



THE WASHINGTON STATE BOARD OF EDUCATION

Governance | Accountability | Achievement | Oversight | Career & College Readiness

Title:	WAC Review: Draft Rules	
As Related To:	<input checked="" type="checkbox"/> Goal One: Effective and accountable P-13 governance. <input type="checkbox"/> Goal Two: Comprehensive statewide K-12 accountability. <input type="checkbox"/> Goal Three: Closing achievement gap.	<input checked="" type="checkbox"/> Goal Four: Strategic oversight of the K-12 system. <input type="checkbox"/> Goal Five: Career and college readiness for all students. <input type="checkbox"/> Other
Relevant To Board Roles:	<input type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	Does the Board approve the filing of a CR-102 on the proposed rules included in your packet? Are there any the Board wishes to delete at this time? Are there other rules for repeal that were included in the CR-101 filing in November that the Board wishes to include in the CR-102 for publication in the State Register and scheduling of a public hearing?	
Possible Board Action:	<input type="checkbox"/> Review <input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Other Approve the filing of a CR-102 during the Business Items portion of the meeting.	
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>At the November 7-8 meeting the Board approved the filing of a CR-101 (Preposal 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 this meeting staff will present recommended repeals of seven sections of rules, including repeal of Chapter 180-44 (Teachers' responsibilities) in its entirety, and a technical amendment to another. The recommended board action is approval of the filing of a CR-102 (Proposed Rule Making Notice) for publication in the State Register with proposed rules and the scheduling of a public hearing.</p> <p>In your packet you will find:</p> <ul style="list-style-type: none"> • A memo and summary table on the proposed rules changes • A copy of the rules proposed for repeal or amendment • The draft rules recommended for filing of a CR-102 and publication in the State Register. 	



DRAFT RULES FROM SBE RULES REVIEW

Policy Considerations

Does the Board approve the filing of a CR-102 for publication of the proposed rules included in your packet and scheduling of a public hearing? Are there questions about the rules recommended for repeal that should be addressed before the Board takes action? Are there rules the Board wishes to delete from the CR-102 and consider at a subsequent meeting, or not at all? Does the Board wish to add any repealers to those proposed at this meeting?

Background and Summary

WAC 180-08-015 (Scheduled review of state board rules) requires the State Board of Education to review all board rules not less than every three years. To assure compliance, staff reviewed Title 180 Washington Administrative Code for the purpose of identifying board rules that:

1. Require technical correction;
2. Are obsolete, lacking in statutory authority, or otherwise merit consideration for repeal, or
3. Present policy issues identified by the Board or others that merit consideration of possible amendment.

At the end of this process staff identified 14 sections of rule in five chapters for consideration of possible repeal or amendment.

Staff presented on these rules at the meeting of the Board on November 7, 2014. On November 8 approved the filing of a CR-101 (Preproposal Statement of Inquiry) for all the sections of rules discussed.

A CR-101 must be filed with the Code Reviser and published in the State Register in order for a state agency to initiate rule-making on any rule or subject. "By filing this form, the public is invited to participate with the agency to discuss a subject of rule-making **before** any formal notice or action is taken on the part of the agency." (Office of the Code Reviser.) The CR-101 approved in November was filed on November 21, 2014 as WSR 14-14-030.

At this meeting staff present draft rules on nine sections of Title 180, each included in the CR-101 filed in November, for recommended action by the Board. One of the rules would make a technical amendment to an existing WAC. The others would repeal existing WACs. These rules are described on the next pages, with brief explanations of the staff recommendations.

Action

The recommended action is approval of the filing of a CR-102 for rule-making at the Board's March meeting. By filing the CR-102 and publishing the proposed rules in the State Register, the agency notifies the public of a proposal it is considering and how the public can provide input to the process. The CR-102 includes the proposed date and time for a public hearing and the date for possible adoption of the rules.

If you have questions regarding this memo, please contact Jack Archer at jack.archer@k12.wa.us.



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SUMMARY OF DRAFT RULES FOR CR-102

Chapter WAC	Section WAC	Description	Initial Filing	Proposed Action	Rationale
180-16 State support of public schools	180-16-002 Purpose and authority	Declares purpose to establish policies and procedures for approval of school district programs for entitlement to basic education funding.	5/84	Amendment: Technical correction	Statutory citation is out of date.
180-16 State support of public schools	180-16-225 Waiver – Substantial lack of classroom space	Sets grounds and procedures for waivers of instructional hour requirements and requirements that school district employees have current education permits, certificates or credentials.	6/78	Repeal.	There is no clear basis in policy for waiving the named requirements for entitlement to basic education allocations for reason of a substantial lack of classroom space. Nor is there evidence in available SBE records of the SBE having received or granted a waiver under this WAC. OSPI Facilities is not aware of the waiver having been used.
180-44 Teachers' Responsibilities	180-44-005 Regulatory provisions to RCW 28A.305.130 (6) and 28A.600.010. 180-44-007 Application 180-44-010 Responsibilities related to instruction	States purpose of chapter. States that chapter applies to certificated personnel in grades K-12. States responsibilities to follow prescribed courses of study, direct the studies of their pupils, evaluate each pupil's development, make daily preparations for their duties, etc.	3/69	Repeal chapter in entirety.	It does not appear that the SBE as constituted has statutory authority for these rules. RCW 28A.305.130 (6) does not relate to these subjects. There is no reference to the SBE in RCW 28A.600.010 (Enforcement of rules of conduct). There is no mention of the SBE, in fact, in any section of Chapter 28A.600 RCW (Students). Each of the subjects of these rules is addressed in statutes or rules of the Office of Superintendent of Public Instruction or the Professional Educator Standards Board. OSPI and PESB staff recommend repeal of this chapter of SBE rules as unnecessary.

<p>180-44 Teachers' Responsibilities (Cont.)</p>	<p>180-44-020 Responsibilities related to discipline of pupils.</p> <p>180-44-040 Classroom – Physical Environment</p> <p>180-44-060 Drugs and alcohol—Use of as cause for dismissal.</p>	<p>Directs teachers to maintain good order and discipline in their classrooms at all times. Neglect is sufficient cause for dismissal.</p> <p>Directs teachers to maintain a healthful atmosphere in the classroom.</p> <p>Provides that use of habit-forming drugs or unauthorized use of alcohol on school premises or school-sponsored activities off premises is sufficient cause for dismissal or non-renewal of contract.</p>	<p>3/69</p>	<p>Repeal</p>	<p>See above.</p>
<p>180-51 High School Graduation Requirements</p>	<p>180-51-001 Education reform vision</p>	<p>Sets out a vision of a performance-based education system, which includes, for example, no references to grade levels or linking a student's performance to a particular age. Envisions a time when state assessments are administered when each student is developmentally ready rather than because the student is at a particular age or in a particular grade.</p>	<p>9/00</p>	<p>Repeal.</p>	<p>A statement of philosophy rather than a rule implementing a statutory requirement. It is not clear that the vision set forth in this WAC in 2000 is the vision of the current Board. Nor is it evident that high school graduation requirements adopted by the Board subsequent to this filing, including WAC 180-51-068, were guided by or conform to this vision. The focus of 180-51-001, moreover, is chiefly the assessment system and measures of student performance, both of which are set in statute or OSPI rule, and neither of which is the subject of this chapter of the Washington Administrative Code. This rule appears to be out of place in Chapter 180-51.</p>

If you have questions regarding this memo, please contact Jack Archer at jack.archer@k12.wa.us.

WAC 180-16-002

Purpose and authority.

(1) In support of improving student learning and growth, the purpose of this chapter is to establish the policies and procedures for state board of education approval of school district programs for entitlement to state basic education allocation funding.

(2) The authority for this chapter is RCW [28A.150.220](#)(4).

[Statutory Authority: RCW [28A.150.220](#)(4), 28A.305.140, 28A.305.130(6). WSR 02-18-056, § 180-16-002, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW [28A.150.220](#)(4). WSR 98-08-039, § 180-16-002, filed 3/24/98, effective 4/24/98. Statutory Authority: RCW [28A.150.220](#)(4) and 28A.410.010. WSR 98-01-031, § 180-16-002, filed 12/8/97, effective 1/8/98. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-16-002, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW [28A.58.754](#)(6). WSR 84-11-043 (Order 2-84), § 180-16-002, filed 5/17/84.]

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.]

WAC 180-16-002

Purpose and authority.

(1) In support of improving student learning and growth, the purpose of this chapter is to establish the policies and procedures for state board of education approval of school district programs for entitlement to state basic education allocation funding.

(2) The authority for this chapter is RCW [28A.150.220\(4\)](#)(7).

[Statutory Authority: RCW [28A.150.220\(4\)](#), 28A.305.140, 28A.305.130(6). WSR 02-18-056, § 180-16-002, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW [28A.150.220\(4\)](#). WSR 98-08-039, § 180-16-002, filed 3/24/98, effective 4/24/98. Statutory Authority: RCW [28A.150.220\(4\)](#) and 28A.410.010. WSR 98-01-031, § 180-16-002, filed 12/8/97, effective 1/8/98. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-16-002, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW [28A.58.754\(6\)](#). WSR 84-11-043 (Order 2-84), § 180-16-002, filed 5/17/84.]

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:
Chapter 180-44 WAC Teachers' Responsibilities

REPEALER

The following section of the Washington Administrative Code is repealed:
WAC 180-51-001 Education reform vision.