



The Washington State Board of Education

An education system where students are engaged in personalized education pathways that prepare them for civic engagement, careers, postsecondary education, and lifelong learning.

Emergency and Permanent Rules

PREPARED FOR THE JULY 2020 BOARD MEETING

Information and Action

Materials included in packet:

- Proposed emergency and permanent private school rules

Current emergency rules, [Emergency Rules for Waiver of Certain Graduation Requirements in Response to Novel Coronavirus](#), are posted online with the April 8 Board meeting materials.

Synopsis:

The Board will be considering adoption of emergency rules to extend the duration of the waiver authority provided by the current emergency rules **Emergency Rules for Waiver of Certain Graduation Requirements in Response to Novel Coronavirus** adopted by the Board on April 8. For private schools, language in the emergency rules will also be considered for approval by the Board for permanent rules.

Business Items:

- Proposed emergency rules regarding emergency waiver authority and private schools
- Proposed permanent rules regarding emergency waiver authority and private schools

NOTE: This working document includes only the sections of the Private Schools chapter for which there are current draft changes. At the July 2020 meeting, the Board will be considering 1) adopting these draft changes as emergency rules, and 2) approving moving forward with these changes for permanent rules.

Chapter 180-90 WAC

PRIVATE SCHOOLS

WAC 180-90-141 Loss of private school approval. The state board of education may rescind approval of a private school for one or more of the following reasons:

(1) Failure to have students enrolled for any six consecutive calendar months in the school's physical facilities or failure to provide evidence of student enrollment upon request of the state board of education for the said period of time.

- a) For the 2020-2021 school year schools that implement an online education program consistent with the provisions of RCW 28A.195.090 will not be subject to

rescission based on a failure to have students enrolled in the school's physical facilities, and

- b) The school maintains a physical address in Washington and plans to resume classroom instruction when the governing body of the school determines it is safe to do so and resumption is allowable under state and local emergency status.

(2) Failure to provide verification that the approved private school teaching staff have a valid Washington state teaching certificate or meet the provisions of WAC 180-90-112(5).

(3) Failure to provide verification that the physical facilities of the school meet the health and fire safety standards.

[Statutory Authority: RCW 28A.195.010, 28A.195.030, and 28A.195.040. WSR 18-24-090, § 180-90-141, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.195.040. WSR 15-24-108, § 180-90-141, filed 12/1/15, effective 1/1/16; WSR 03-04-053, § 180-90-141, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.02.204 [28A.02.240]. WSR 87-09-039 (Order 7-87), § 180-90-141, filed 4/14/87.]

WAC 180-90-160 Minimum standards and certificate form.

(1) The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE

WITH STATE STANDARDS

ESD/County/Public

School District

Private School/

District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of ; and that said school is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

Or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list

of such schools, including the grades conducted and the projected enrollment for each school, accompanies this

certificate:

(a) Except as provided in WAC 180-111 for the 2019-20 school year, tThe minimum school year for instructional purposes consists of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings as prescribed in RCW 28A.195.010.

(b) On each school day, pupils enrolled and in attendance at the school are engaged in educational activity planned by and under the direction of the school; and that pupils are provided an annual total instructional hour offering, as prescribed in RCW 28A.195.010, of at least:

(i) 450 Hours for students in kindergarten.

(ii) 1000 Hours for students in grades one through twelve.

(c) All classroom teachers hold appropriate Washington State certification except for:

(i) Teachers for religious courses or courses for which no counterpart exists in the public schools: Provided, That a religious course is a course of study separate from the courses of study defined in RCW 28A.195.010 including occupational

education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements, except as provided in 180-111; and/or

(ii) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a Washington state certificated teacher, administrator, or superintendent pursuant to WAC 180-90-112. The non-Washington state certificated teacher, the Washington state certificated person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate.

(d) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(i) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW and who is employed by the school;

(ii) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with (a), (b), (e) through (g) of this subsection;

(iii) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(iv) Each student's progress is evaluated by the certified person; and

(v) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(e) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(f) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current

inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(g) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC. A school may substitute courses specific to the mission or focus of the school to satisfy the career and technical education requirement of chapter 180-51 WAC and may waive requirements as provided in chapter 180-111 WAC;

(h) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(i) The school does not engage in a policy of racial segregation or discrimination;

(j) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for

approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

Dated this day of , 20

(signed)

(title)

(phone number)

(2) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The school shall notify the state board of education of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(3) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private

school and shall be considered in subsequent application for approval as a private school.

(4) Following initial approval as a private school by the state board of education, evidence of current accreditation by a state board of education approved accrediting body may be submitted annually in lieu of approval documents described in subsection (1) (a) through (j) of this section.

[Statutory Authority: RCW 28A.195.010, 28A.195.030, and 28A.195.040. WSR 18-24-090, § 180-90-160, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.195.040. WSR 15-24-108, § 180-90-160, filed 12/1/15, effective 1/1/16. Statutory Authority: 2014 c 217 and RCW 28A.230.090. WSR 14-19-032, § 180-90-160, filed 9/8/14, effective 10/9/14. Statutory Authority: RCW 28A.195.040. WSR 03-04-053, § 180-90-160, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.305.130(6), 28A.195.040 and 1996 c 83. WSR 96-15-099, § 180-90-160, filed 7/22/96, effective 8/22/96. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-90-160, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.02.240. WSR 89-01-038 (Order 23-88), § 180-90-160, filed 12/14/88; WSR 87-09-039 (Order 7-87), § 180-90-160, filed 4/14/87. Statutory Authority: RCW 28A.02.240. WSR 85-24-056 (Order 23-85), § 180-90-160, filed 12/2/85. Statutory Authority: RCW 28A.04.120(4). WSR 82-04-004 (Order 3-82), § 180-90-160, filed 1/21/82. Statutory Authority: RCW

28A.02.201 et seq. and 28A.04.120(4). WSR 78-06-064 (Order 9-78), § 180-90-160, filed 5/25/78; Order 2-77, § 180-90-160, filed 3/24/77; Order 1-76, § 180-90-160, filed 2/3/76; Order 1-75, § 180-90-160, filed 2/4/75.]