

# STATE BOARD OF EDUCATION

HEARING TYPE:      X   INFORMATION/ACTION

DATE:             AUGUST 24, 2006

SUBJECT:         **ORGANIZATIONAL LIAISONS**

SERVICE UNIT:    Bob Butts, Interim Executive Director  
                    State Board of Education

PRESENTER:       Bob Butts, Interim Executive Director  
                    State Board of Education

## **RECOMMENDATION:**

It is recommended that the State Board approve the list of organizational liaisons and that each of the organizations be notified of the decision.

## **BACKGROUND:**

The attached list of State Board organizational liaisons was developed with the input of the Executive Committee and distributed to members via e-mail for their review during the week of August 14. Changes that submitted as of noon, August 18, have been incorporated into this list.

## STATE BOARD LIAISONS

Organization	Primary	Conference/Meeting Times
AWSP—Association of Washington School Principals	Amy Bragdon	Annual Joint Meeting with WASA in June of each year (Spokane) Annual Principals Conf. October 15-17, 2006 Vancouver Meet 4 times a year (spring, summer, fall, winter)
AESDs—Association Educational Service Districts	Steve Dal Porto	Quarterly meetings.
ESD 101 (Spokane)	Amy Bragdon	3 <sup>rd</sup> Tuesday of the month
ESD 105 (Yakima)	Phyllis Bunker Frank	3 <sup>rd</sup> Tuesday of the month
ESD 112 (Vancouver)	Linda Lamb	4 <sup>th</sup> Tuesday (except Nov/Dec); no July meeting.
ESD 113 (Olympia)	Linda Lamb	2 <sup>nd</sup> Wednesday of each month
OESD 114 (Bremerton)	Kristina Mayer	3 <sup>RD</sup> Thursday of each month
PSESD 121 (Renton)	Steve Floyd	3 <sup>rd</sup> Wednesday of the month; no July meeting
ESD 123 (Tri-Cities)	Steve Dal Porto	3 <sup>rd</sup> Thursday of each month, except July/Dec.
NCESD 171 (Wenatchee)	Steve Dal Porto	4 <sup>th</sup> Wednesday of the month, except for Nov/Dec.
NWESD 189 (Anacortes)	Sheila Fox	4 <sup>th</sup> Wednesday of the month; no July meeting
DLC—Digital Learning Commons	Eric Liu	3 Meetings a year—Feb., June, and Oct. (late Oct. 2006 in Federal Way)
Governor's Office	Mary Jean Ryan	

Organization	Primary	Conference/Meeting Times
HECB—Higher Education Coordinating Board/Advisory Council	Steve Floyd	<p><b>BOARD</b> By law—4 times a year July 27 Grays Harbor Sept. 28 Olympia Oct. 26 Yakima Dec. 14 Seattle</p> <p><b>ADVISORY COUNCIL</b> 4 times a year; remaining dates: August 24—Tacoma Community College November 16—Highline Community College</p>
Learning First Alliance	Warren Smith and Executive Director	The Alliance meets 5 to 6 times a year. Calendar for next year will be set on August 18.
Legislature/Education Committees	Mary Jean Ryan	Ed Committees meet at scheduled intervals during the interim; two to four times a week during session.
PESB—Professional Educator Standards	Sheila Fox	Sept 20-21 Vancouver Nov 16-17 Seattle
PSE—Public School Employees of Washington	Warren Smith	Meetings are held 6 times a year; approximately every other month. Next meeting is July 27. Annual Conference—July 28-30 (Spokane)
PTA—Washington State Parent-Teachers Association	Linda Lamb	Annual Conference in May
SBCTC—State Board for Community and Technical Colleges	Bernal Baca	Sept. 13-14 Whatcom CC Oct. 18-19 Everett CC Nov. 29-30 Bates Tech Typically the board meetings 7-9 times per year (two-day meetings).
WACTE—Washington Association of Colleges of Teacher Education	Sheila Fox	<ul style="list-style-type: none"> <li>All meetings are scheduled on Wednesdays/Thursdays. Meetings begin at 1:00 PM and end at 5:00 PM on Wednesday; and begin at 8:30 AM and end at 3:30 PM on Thursday.</li> <li>Fall meetings are the last weekend in October.</li> <li>Winter meetings coincide with meetings of the Professional Educators Standards Board. A business dinner meeting will be planned for Wednesday.</li> <li>Spring meetings are scheduled the last weekend of April.</li> </ul>
WASA—Washington Association of School Administrators	Steve Dal Porto	Annual Joint Meeting with AWSP in June of each year (Spokane) Annual Conf. Oct(1-3, 2006, Bellevue) Meet 5-6 times a year (including Summer and Fall Conf.)

Organization	Primary	Conference/Meeting Times
WEA—Washington Education Association	Bernal Baca	Rep. Assembly March and October each yea
WFIS—Washington Federation of Independent Schools	Jack Schuster	
Washington Business Roundtable/Association of Washington Business	Jeff Vincent	
WSSDA—Washington State School Directors' Association	Steve Floyd	Annual Fall Conf. Nov. 15-18, Spokane Meet 6 times a year and phone meetings as needed
WTECB—Workforce Training and Education Coordinating Board	Phyllis Bunker Frank	8 Meetings Per Year Aug. 3-4—Bd Retreat Sept. 21—Spokane Nov. 16—Seattle

# STATE BOARD OF EDUCATION

HEARING TYPE:  X  INFORMATION/ACTION

DATE: AUGUST 23-24, 2006

SUBJECT: APPROVAL OF EMPLOYMENT PROVISIONS FOR NEW  
EXECUTIVE DIRECTOR

SERVICE UNIT: State Board of Education  
Robert Butts, Former Interim Executive Director

PRESENTER: Robert Butts, Former Interim Executive Director  
State Board of Education

## RECOMMENDATION:

It is recommended that the State Board of Education approve the attached motion, consistent with actions taken by the Executive Committee and the full board, adopting the employment provisions for incoming Executive Director Edie Harding.

# MOTION FORM

DATE: August 24, 2006

MAKER OF MOTION: \_\_\_\_\_

SECOND TO MOTION: \_\_\_\_\_

MOTION:

I move that the State Board of Education approve the following employment provisions offered to Edie Harding as executive director of the State Board:

- 1) Salary start at \$90,960 with a 1.6% increase to take effect on September 1, 2006.
- 2) Merit pay will be considered by the board as warranted.
- 3) The board will support appropriate professional development opportunities.
- 4) The position of executive director serves at the pleasure of the State Board of Education.

# STATE BOARD OF EDUCATION

HEARING TYPE:  X  INFORMATION

DATE: AUGUST 23-24, 2006

SUBJECT: MINIMUM BASIC EDUCATION PROGRAM REQUIREMENT  
ANNUAL COMPLIANCE

SERVICE UNIT: Edie Harding, Executive Director  
State Board of Education

PRESENTER: Pat Eirish, Program Manager  
State Board of Education



## BACKGROUND:

Based on legislative authority, the State Board of Education (SBE) is required to adopt rules to implement and ensure annual compliance with the program requirements imposed by **RCW 28A.150.220 Basic Education Act—Program Requirements—Program Accessibility**. The board's annual reporting and review process rules are found in WAC 80-16-195.

Each fall, the SBE sends the **Minimum Basic Education Requirement Compliance FORM SPI 1497** to all school district superintendents, educational service district superintendents, and school district business managers. Reporting on this form gives assurance to the board that school districts are in compliance with the minimum program requirements of the Basic Education Act, as well as related supplemental requirements determined by the SBE. This form must be signed by each school district superintendent and the local school board president/chair and one copy returned to the SBE office by the first week of November.

Attachments: August 30, 2006 Memorandum to field  
FORM SPI 1497  
RCWs and WAC



# WASHINGTON STATE BOARD OF EDUCATION

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August 30, 2006

(X)

Action Required

Date Due: November 3, 2006

## FUNDING ANNOUNCEMENT – TIME SENSITIVE

TO: Educational Service District Superintendents  
Chief School District Administrators  
School District Business Managers

FROM: Edie Harding, Executive Director  
State Board of Education

RE: Minimum Basic Education Program Requirement Compliance

It is time to complete the **Minimum Basic Education Compliance FORM SPI 1497** for the 2006-2007 school year. Reporting on this form gives assurance to the State Board of Education (SBE) that school districts are in compliance with the minimum requirements of the Basic Education Act, as well as related requirements determined by the SBE.

To conserve expenses, this memorandum and FORM SPI 1497 are posted on the SBE Web site at [www.sbe.wa.gov](http://www.sbe.wa.gov) and should be downloaded. School districts **ARE REQUIRED** to complete FORM SPI 1497 (one page) and mail one original copy with signatures of the superintendent and board chair, to the State Board of Education, Basic Education Assistance Section, by **November 3, 2006**. (See SBE address in the last paragraph of this memorandum.)

The following statutory requirements will continue to be reported to the SBE on FORM SPI 1497.

- **Total Instructional Hour Offering (RCW 28A.150.220/WAC 180-16-200)**  
Kindergarten offering of 450 hours.  
Grades 1-12 offering of a district-wide annual average of 1,000 hours linked to the Essential Academic Learning Requirements and other district-determined subjects/activities (not tied to grade spans).
- **K-3/4-12 Students to Classroom Teacher Ratio (RCW 28A.150.250/WAC 180-16-210)**  
The district ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above.



## FUNDING ANNOUNCEMENT

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August 30, 2006

- **Minimum 180-Day School Year (RCW 28A.150.220(3)/WAC 180-16-215)**  
The 180-day program is accessible to all legally eligible students, including students with disabilities, five years of age and under 21 years of age who have not completed high school graduation requirements.

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### Changes Due to Legislation

- **Out-of-Endorsement Teaching Assignment Reporting**

As a result of 2005 Legislation (ESSB 5732), a number of areas of statutory authority were transferred from the SBE to the Professional Educator Standards Board (PESB). In the future, all out-of-endorsement teaching assignments will be collected by the PESB. For further information, contact Jennifer Wallace, Executive Director, at [jwallace@ospi.wednet.edu](mailto:jwallace@ospi.wednet.edu) or 360-725-6275.

- **30 Minutes Before and After School Waivers**  
**New Authority of Local School Boards**

The 2006 Legislative Session passed E2SHB 3098. Sec. 902 of that bill refers to the 30 minutes before and after school time, formerly found in SBE WAC 180-44-050. The following amendment was effective as of June 7, 2006.

*"NEW SECTION. Sec. 902. A new section is added to chapter 28A.405 RCW to read as follows:*

*"Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the policy available to parents and the public through the school district report card and other means of communication."*

- **Annualized High School Credit Definition**

Section 402 of E2SHB 3098 transferred authority for temporary exemptions from the annualized high school credit (150 hours of planned instructional activity – a Carnegie Unit) to the Office of Superintendent of Public Instruction (OSPI). In the future, please submit all annual waiver petitions to Mickey Venn Lahmann, Assistant Superintendent, Curriculum and Instruction, 360-725-6343 at [mlahmann@ospi.wednet.edu](mailto:mlahmann@ospi.wednet.edu).

**FUNDING ANNOUNCEMENT**

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**August 30, 2006**

**FORM SPI 1497 does not require back-up documentation. However, please be advised that you may need to provide such back-up documentation for auditing purposes.**

**Requests for further information or clarification of this entitlement application should be directed to Pat Eirish, State Board of Education, Basic Education Assistance, Room 253C, Old Capitol Building, P.O. Box 47206, Olympia, WA 98504-7206, (360) 725-6030 or TTY (360) 664-3631.**

**EH:pe**

**Attachment**



**RCW 28A.150.220**

**Basic Education Act — Program requirements — Program accessibility — Rules.**

(1) Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under \*RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under \*RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

[1993 c 371 § 2; (1995 c 77 § 1 and 1993 c 371 § 1 expired September 1, 2000); 1992 c 141 § 503; 1990 c 33 § 105; 1982 c 158 § 1; 1979 ex.s. c 250 § 1; 1977 ex.s. c 359 § 3. Formerly RCW 28A.58.754.]

**Notes:**

\***Reviser's note:** RCW 28A.630.885 was recodified as RCW 28A.655.060 pursuant to 1999 c 388 § 607. RCW 28A.655.060 was subsequently repealed by 2004 c 19 § 206.

**Contingent expiration date -- 1995 c 77 § 1:** "Section 1 of this act shall expire September 1, 2000. However, section 1 of this act shall not expire if, by September 1, 2000, a law is not enacted stating that a school accountability and academic assessment system is not in place." [1995 c 77 § 32.] That law was not enacted by September 1, 2000.

**Contingent effective date -- 1993 c 371 § 2:** "Section 2 of this act shall take effect September 1, 2000. However, section 2 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place." [1993 c 371 § 5.] That law was not enacted by September 1, 2000.

**Contingent effective date -- 1992 c 141 §§ 502-504, 506, and 507:** See note following RCW 28A.150.205.

**Findings -- Part headings -- Severability -- 1992 c 141:** See notes following RCW 28A.410.040.

**Severability -- 1982 c 158:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not

affected." [1982 c 158 § 8.]

**Effective date -- 1979 ex.s. c 250:** "This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and except as otherwise provided in subsection (5) of section 1, and section 2 of this amendatory act, shall take effect August 15, 1979." [1979 ex.s. c 250 § 10.]

**Severability -- 1979 ex.s. c 250:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 250 § 11.]

**Effective date -- Severability -- 1977 ex.s. c 359:** See notes following RCW 28A.150.200.

**RCW 28A.150.250**

**Annual basic education allocation of funds according to average FTE student enrollment – Student/teacher ratio standard.**

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.150.250 and 28A.150.260 to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula and ratios provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.100 and 28A.150.410.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.150.250, 28A.150.260, and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

[1990 c 33 § 107; 1987 1st ex.s. c 2 § 201; 1986 c 144 § 1; 1983 c 3 § 30; 1982 c 158 § 3; 1982 c 158 § 2; 1980 c 154 § 12; 1979 ex.s. c 250 § 2; 1977 ex.s. c 359 § 4; 1975 1st ex.s. c 211 § 1; 1973 2nd ex.s. c 4 § 1; 1973 1st ex.s. c 195 § 9; 1973 c 46 § 2. See also 1973 1st ex.s. c 195 §§ 136, 137, 138 and 139. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 2; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28A.41.130, 28.41.130.]

**Notes:**

**Intent – Severability – Effective date – 1987 1st ex.s. c 2:** See notes following RCW 84.52.0531.

**Effective date – 1986 c 144:** "Section 1 of this act shall be effective September 1, 1987." [1986 c 144 § 2.]

**Severability – 1982 c 158:** See note following RCW 28A.150.220.

**Purpose – Effective dates – Savings – Disposition of certain funds – Severability – 1980 c 154:** See notes following chapter 82.45 RCW digest.

**Effective date – Severability – 1979 ex.s. c 250:** See notes following RCW 28A.150.220.

**Effective date – Severability – 1977 ex.s. c 359:** See notes following RCW 28A.150.200.

**Emergency – Effective date – 1973 2nd ex.s. c 4:** See notes following RCW 84.52.043.

**Severability – Effective dates and termination dates – Construction – 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**Effective date -- 1972 ex.s. c 124:** "This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and sections 2, 3, 4, 6, 7 and 11 shall take effect immediately [February 25, 1972]; sections 1, 8, 9 and 10 hereof shall take effect July 1, 1973; and section 5 hereof shall take effect July 1, 1974." [1972 ex.s. c 124 § 12.]

**Severability -- 1972 ex.s. c 124:** "If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 124 § 13.]

**Effective date -- 1972 ex.s. c 105:** "This act except for section 4 will take effect July 1, 1973." [1972 ex.s. c 105 § 5.]

**Severability -- 1972 ex.s. c 105:** "If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 105 § 6.]

Basic Education Act, RCW 28A.150.250 as part of: RCW 28A.150.200.

Distribution of forest reserve funds -- As affects basic education allocation: RCW 28A.520.020.

**RCW 28A.150.260**

**Annual basic education allocation of funds according to average FTE student enrollment – Procedure to determine distribution formula – Submittal to legislature – Enrollment, FTE student, certificated and classified staff, defined.**

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

(a) Certificated instructional staff and their related costs;

(b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

(d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such



classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

[2006 c 263 § 322; 1997 c 13 § 2; (1997 c 13 § 1 and 1995 c 77 § 2 expired September 1, 2000); 1995 c 77 § 3; 1992 c 141 § 507; 1992 c 141 § 303; 1991 c 116 § 10; 1990 c 33 § 108; 1987 1st ex.s. c 2 § 202; 1985 c 349 § 5; 1983 c 229 § 1; 1979 ex.s. c 250 § 3; 1979 c 151 § 12; 1977 ex.s. c 359 § 5; 1969 ex.s. c 244 § 14. Prior: 1969 ex.s. c 217 § 3; 1969 c 130 § 7; 1969 ex.s. c 223 § 28A.41.140; prior: 1965 ex.s. c 154 § 3. Formerly RCW 28A.41.140, 28.41.140.]

**Notes:**

**Findings -- Purpose -- Part headings not law -- 2006 c 263:** See notes following RCW 28A.150.230.

**Contingent effective date -- 1997 c 13 § 2:** "Section 2 of this act shall take effect September 1, 2000. However, section 2 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place." [1997 c 13 § 15.] That law was not enacted by September 1, 2000.

**Contingent effective date -- 1995 c 77 § 3:** "Section 3 of this act shall take effect September 1, 2000. However, section 3 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place." [1995 c 77 § 33.] That law was not enacted by September 1, 2000.

**Contingent effective date -- 1992 c 141 §§ 502-504, 506, and 507:** See note following RCW 28A.150.205.

**Findings -- Part headings -- Severability -- 1992 c 141:** See notes following RCW 28A.410.040.

**Intent -- Severability -- Effective date -- 1987 1st ex.s. c 2:** See notes following RCW 84.52.0531.

**Severability -- 1985 c 349:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 349 § 9.]

**Effective date -- Severability -- 1979 ex.s. c 250:** See notes following RCW 28A.150.220.

**Effective date -- Severability -- 1977 ex.s. c 359:** See notes following RCW 28A.150.200.

Basic Education Act, RCW 28A.150.260 as part of: RCW 28A.150.200.

Distribution of forest reserve funds -- As affects basic education allocation: RCW 28A.520.020.

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WACs > Title 180 > Chapter 180-16 > Section 180-16-195

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## WAC 180-16-195

### Annual reporting and review process.

(1) **Annual school district reports.** A review of each school district's kindergarten through program shall be conducted annually for the purpose of determining compliance or noncompliance with basic education program approval requirements. On or before the first Monday in November of each year, each school district superintendent shall complete and return the program assurance form (C 1497) distributed by the state board of education. The form shall be designed to elicit data necessary for the determination of a school district's compliance or noncompliance with basic education program approval requirements. Data reported by a school district shall accurately represent the actual status of the district's program as of the first school day in October and as thus far provided and scheduled for the current school year. The form shall be 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 and site monitoring visits of randomly selected school districts, as needed and subject to funding availability. If the 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 deficiencies. School districts which foresee that they will not be able to comply with the program approval requirements, or that are deemed by the state board to be in noncompliance, may petition for a waiver of substantial lack of classroom space as set forth in WAC [180-16-225](#) and instructions regarding requirements under WAC [180-18-030](#).

(b) School districts may use the personnel and services of the educational service district or 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 annual spring meeting of the state board of education, or at such other meeting designated by the board, 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 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 noncompliance shall be effective tentatively for the succeeding school year until such time as the district 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 to the satisfaction of state board of education staff, subject to review by the state board of education. Allocation of state education funds shall be deducted from the basic education allocation of a school district if the district has been certified as being in noncompliance unless such district has received a waiver from the state board of education pursuant to WAC [180-16-225](#) or [180-18-030](#), or assurance of program compliance subsequently provided for the school year previously certified as in noncompliance and is so certified by the state board.

(d) The withholding of basic education allocation funding from a school district shall not be a noncompliance if the school district has remediated the noncompliance situation within sixty 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 convincing evidence that sixty days is not reasonable to make the necessary corrections. For 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 closed to the public for the conduct of business. A school business day shall be concluded or terminated by the closure of said office for the calendar day.

(e) The superintendent of public instruction, or his/her designee, after notification by the school district regarding an existing noncompliance, shall 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), not to exceed sixty days per noncompliance as specified in (d) of this subsection.

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

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline shall result in the immediate 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 school board of directors, and the superintendent of public instruction, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school board of directors and the school district superintendent.

(f) In the event a school district fails to sign the compliance agreement within five school days from the date of issuance or does not satisfy the terms of the signed compliance agreement within the designated amount of time, the superintendent of public instruction shall withhold state funds for basic education allocation until program compliance is assured based on the following procedure:

(i) For the first month that a noncompliance exists following the conditions as specified in this subsection, the superintendent of public instruction shall withhold twenty-five percent of the state funds for basic education allocation to a school district.

(ii) For the second month that a noncompliance exists following the conditions as specified in this subsection, the superintendent of public instruction shall withhold fifty percent of the state funds for basic education allocation to a school district.

(iii) For the third month that a noncompliance exists following the conditions as specified in this subsection, the superintendent of public instruction shall withhold seventy-five percent of the state funds for basic education allocation to a school district.

(iv) For the fourth month, and every month thereafter, that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold one hundred percent of the state funds for the basic education allocation to a school district until compliance is assured.

(g) 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 the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section. The state board of education may not waive any of the basic education entitlements set forth in this chapter, except as provided in WAC 180-16-225 or 180-18-030.

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

[Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130 (6), 02-18-056, § 180-16-195, filed 8/28/02. Statutory Authority: RCW 28A.150.250, 28A.150.260 and 28A.15.220 [28A.150.220]. 99-10-091, § 180-16-195, effective 6/4/99. Statutory Authority: RCW 28A.58.754(6), 84-11-043 (Order 2-84), § 180-16-195; filed 5/4/99. Statutory Authority: RCW 28A.04.120, 83-13-002 (Order 3-83), § 180-16-195, filed 6/2/83. Statutory Authority: RCW 28A

28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79 filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-195, fil

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