-4-21, filed 3/29/65, effective 4/29/65.]

180-44-040

Regulatory provisions relating to RCW

[28A.04.120](#)(6) and 28A.58.101—Classroom—Physical environment.

Every teacher shall give careful attention to the maintenance of a healthful atmosphere in the classroom, reporting to the principal or his designated representative any shortcomings in lighting, heating or ventilation.

[SBE 44-4-23, filed 3/29/65, effective 4/29/65.]

180-44-060

Regulatory provisions relating to RCW

[28A.04.120](#)(6) and 28A.58.101—Drugs and alcohol—Use of as cause for dismissal.

Use by any certificated person of habit-forming drugs, without pharmaceutical prescription by a duly licensed practitioner of medicine and/or dentistry licensed doctor of medicine, or any unauthorized use of alcoholic beverage on school premises, or at a school-sponsored activity off the school premises, shall constitute sufficient cause for dismissal or nonrenewal of contract.

[Order 7-77, § 180-44-060, filed 6/1/77; SBE 44-4-25, filed 3/29/65, effective 4/29/65.]

WAC 180-51-001

Education reform vision.

(1) The state is shifting from a time and credit-based system of education to a standards and performance-based education system. Certain ways of thinking about time must shift in order to support the ongoing implementation of school reform. The board's long-term vision of a performance-based education system includes:

(a) No references to grade levels or linking a student's educational progress to a particular age. Instead, learning is viewed in terms of developmental progress, academically and vocationally, so that while the curriculum may be sequential the student moves through it at her or his developmental pace, regardless of age;

(b) An understanding that in the absence of other important information, a student's grade point average and performance on the Washington assessment of student learning do not provide a complete picture of the student's abilities and accomplishments;

(c) An understanding that our concept of school needs to expand and take into account that education and learning are about connected learning experiences, which can and do occur inside and outside the physical boundaries of a school building; and

(d) An understanding that students do not all learn in the same way (there are multiple learning styles), that teachers do not all instruct in the same way (there are multiple teaching styles and strategies), and these facts suggest that it should be possible to assess students' performance and achievement in multiple ways while maintaining common, high expectations and standards for learning.

(2) Long-term, as the performance-based education system continues to evolve, the state board of education believes that there should be an on-going review of assessment administration issues. The state board envisions a time when state assessments are administered during one or more assessment windows annually. During these times, students are allowed to take the appropriate norm-referenced or criterion-referenced state assessment based upon the collective determination by the student, the student's parent(s), teacher(s), and counselor that the student is developmentally ready to take the assessment, rather than because the student is a particular age or is in a particular grade.

[Statutory Authority: RCW [28A.230.090](#). WSR 00-19-108, § 180-51-001, filed 9/20/00, effective 10/21/00.]