



Strategic Plan Priority | Funding & Accountability

Goal: Equitable funding across the state to ensure that all students have the funding and opportunities they need regardless of their geographical location or other needs.

Basic Education Oversight and Policy Options

PREPARED FOR THE JULY 2020 BOARD MEETING

Information and action

Materials included in packet:

- Draft Rule Changes to Chapter 180-16 – State Support for Public Schools
- Basic Education Compliance Survey Memo (Additional Materials)

Synopsis:

The Draft proposed rules would add a requirement, consistent with direction from OSPI, for districts to include reopening plans with the materials submitted for basic education compliance at least two weeks before school starts. In addition, the rules would explicitly allow local education agencies to count instructional hours towards the minimum district-wide annual average provided those hours of educational activity are planned by and under the supervision of school district. This would allow for instruction delivered through remote learning modalities that include but are not limited to distance learning, hybrid classrooms, rotating schedules, or other methods that allow for delivery of basic education services during the COVID-19 epidemic.

Business Items:

- Proposed emergency rules regarding instructional hours and days
- Proposed permanent rules regarding hours and days

Chapter 180-16 WAC

STATE SUPPORT OF PUBLIC SCHOOLS

Last Update: 12/3/18

WAC

- 180-16-002 Purpose and authority.
- 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.
- 180-16-163 Strike defined.
- 180-16-164 Work stoppages and maintenance of approved programs for less than 180 days not condoned.
- 180-16-191 Programs subject to basic education allocation entitlement requirements.
- 180-16-195 Annual reporting and review process.
- 180-16-200 Total instructional hour requirement.

180-16-220 Supplemental basic education program approval requirements.

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

WAC 180-16-195 Annual reporting and review process. (1)

Annual school district reports. A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with basic education program approval requirements. On or before September 15th of each school year, each school district superintendent shall complete and return the program assurance form distributed by the state board of education. The form shall be designed to elicit data necessary to make a determination of a school district's compliance or noncompliance with basic education program approval requirements. For the 2020-2021 school year, local education agencies shall submit a copy of the reopening schools plan to the State Board of Education and Superintendent of Public Instruction two weeks before school begins and no later than

September 15, 2020. The form shall be submitted electronically and signed by:

(a) The school board president or chairperson, and

(b) The superintendent of the school district.

(2) **State board staff review.**

(a) State board of education staff shall review each school district's program assurance form, may conduct on-site visits of selected school districts, as needed and subject to funding support, and shall prepare recommendations and reports for presentation to the state board of education: Provided, that, if a school district's initial program assurance form does not establish compliance with the basic education program approval requirements, the district shall be provided the opportunity to explain the deficiency or deficiencies.

(b) School districts may use the personnel and services of the educational service district to assist the district and schools in the district that are out of compliance with basic education program approval requirements.

(3) **Annual certification of compliance or noncompliance—
Withholding of funds for noncompliance.**

(a) At the November meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify by motion each school district as being in compliance or noncompliance with the basic education program approval requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary by the state board of education or advisable by the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance or noncompliance with the program approval requirements.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of state board of education staff, subject to review by the state board.

(d) Upon the certification of noncompliance of a school district, state board of education staff shall notify the

superintendent of public instruction and the school district of a certification of noncompliance immediately after the board meeting at which certification occurred.

(e) A withholding of basic education allocation funding from a school district shall not occur for noncompliance if the school district has remediated the noncompliance situation within sixty school business days from the time the district receives notice of the noncompliance from the state board of education. The state board of education may extend the sixty days timeline only if the district demonstrates by clear and convincing evidence to the satisfaction of the state board of education that sixty days is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(f) At the discretion of the state board of education, after notification by the state board of education to a school district regarding an existing noncompliance, may recommend withholding of funds or may enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s).

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline may result, at the state board of education's or its designee's discretion, in the recommendation to the superintendent of public instruction of withholding of

the district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, the chair of the district's board of directors, and the chair of the state board of education, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school district's board of directors and the school district superintendent.

(g) In the event a school district fails to sign a compliance agreement within five school business days from the date of issuance or does not satisfy all of the terms of the signed compliance agreement within the designated amount of time, the state board of education may recommend to the superintendent of public instruction withholding state funds for the basic education allocation until program compliance is assured.

(h) Any school district may appeal to the state board of education the decision of noncompliance by the state board of education. Such appeal shall be limited to the interpretation

and application of these rules by the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section or completion of the compliance agreement.

(4) The provisions of subsection (3) (g) of this section shall not apply if the noncompliance is related to the district's fiscal condition and results in the implementation of a financial plan under RCW 28A.505.140(3).

[Statutory Authority: RCW 28A.150.220 and 28A.150.250. WSR 18-24-090, § 180-16-195, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.150.220, 28A.150.250, and 28A.150.260. WSR 11-17-044, § 180-16-195, filed 8/11/11, effective 9/11/11. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6). WSR 02-18-056, § 180-16-195, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.150.250, 28A.150.260 and 28A.15.220 [28A.150.220]. WSR 99-10-091, § 180-16-195, filed 5/4/99, effective 6/4/99. Statutory Authority: RCW 28A.58.754(6). WSR 84-11-043 (Order 2-84), § 180-16-195, filed 5/17/84. Statutory Authority: RCW 28A.04.120. WSR 83-13-002 (Order 3-83), § 180-16-195, filed 6/2/83. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. WSR 79-10-033 (Order 10-79), § 180-16-195, filed 9/12/79. Statutory Authority: RCW 28A.41.130

and 28A.58.754. WSR 78-06-097 (Order 3-78), § 180-16-195, filed 6/5/78.]

WAC 180-16-200 Total instructional hour requirement. (1)

Kindergarten total instructional hour requirement - Four hundred fifty hours annual minimum, increased to an annual minimum one thousand instructional hours according to an implementation schedule under RCW 28A.150.315.

(2) Grades 1-12 total instructional hour requirement - District-wide annual average of one thousand hours, increased beginning in the 2015-16 school year to:

(a) At least a district-wide average of one thousand eighty instructional hours for students enrolled in grades nine through twelve and a district-wide annual average of one thousand instructional hours in grades one through eight; or

(b) A district-wide annual average of one thousand twenty-seven instructional hours in grades one through twelve.

(3) For nonhigh school districts, a district-wide annual average of one thousand instructional hours in such grades as are offered by the district.

(4) For the 2020-2021 school year, "instructional hours" as defined in RCW 28A.150.205 are not limited to in-person educational services. Local education agencies may count instructional hours towards the minimum district-wide annual average those hours of educational activity planned by and under the supervision of school district staff that are delivered through remote learning modalities that include but are not limited to distance learning, hybrid classrooms, rotating schedules, or other methods that allow for delivery of basic education services during the COVID-19 epidemic. The following are applicable to the 2020-2021 school year:

(a) The allowance to count instructional hours through modalities other than in-person instruction does not preclude local education agencies from applicable funding allocation requirements as required by the Legislature or Office of Superintendent of Public Instruction; and,

(b) The State Board of Education encourages school districts to prioritize in-person instruction for students of Elementary grade levels to support their developmental needs for

in-person instructional activity as allowable under state and local emergency status;

(d) Days in which instructional hours are offered to all students under this allowance shall count as school days for the purpose of meeting the minimum 180-day school year requirement;

(e) Local Education Agencies must implement a system to track student engagement, consistent with OSPI attendance rules, in instructional activities delivered through remote learning modalities; and,

(e) The State Board of Education will revisit this rule no later than its regularly scheduled July 2021 board meeting.

[Statutory Authority: 2014 c 217 and RCW 28A.230.090. WSR 14-19-032, § 180-16-200, filed 9/8/14, effective 10/9/14. Statutory Authority: Chapter 28A.630 RCW. WSR 01-24-092, § 180-16-200, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 95-20-086, § 180-16-200, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.410.010. WSR 94-03-104 (Order 5-94), § 180-16-200, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.150.220, 28A.320.200, 28A.150.260 and 1992 c 141. WSR 92-17-053, § 180-16-200, filed 8/17/92, effective 9/17/92. Statutory Authority: RCW 28A.150.220 and [28A.150.]260. WSR 92-05-047, § 180-16-200, filed 2/13/92, effective 3/15/92. Statutory

Authority: RCW 28A.04.127 and 28A.41.140. WSR 86-21-020 (Order 15-86), § 180-16-200, filed 10/7/86. Statutory Authority: RCW 28A.58.754(6). WSR 84-11-043 (Order 2-84), § 180-16-200, filed 5/17/84. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. WSR 79-10-033 (Order 10-79), § 180-16-200, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. WSR 78-06-097 (Order 3-78), § 180-16-200, filed 6/5/78.]