



THE WASHINGTON STATE BOARD OF EDUCATION

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

Title: Executive Director Update

| | | |
|---|--|---|
| As related to: | <input type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps. <input checked="" type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts. | <input type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards. <input checked="" type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system. <input type="checkbox"/> Other |
| Relevant to Board roles: | <input checked="" 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: | This section contains information on multiple business items. The supporting materials address key questions that you may have regarding the business items. | |
| Relevant to business item: | This section is relevant to the following business items: 5. Approval of Option One Waiver Requests for Richland, Sultan, and Tacoma School Districts 6. Approval of Option Two Waiver Request from Waterville School District 7. Approval of Filing CR-102 on WAC 180-105 (School Improvement Goals) 8. Approval of Filing CR-101 on WAC Chapters Applicable to HB 2824 9. Approval of Filing CR-101 on WAC 180-51-067, -068, and Creation of a New Section of WAC (Civics and High School and Beyond) 10. Approval of Future Board Meeting Dates and Locations | |
| Synopsis: | The Executive Director Update contains information on business items and upcoming work of the Board. The Executive Director and staff will brief the Board during this agenda time. The Executive Director and/or staff will also update the Board on: <ul style="list-style-type: none">• NASBE:<ul style="list-style-type: none">o National Association of State Boards of Education (NASBE) Memorandum of Understanding for Early Childhood Education Stipendo NASBE, WTB and WA-SBE Conversation with Other States Regarding Career Readinesso NASBE Social-Emotional Learning Group• Waivers:<ul style="list-style-type: none">o Option One Waiver Request from Richland, Sultan, and Tacoma School Districtso Option Two Waiver Request from Waterville School District• Rule-Making:<ul style="list-style-type: none">o Update on Rule Amendments for School Improvement Goals CR-102 (WAC 180-105) | |



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- o Update on HB 2824 Expedited Rule-Making CR-105 (WAC Chapter 180-22 and WAC 180-18-100)
 - o Overview of HB 2824 Rule-Making Process and CR-101
 - o Civics and High School and Beyond CR-101 on WAC 180-51-067(9), -068(10), and Creation of a New Section of WAC
- Future Board Meeting Locations and Dates
-



Executive Director Update

Randy Spaulding and Staff

A Light from Within by Kaitlyn Williams



SBE Choice for 2018 Art Show:

Richland High School
Richland School District

Shawn Murphy is the Instructor

The medium is photography

New Website

The screenshot displays the homepage of the Washington State Board of Education website. At the top, there is a navigation bar with links for Families, Educators, Districts, Blog, FAQs, and Contact Us. Below this is the main header featuring the Board's logo and name. A secondary navigation bar includes links for Home, About, Data/Reports, Meeting Dates/Materials, Our Work, Hot Topics, and News. The main content area features a large image of a diverse group of students and adults, with the text "Families Education programs to help your child achieve". To the right, a "WHAT'S NEW" section lists recent news items with dates and brief descriptions. Below this are sections for "Hot Topics" and "Meetings". A "Twitter" feed is also visible. At the bottom, there are four large buttons: "THE ACHIEVEMENT INDEX", "MEETING MATERIALS", "GRADUATION REQUIREMENTS", and "BOARD PRIORITIES". A footer section contains contact information, social media icons, and a "CONNECT" link.

NASBE Updates

The image shows the Washington State Board of Education logo, which is a circular emblem with a torch in the center and the words "WASHINGTON STATE BOARD OF EDUCATION" around the perimeter. Below the logo, the text "NASBE Updates" is displayed in a large, bold, sans-serif font.

NASBE



- National Association of State Boards of Education (NASBE) Memorandum of Understanding for Early Childhood Education Stipend
 - Board Action Item – MOU can be found in the board packet

- NASBE Social-Emotional Learning Group

- NASBE, WTB and WA-SBE Conversation with Other States Regarding Career Readiness

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Conversations with Other States



- Two webinars at the end of the month (tentatively scheduled for 11:00-12:30 on May 29th and 30th).
- Representatives from Colorado, Delaware, Indiana, Kentucky, Louisiana, and Virginia will be participating.
- Topics of discussion:
 - Equitable access to work-based learning opportunities
 - Coordination across state agencies and organizations
 - Aligning career pathways with graduation requirements
 - Incorporating career pathways into the accountability system
 - Engaging employers

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Waiver Requests

Waiver Requests



- Waivers from the 180-day Requirement
 - Option One Waiver Requests from:
 - Richland School District
 - Sultan School District
 - Tacoma School District for SAMI, SOTA, and IDEA
 - Option Two Waiver Request from Waterville School District

- Analysis memo can be found in the board packet and full waiver applications can be found online only

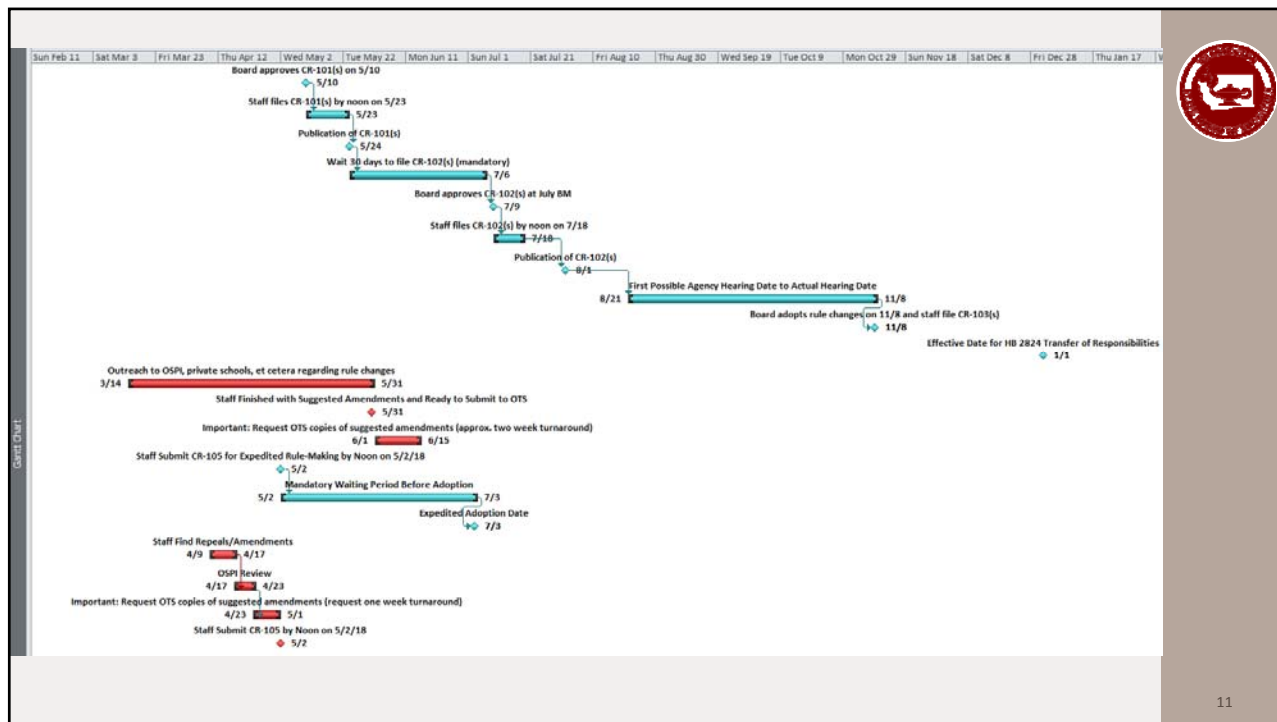


Rulemaking

Rulemaking



- These items relate to business items and can be found in the Board packet:
 - Update on Rule Amendments for School Improvement Goals CR-102 (WAC 180-105)
 - Update on HB 2824 Expedited Rule-Making CR-105 (WAC Chapter 180-22 and WAC 180-18-100)
 - Overview of HB 2824 Rule-Making Process and CR-101
 - Attorney General's Opinion on Parent-Teacher Conference Days
 - Civics and High School and Beyond CR-101 on WAC 180-51-067(9), -068(10), and Creation of a New Section of WAC



Meeting Schedule

Proposed Changes to Meeting Schedule



- Special Board Meeting in August:
 - 3 Hour Online Meeting
 - NGSS Score Setting
 - Partner Agency Updates

- Change to Meeting Locations:
 - Meetings during regular legislative session in Olympia
 - Even Years (Short Session) – January
 - Odd Years (Long Session) – January and March
 - Meetings in each ESD at least every second year

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Proposed Meeting Locations

2018 2019 2020 2021 2022

| | | | | | |
|---------|---|---|---|---|---|
| ESD 101 | 1 | 0 | 1 | 0 | 1 |
| ESD 105 | 1 | 1 | | 1 | |
| ESD 112 | 1 | | 1 | 0 | 1 |
| ESD 113 | 2 | 2 | 1 | 2 | 1 |
| ESD 114 | | 1 | | 1 | |
| ESD 121 | | 1 | 1 | 1 | 1 |
| ESD 123 | | | 1 | 0 | 1 |
| ESD 171 | | 1 | | 1 | |
| ESD 189 | 1 | | 1 | 0 | 1 |
| Online | 1 | | | | |

Legend

Green = Meeting(s)
added to the ESD

Black = Change happened
within the ESD

Red = Meeting(s)
removed from the ESD



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| 2018 | | | | |
|------------------------|--------------------|--------------|----------|-------------|
| Date | Current | | Proposed | |
| | Place | City | Place | City |
| January 10-11 | ESD 113 | Tumwater | | Tumwater |
| March 6-7 | SPSCC Event Center | Lacey | | Lacey |
| May 9-10 | ESD 105 | Yakima | | Yakima |
| July 11-12 | ESD 101 | Spokane | | Spokane |
| August 9 (Special Mtg) | | | OSPI | Olympia |
| September 11-13 | Semiahmoo Resort | Blaine | | Blaine |
| November 7-8 | TBD | Vancouver | | Vancouver |
| 2019 | | | | |
| Date | Current | | Proposed | |
| | Place | City | Place | City |
| January 9-10 | TBD | Olympia | | Olympia |
| March 13-14 | TBD | Tacoma | | Olympia |
| May 8-9 | TBD | Wenatchee | | Wenatchee |
| July 10-11 | TBD | Spokane | | Seattle |
| September 10-12 | TBD | Pullman | | Yakima |
| November 6-7 | TBD | Vancouver | | Bremerton |
| 2020 | | | | |
| Date | Current | | Proposed | |
| | Place | City | Place | City |
| January 8-9 | TBD | Tumwater | | Tumwater |
| March 11-12 | TBD | Seattle | | Tacoma |
| May 13-14 | TBD | Pasco | | Pasco |
| July 8-9 | TBD | Spokane | | Spokane |
| September 15-17 | TBD | Anacortes | | Anacortes |
| November 4-5 | TBD | Vancouver | | Vancouver |
| 2021 | | | | |
| Date | Current | | Proposed | |
| | Place | City | Place | City |
| January 6-7 | TBD | Olympia | | Olympia |
| March 10-11 | TBD | Lynnwood | | Olympia |
| May 12-13 | TBD | Richland | | Seattle |
| July 7-8 | TBD | Spokane | | Yakima |
| September 14-16 | TBD | | | Leavenworth |
| November 3-4 | TBD | Vancouver | | Bremerton |
| 2022 | | | | |
| Date | Current | | Proposed | |
| | Place | City | Place | City |
| January 12-13 | TBD | Olympia | | Olympia |
| March 9-10 | TBD | Mount Vernon | | Tacoma |
| May 11-12 | TBD | Kennewick | | Kennewick |
| July 13-14 | TBD | Spokane | | Spokane |
| September 13-15 | TBD | TBD | | LaConner |
| November 9-10 | TBD | Vancouver | | Vancouver |



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Website: www.SBE.wa.gov
 Blog: washingtonSBE.wordpress.com
 Facebook: www.facebook.com/washingtonSBE
 Twitter: [@wa_SBE](https://twitter.com/wa_SBE)
 Email: sbe@k12.wa.us
 Phone: 360-725-6025
 Web updates: bit.ly/SBEupdates



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Memorandum of Understanding Between the Washington State Board of Education and the National Association of State Boards of Education

2018-2019 Stipend Award

I. PARTIES

This Memorandum of Understanding (MOU) is entered into by the Washington State Board of Education and the National Association of State Boards of Education (NASBE) pertaining to the organizations' partnership to strengthen the work of the Board of Education related to improving the Early Learning Workforce. The funding is granted directly from NASBE and is provided for through the W.K. Kellogg Foundation.

II. PURPOSE

The purpose of this MOU is to outline the work, expectations, compensation and general provisions connected to the stipend award.

III. NASBE'S ROLE AND RESPONSIBILITIES

NASBE staff members will provide substantial support for project activities above and beyond routine stipend monitoring. NASBE activities for this project are as follows:

- Facilitating monthly/bimonthly conference calls between the state board and NASBE staff.
- Providing technical support for the development of stipend applications and overall implementation.
- Facilitating connections with experts as needed.
- Facilitating in-state convenings to provide guidance and coordination to the Board of Education to improve the quality and effectiveness of work plans, evaluation strategies, and collaborative activities with other agencies and organizations as needed.
- Supporting ongoing opportunities to foster networking, communication, coordination, and collaboration.
- Serving as a conduit for information exchange, including fostering collaboration among Network states that would not normally interact with each other or collaborate on education policy efforts.
- Collaborating to assemble and publish accomplishments, best practices, and lessons learned during the project period.

IV. THE STATE BOARD'S SCOPE OF WORK

- The scope of work by the Board of Education required by this MOU is outlined in the original application submitted by the Washington State Board of Education.
- The 18-month work plan submitted by the Board of Education (the work plan template is included with this MOU with an anticipated submission date of May 4, 2018).
- State board members and appropriate staff will participate in conference calls with NASBE staff and attend appropriate convenings of the Network states.

- This is an 18-month project ending on June 30, 2019. The Board of Education shall submit a final report by June 30, 2019, using the appropriate forms provided by NASBE.

V. COMMUNICATIONS

- NASBE will issue an official press release announcing stipend awardees upon the completion of the application/MOU process, and dispersal of stipend funds. NASBE Director of Communications will work with state liaisons on dissemination to appropriate state media, trade press, and other stakeholders. State-issued press releases must be coordinated with the NASBE Director of Communications.
- A primary goal for NASBE is to highlight the work of each stipend state, and to share state's experiences and lessons with the NASBE member network, and the public. This will be accomplished in a variety of ways including via published reports, case studies (State Innovations), commentary, and social media.

VI. TERMS AND CONDITIONS

- The work performed under this MOU shall be subject to all the terms and conditions outlined in this document.
- Neither party shall perform, provide, or request any service or materials that is unlawful, or is to be used in any unlawful manner, or which could be found offensive or which might otherwise be detrimental to the interests of either party.
- NASBE and the Washington State Board of Education are independent entities bound in the relationship of contractor and subcontractor respectively. The work hereunder shall be performed in accordance with generally accepted professional standards.
- As part of this agreement, NASBE and the Board of Education will jointly determine the tasks, timelines, outcomes and resources related to the work.
- In the event the Board of Education fails to commence services or, having commenced the services abandons them in part or in whole, or fails to complete the work to the satisfaction of NASBE, then NASBE reserves the right to cancel or terminate this agreement and the Board of Education will turn over to NASBE the products completed as of the date of cancellation as well as any unexpended funds.
- This MOU shall not be subject to any special conditions unless such special conditions are specifically identified in this agreement or its attachments.
- All terms and conditions of this MOU are herein set out and no other conditions, promises, or representations have been made. The parties' concurrence with the terms and conditions set forth above shall be evidenced by the signatures of their respective agents as set forth below.
- A no-cost extension opportunity might be available upon request.

VII. COMPENSATION AND TERMS OF PAYMENT

- The total compensation under this MOU is \$14,000.00, which will be paid in the following schedule conditional upon satisfaction of specific requirements and conditions outlined below and explained in more detail under the terms and conditions section of this MOU. Payment: \$ 7,000.00; paid 30 days upon receipt of this MOU and a work plan. And \$7,000.00 paid by July 31, 2018. MOU needs to be jointly signed by the Board of Education and NASBE.

- The Board of Education shall maintain and make available upon request, all relevant financial and accounting records and evidence pertaining to this agreement in accordance with generally accepted accounting principles.

VIII. DATES

This MOU will commence on the date of its signing and end on June 30, 2019.

IX. CANCELLATION

- Cancellation of the Agreement by NASBE may be for (1) default by the Board of Education, or (2) lack of further need for the service by NASBE. Default is defined as the failure of the agency to fulfill the obligations of this agreement. In case of default by the Board of Education, NASBE may cancel this agreement immediately and procure the services from other sources. In the event NASBE no longer needs the services specified in this agreement due to program changes, changes in funding, or other reasons, NASBE may cancel the MOU by giving the Board of Education written notice of such cancellation thirty (30) days prior to the date of cancellation.
- The Board of Education has the right to cancel this agreement. In the event the agency decides to terminate this agreement, it can do so by giving NASBE written notice thirty (30) days prior to the date of the intended cancellation date. Unexpended funds shall be returned to NASBE prior to the stated cancellation date.

X. RESPONSIBLE PERSONS AND CONTACT INFORMATION

National Association of State Boards of Education

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Project Oversight and Finance

Robert Hull
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Project Director

Winona Hao
Director of Early Learning
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NASBE

National Association of
State Boards of Education

Washington State Board of Education

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Project Lead and Liaison

Kaaren Heikes
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Kaaren.Heikes@k12.wa.us

XI. SIGNATURES

Kevin Lavery
Chair, Washington State Board of Education

Date

Kristen Amundson
President and CEO
National Association of State Boards of Education

Date



THE WASHINGTON STATE BOARD OF EDUCATION

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REQUEST FOR WAIVER OF MINIMUM REQUIREMENTS OF THE PROGRAM OF BASIC EDUCATION

Policy Considerations

Should the Option One requests presented for waiver of the minimum 180-day school year requirement be approved, based upon the criteria for evaluation in WAC 180-18-040? Are there deficiencies in the applications that may warrant resubmittal of the application, with corrections, for consideration by the Board at a subsequent meeting per WAC 180-18-050?

Does the request by Waterville School District for waiver of the minimum 180-day school year requirement for purposes of economy and efficiency meet the criteria for approval in WAC 180-18-065?

Summary

Please see the following table that organizes critical information that a requestor must provide in order to complete their waiver request and be considered by the Board for approval.

| District | Number of Waiver Days Requested | Number of Years Requested | Purpose of Waiver | Student Instructional Days | Additional Work Days Without Students | New or Renewal | Were the required documents submitted and complete? |
|----------|---------------------------------|---------------------------|----------------------------|----------------------------|---------------------------------------|----------------|---|
| Richland | 7 (Only for First Grade) | 3 | Parent-Teacher Conferences | 173 | 0 | Renewal | Yes |

What are the goals of this waiver?

The Richland School District has a goal to reduce the income-based achievement gap in English Language Arts, mathematics, discipline, attendance and graduation rates. The district will also measure local assessment results. The district already has a waiver of five days for parent-teacher conferences and utilizes days for the Family Connection Component (parent-teacher conferences) of the WaKIDS assessment at the Kindergarten level that does not require a waiver. This waiver request simply replicates the WaKIDS parent-teacher conferences at the first grade level with the goal of establishing closer relationships and a better understanding of individual student needs. Thus, this waiver request is simply for two days, at only the first grade level, beyond what the district is already allowed.

In the application, the district provides charts with detailed goals of closing the income-based achievement gap by setting targets to 2020 for the Free and Reduced Price Lunch (FRL) student group and the non-FRL student group.

If a renewal, what progress on original goals has been made?

Results are not yet available for the one year of the waiver for parent-teacher conferences that Richland School District received for the 2017-18 school year. Students are currently entering the testing timeframe for that one year of the waiver. Before receipt of that waiver, testing results in English Language Arts and mathematics were generally increasing and the district had maintained a graduation rate of roughly 80%.

| District | Number of Waiver Days Requested | Number of Years Requested | Purpose of Waiver | Student Instructional Days | Additional Work Days Without Students | New or Renewal | Were the required documents submitted and complete? |
|----------|---------------------------------|---------------------------|---|----------------------------|---------------------------------------|----------------|---|
| Sultan | 6 (2 for PD, 4 for PT-Conf) | 3 | Professional Development and Parent-Teacher Conferences | 177 | 5 | Renewal | Yes |

What are the goals of this waiver?

The goals of the waiver are specific to School Improvement Plans for each school as follows:

- Gold Bar Elementary will complete Response-to-Intervention, including students with disabilities. This school will also use local assessments to differentiate instruction and learning experiences.
- Sultan elementary school will seek to improve academic and behavioral levels with targeted interventions for students performing below grade level. The district plans to increase students reaching grade level in reading and decrease behavior referrals by 25%.
- Sultan Middle School will implement Positive Behavioral Interventions and Supports (PBIS), restorative practices, and Multi-Tiered Systems of Support to achieve whole-student success.
- Sultan High School will implement school-wide agreements among educators to focus on pedagogy, responsibility for learning, identification of critical concepts, and transfer learning among disciplines. The school will continue to implement AVID strategies, PBIS, and a workshop/studio model.

The district plans to improve student outcomes on state assessments and local assessments with various goals described in each school’s School Improvement Plan. The waiver request is aligned to those plans.

If a renewal, what progress on original goals has been made?

In response to renewal questions, the district notes that its waiver days were used as planned and resulted in high participation rates in parent-teacher conferences. The district noted its focus on staff collaboration, analysis of student assessment data, Common Core implementation, and implementation of the Smarter Balanced Assessment. Over the past three years, the district has achieved gains in Smarter Balanced results in English Language Arts at four out of seven grade levels, including a major gain at the 11th grade level. Results in ELA decreased at three of seven grade levels, including a considerable drop at the third grade level. The district achieved gains in math at two grade levels, static results at one grade level and decreases at four grade levels. The on-time graduation rate remains at approximately 80%.



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| District | Number of Waiver Days Requested | Number of Years Requested | Purpose of Waiver | Student Instructional Days | Additional Work Days Without Students | New or Renewal | Were the required documents submitted and complete? |
|--|---------------------------------|---------------------------|---|----------------------------|---------------------------------------|----------------|---|
| Tacoma (for SAMI, SOTA, and IDEA) | 14 | 3 | Alternative Calendar and Professional Development | 166 | 2 (and an additional 6 PD days) | Renewal | Yes |
| <p>Other Notes for Tacoma:</p> <p>This waiver renewal request combines a renewal for SAMI and SOTA that was granted on July 2015 with a renewal for IDEA that was granted in July 2016.</p> <p>This waiver renewal request is for 14 days. The prior requests are for 10 days. However, Tacoma School District has a district-wide waiver of four days for professional development. This waiver request combines the 10 days with the four district-wide days to show an easy-to-understand total of 14 days for these three schools.</p> | | | | | | | |
| <p>What are the goals of this waiver?</p> <p>The waiver plan and school improvement plan is aligned to the four benchmarks in the Tacoma Public Schools' Strategic Plan: academic excellence, early learning, safety, and community partnerships. The district states that the goals of this waiver are an increase from current levels at School of the Arts (SOTA), Science and Math Institute (SAMI), and School of Industrial Design Engineering and Arts (IDEA) to 100% by 2021 in the following measures: Mastery (essentially meaning course completion rate), English Language Arts, mathematics, and on-time graduation. IDEA is starting SBAC testing in Spring 2018 and, thus, does not have baseline data on which to base its goals. The plan also includes a goal of increasing successful post-high school plans from current levels (from each school as described in online-only waiver documents) to 2021 goals of 75% of seniors participating in an extended internship and 85% of graduates enrolled in post-high school education as measured by the Education Research and Data Center.</p> | | | | | | | |
| <p>If a renewal, what progress on original goals has been made?</p> <p>SAMI has increased substantially by nearly 20 percentage points on the English Language Arts Smarter Balanced Assessment over the last three years, despite a large increase from 2014-15 to 2015-16 that was followed by a loss of some of those gains from 2015-16 to 2016-17. Math SBA results have declined by about six percentage points over the last three years. EOC biology proficiency remains high at over 80% of students meeting standard. Graduation rates remain high at nearly 100% of students graduating.</p> <p>SOTA has stayed the same on the English Language Arts Smarter Balanced Assessment over the last three years, despite a large increase from 2014-15 to 2015-16 that was followed by a loss of those gains from 2015-16 to 2016-17. Math SBA results have declined by about five percentage points over the last three years, including a substantial reduction from 2014-15 to 2015-16 that was offset by a substantial rebound from 2015-16 to 2016-17. EOC biology proficiency remains high at over 80% of students meeting standard. Graduation rates remain high at above 95% of students graduating.</p> | | | | | | | |

IDEA does not have baseline data for the Smarter Balanced Assessments. Students will begin testing on the SBAC in Spring 2018. IDEA is a recently opened school with no data before the 2016-17 school year. Graduation results are not yet available.

The district provides detail on all five of its goal areas for each of the three schools. For more detail, please see the online waiver materials.

Option Two Waiver Request

| District | Number of Waiver Days Requested | Number of Years Requested | Purpose of Waiver | Student Instructional Days | Additional Work Days Without Students | New or Renewal | Were the required documents submitted and complete? |
|------------|---------------------------------|---------------------------|-----------------------------------|----------------------------|--|----------------|---|
| Waterville | 30 | 3 | Option Two-Economy and Efficiency | 150 | 18 for certificated, 11 for classified | Renewal | Yes |

Please see information further in the memo for a summary of the waiver application.

Among all of the currently approved districts, they now fill both of the slots for fewer than 150 students and two of the three slots for districts of 150 to 500 enrollment. The application from Waterville School District being considered at the May 2018 Board meeting would fill the final, fifth slot available that is for a district for this waiver program. SBE staff have received an inquiry from a district that would exceed the five total slots.

Background: Option One Waiver

The SBE uses the term “Option One” waiver to distinguish the regular 180-day waiver available to school districts under RCW 28A.305.140 from the “Option Two” waiver available to a limited number of districts for purposes of economy and efficiency under RCW 28A.305.141. RCW 28A.305.140 authorizes the Board to grant waivers from the minimum 180-day school year requirement of RCW 28A.150.220(5) “on the basis that such waivers are necessary to implement a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student.”

WAC 180-18-040 implements this statute. It provides that “A district desiring to improve student achievement for all students in the district or for individual schools in the district may apply to the state board of education for a waiver from the provisions of the minimum one hundred eighty-day school year requirement . . . while offering the equivalent in annual minimum instructional hours . . . in such grades as are conducted by the school district.” The Board may grant a request for up to three school years. There is no limit on the number of days that may be requested. Rules adopted in 2012 as WAC 180-18-040(2) and (3) establish criteria for evaluating the need for a new waiver and renewal of an existing one.

WAC 180-18-050 sets procedures to be followed to request a waiver. A district must provide, in addition to the waiver application, an adopted resolution by its school board requesting the waiver, a proposed school calendar for each year to which the waiver would apply, and information about the collective bargaining agreement with the local education association.

Summary of Current Option One Requests

Richland, a large district of about 13,500 students in the Tri-Cities of Southeastern Washington, requests a renewal of its waiver of seven days at only grade one for the 2018-19, 2019-20 and 2020-21 school years. The district states that it will meet minimum instructional hours and will not have any additional work days without students. Richland was approved for a parent-teacher conference waiver on April 5, 2018 for five days at all grade levels for the 2018-19, 2019-20 and 2020-21 school years.

The purpose of this waiver request is for two additional days for parent-teacher conferences at the first grade only. Other grade levels currently receive five days of parent-teacher conference time through a parent-teacher conference waiver from the 180-day requirement. The district also utilizes days for the Family Connection Component (parent-teacher conferences) of the WaKIDS assessment at the Kindergarten level that does not require a waiver. This waiver request simply replicates the WaKIDS parent-teacher conferences at the first grade level with the goal of establishing closer relationships and a better understanding of individual student needs. Thus, this waiver request is simply for two days, at only the first grade level, beyond what the district is already allowed.

The district submitted all of the required documents. The district solicited feedback through satisfaction surveys that included teachers and parents, involvement of the Teaching and Learning department at the district, and district leadership. District leadership and the Teaching and Learning department have focused on professional development and leadership regarding issues of poverty and this waiver plan aligns with that work.

Sultan, a medium-sized district of about 2,000 students in Northwestern Washington along the southern boundary of ESD 189, requests a renewal of its waiver of six days for the 2018-19, 2019-2020, and 2020-2021 school years. Prior to this waiver request, Sultan has received a waiver of four days for parent-teacher conferences and a separate waiver of two days for professional development. This waiver renewal request combines those two separate requests into one. The district states that it will meet minimum instructional hour requirements.

The purpose of two days of this waiver request is for professional development to ensure that the administrative theory of action supports teachers and impacts student growth. Educators will train on implementation of Common Core, the five dimensions of Teaching and Learning, and will use data from the Smarter Balanced Assessment to improve instruction.

The purpose of four days of this waiver request is for parent-teacher conferences and the district specifies that they would be student-led conferences. Teachers, students, and parents would discuss student data, particularly student growth in these meetings. The district notes high participation in these conferences.

The district submitted all of the required documents. The district stated that its parents and community were given the opportunity to provide input on the waiver through school board meetings, newsletters, the district calendar, Facebook, and the website including links to the OSPI Report Card.

Tacoma, a large district of about 28,800 students along the I-5 corridor, requests a renewal of its waiver for the School of the Arts (SOTA), Science and Math Institute (SAMI) and is adding another school – School of Industrial Design Engineering and Arts (IDEA) – to the renewal request for 14 days for the 2018-19, 2019-20, and 2020-21 school years. This waiver request only applies to those three

aforementioned schools. At the last Board meeting, the Board approved of a renewal of Tacoma School District's districtwide Option One waiver for four days for the 2018-19, 2019-2020, and 2020-2021 school years. The district states that it will meet minimum instructional hours and will have two additional teacher work days without students.

The purpose of the waiver is to continue the model of an alternative calendar that allows for increased daily instructional time and weekly job-embedded professional development for staff. The waiver plan results in a lengthening of the student day to seven hours on Monday through Thursday with a 4.33 hour Friday and a lengthening of the teacher workday from 7.5 hours to 8.25 hours. The waiver plan will result in the equivalent number of instructional hours and teacher work hours as other schools in Tacoma. Late start Fridays will make use of the DuFour professional learning community model. The district provides detail that the professional development time will be used for data-driven interventions for students and successful practices for implementation of Common Core and Next Generation Science Standards. Furthermore, the district will also have six workshop days for professional development time with continued professional development on the aforementioned topics and focus on the whole child.

The goal of the waiver will be to improve the data that is presented to students and staff through the Tacoma Public Schools data dashboard. These data include state assessment data, 2018 Index data, student growth percentiles, attendance, and discipline data. In response to renewal questions, the district noted that its graduation goal of 85% by 2020 in its strategic plan has already been reached for some student groups. The district stated that its goal has been met for all student subgroups with the exception of Hispanic, Native American, and Pacific Islander but that all of those groups have shown gains in graduation rate over the past three years.

The district submitted all of the required documents. The district noted that it keeps parents informed about the waiver at monthly meetings, through the e-newsletter, regular automated phone-calls and through the school district website. The district submitted an extensive list of signatures from supporters of the waiver request.

Background: Option Two Waivers

In 2009 the Legislature passed SHB 1292, authorizing a basic education waiver from the 180-day requirement for the purposes of economy and efficiency. The act is codified as RCW 28A.305.141. The waivers enable adoption of a flexible school calendar, typically resulting in a four-day school week with longer school days. The statute limits eligibility for the waiver to no more than five districts at any time, two for districts with "student populations" of less than 150, and three for districts with between 150 and 500. Waivers may be granted for up to three years.

The statute sets forth the information that must be provided in an application for an Option Two waiver. It includes, for example:

- A demonstration of how the BEA program requirement for instructional hours will be maintained by the district;
- An explanation of the economies and efficiencies to be gained from compressing the instructional hours into fewer than 180 days;
- An explanation of how monetary savings will be redirected to support student learning.

Five districts have applied for waivers under this statute: Bickleton, Paterson and Mill A for districts with fewer than 150 students, and Selkirk and Lyle for districts of 150 to 500. In November 2009 the Board approved requests from Bickleton for waiver of 30 days for three years, from Paterson for 34 days for three years, and from Lyle for 12 days and 24 days, respectively, for two years. Bickleton and Paterson

were granted renewal of their waivers in March 2012 and, again, in March 2015. Paterson was also granted renewal in January 2017. Both continue to operate on calendars of four-day school weeks. Lyle returned to a standard calendar after two years on a four-day week. Mill A was not approved for a waiver as it would have exceeded the cap on waivers for districts with fewer than 150 students. Selkirk was granted a waiver of 30 days for three years in March 2017 and Cusick was granted a waiver of 30 days for three years in July 2017. **Among all of the currently approved districts, they now fill both of the slots for fewer than 150 students and two of the three slots for districts of 150 to 500 enrollment. The application from Waterville School District being considered at the May 2018 Board meeting would fill the final, fifth slot available that is for a district for this waiver program. SBE staff have received an inquiry from a district that would exceed the five total slots.**

The SBE adopted rules for evaluating requests for waivers under this section as WAC 180-18-065 in November 2012. The rules provide that a district requesting a waiver to operate one or more schools on a flexible calendar for purposes of economy and efficiency must meet each of the requirements for the application in RCW 28A.305.141. If more districts apply than can be approved under the statute, priority will be given to those waiver plans that best redirect projected savings to support student learning.

In establishing the waiver program in 2009, the Legislature placed an ending date of August 31, 2014 on the statute. It required the SBE to submit a report and recommendation to the Legislature by December 2013 on whether it should be continued, modified, or allowed to terminate on that date. The SBE recommendation was to focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. The Board submitted an extensive report, supported by best available data on academic outcomes from the shortened school calendars.

On November 15, 2013, the Board approved the following recommendation to the Legislature:

“Recognizing that the data are inconclusive as to the question asked by the Legislature, Did the alternative program lead to measurable growth in student achievement, but that the data does show no measurable decline in student achievement and that other benefits were identified by the waiver district communities, the State Board recommends that Option 2 waivers be allowed to continue for an interim period.”

In the 2014 Session the Legislature passed and the governor signed legislation continuing the SBE’s authority to grant waivers under RCW 28A.305.141 through August 31, 2017. No changes were made to eligibility for the waiver or other significant provisions. There is no requirement for additional SBE study of the program.

In the 2016 Session the Legislature passed and the governor signed legislative removing the expiration date for waivers granted under RCW 28A.305.141.

Option Two Waiver Request

Waterville, a district of about 260 students in ESD 171 in Central Washington, requests a new Option Two waiver of 30 days for the purposes of economy and efficiency for the 2018-19, 2019-20, and 2020-21 school years. Waterville School District does not currently receive a waiver from the 180-day requirement. In the application materials, the district assures the Board that it will continue to meet its instructional hour requirements and will exceed the instructional hour requirement by averaging 1038 hours. Furthermore, the district does not plan to count student-parent-teacher conference time towards its instructional hour calculation. The district is going to offer student-parent-teacher conferences to occur outside of the school day for flexibility and ease-of-access to parents and students.

The application from Waterville School District being considered at the May 2018 Board meeting would fill the final, fifth slot available that is for a district for this waiver program. SBE staff have received an inquiry from a district that would exceed the five total slots.

Waterville plans to redirect its monetary savings to support student learning by providing child care and extended instructional opportunities on Fridays, if requested by parents. The district will provide additional funds to support training for all educators, including classified employees. Prior to this waiver request, classified staff had little opportunity for non-school day training in Waterville. The district plans to redirect time and money towards these professional development opportunities if this waiver request is approved.

The reasons that Waterville is requesting the waiver are similar to the reasons stated by other districts receiving this type of waiver. Also, similar to the other districts that receive Option Two waivers, Waterville is in a remote location and the community has a small population.

The district states that it will have the following economies if the waiver is approved:

- Reduced fuel usage – savings of \$3,500
- Reduced food service – savings of \$12,800 but some of the savings will be offset by lost revenue
- Reduced substitute costs – savings of \$6,000
- Value not stated - Provision of 18 paid professional days that will be provided within the existing state salary schedule without the need for local levy dollars
- Unknown value - Increased economies for parents due to the flexibility of the schedule to conduct appointments (doctor, dental, business, et cetera) in a remote area of the state

The district did not total all of these numbers in its response to question number eight on the application that asks for an estimation of the expected savings. The list of stated economies totals \$22,300 with two economies of unstated value (professional development within state salary schedule and economies for families).

The district listed the following efficiencies:

- Increased uninterrupted instructional time – not only will this waiver increase daily instructional time but it will also greatly reduce travel times for extracurricular activities
- Increased student attendance – district notes research from other states showing improved student attendance from four-day school weeks
 - The district notes in its application that its absenteeism rate is above the state average and plans to reduce that rate through the use of this waiver program.
- Increased number of highly qualified and desirable teacher applicants
- Increased retention/job satisfaction of experienced qualified staff

Beyond the list of efficiencies that the district enumerated, professional development was a recurrent theme throughout the application and is integral to the district's plans for the use of this waiver program. The district also mentioned that it will be better situated to deal with emergency closures due to snow days with receipt of this waiver.

Waterville held a school board meeting on April 16 to solicit feedback from the community and held another meeting on April 25 to complete its solicitation of feedback. To demonstrate community support for the Option Two waiver request, Waterville released a survey to families and offered

opportunities for input. The following documents were submitted by Waterville as evidence of community support for the waiver:

- Letter signed by the President of the Waterville Teacher Leadership Council that notes multiple benefits to staff due to this waiver program:
 - Redirection of funds and time to professional development.
 - Ability for educators to earn clock hours on Fridays.
 - Flexibility of funds for professional development.
 - Attraction and retention of teachers.
 - State review process and oversight of this waiver program.
- List of comments of support from community members, including parents, staff, and students.
- Chart depicting survey results of over 200 survey participants as follows:
 - Do you support the school district moving to a four-day school week?
 - Community - 69% yes, 31% no
 - Students – 76% yes, 24% no
 - Staff – 90% yes, 10% no

The full application from the district, including academic performance data and detail on all required questions, can be found on www.sbe.wa/materials.php.

The district submitted all of the required documents.

Action

The Board will consider whether to approve the requests for an Option One waiver presented in the application by Richland, Sultan and Tacoma School Districts and summarized in this memorandum.

The Board will consider whether to approve the request for an Option Two waiver presented in the application by Waterville School District and summarized in this memorandum.

If you have questions regarding this memo, please contact Parker Teed at parker.teed@k12.wa.us

PROPOSED RULE MAKING



CR-102 (December 2017) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: State Board of Education

Original Notice

Supplemental Notice to WSR 16-20-019

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 16-20-019 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The following sections of Chapter 180-105 (Performance Improvement Goals): 180-105-020 (Reading and mathematics), 180-105-040 (Definitions) and 180-105-060 (High school graduation))

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|---------------|----------|---|----------|
| July 11, 2018 | 11:45 am | ESD 101, Conference Center, 4202 S Regal St, Spokane, WA | |

Date of intended adoption: _____ (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Andrew Parr

Address: 600 Washington St SE, PO Box 47206, Olympia, Washington 98504

Email: Andrew.parr@k12.wa.us

Fax: 360-586-2357

Other:

By (date) July 11, 2018

Assistance for persons with disabilities:

Contact _____

Phone:

Fax:

TTY:

Email:

Other:

By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to make various amendments to two sections of Chapter 180-105 WAC (Performance Improvement Goals) to align district and improvement goals to long-term goals described in the Washington Every Student Succeeds Act (ESSA) State Accountability Plan. The proposed amendments also make certain technical corrections to this chapter.

Reasons supporting proposal: The need to ensure that Chapter 180-105 WAC (Performance Improvement Goals) is consistent in language and provisions with Chapter 28A.305.130 RCW.

Statutory authority for adoption: Chapter 28A.305.130 RCW.

Statute being implemented: Chapter 28A.305.130 RCW

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) State Board of Education

Private
 Public
 Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|-----------------|-----------------|---|--------------|
| Drafting: | Andrew Parr | 600 Washington Street SE, Olympia, WA 98504 | 360-725-6063 |
| Implementation: | Randy Spaulding | 600 Washington Street SE, Olympia, WA 98504 | 360-725-6024 |
| Enforcement: | Randy Spaulding | 600 Washington Street SE, Olympia, WA 98504 | 360-725-6024 |

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name: Thomas J. Kelly
Address: Rm. 433, 600 Washington Street SE, Olympia, WA 98504.
Phone: 360-725-6301
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 4/25/2018

Name: Randy Spaulding

Title: Executive Director

Signature:



WAC 180-105-040 Definitions. ~~As used in Title 3 WAC:~~

~~(1) "High school" means a public school in the state enrolling students in any of grades nine through twelve.~~

~~(2) "Graduation rate" means the percentage of students who receive a regular high school diploma within four academic years of having enrolled for the first time as ninth grade students. Students who transfer to another school less than four academic years after initial enrollment in the ninth grade shall not be included in the calculation of the graduation rate for the school from which the student transfers. Students who become deceased shall not be included in the calculation of the graduation rate for the school last attended. Students who earn a regular high school diploma after their four academic years will be included in additional calculations and reports for the year a regular high school diploma is completed.~~

~~(3) "Graduation rate goal" means the expected minimum graduation rate reported in a particular year for the prior year's graduating class. For example, the graduation rate goal for 2006 relates to students in the class of 2005.~~

~~(4) "Graduating class" or "class of" or "cohort" of any particular year means the group of students who are scheduled to graduate in that~~

~~particular year after having completed grades nine through twelve in four or fewer academic years.~~

(1) "High school" means a public school in the state enrolling students in any of grades ten through twelve.

(2) "Graduation rate" means the four-year adjusted cohort graduation rate expressed as the percentage of students who receive a regular high school diploma within four academic years of having enrolled for the first time as ninth grade students. Students who transfer to another school less than four academic years after initial enrollment in the ninth grade shall not be included in the calculation of the graduation rate for the school from which the student transfers. Students who become deceased shall not be included in the calculation of the graduation rate for the school last attended. Students who earn a regular high school diploma after their four academic years will be included in additional calculations and reports for the year a regular high school diploma is completed.

(3) "Performance improvement goals" means the long-term goals described in the Washington accountability plan approved by the U.S. Department of Education for the academic achievement indicator, high school graduation indicator, and English learner progress indicator.

(4) "School and school district improvement plans" means the data-driven plan for the district and each school described and required under WAC 180-16-220 that promotes a positive impact on student learning and includes a continuous improvement process.

(5) "Federal requirements" means the accountability and other requirements specified by the U.S. Department of Education in the elementary and secondary education act of 1965 as amended.

(6) "Washington school improvement framework" or "WSIF" means the system of school differentiation described in the Washington accountability plan approved by the U.S. Department of Education as meeting federal requirements. The framework methodology establishes a summative score for the all students group and the reportable student groups specified in WAC 180-105-020 (b) from up to five indicators broadly categorized as academic achievement, student academic growth, English learner progress, high school graduation, and school quality or student success.

(7) "Washington school improvement framework indicators" include the following indicators:

(a) "Academic achievement indicator" means the measure of the percentage of students who are proficient on the assessments of student learning in reading/English language arts and mathematics included as

part of the system of differentiation described in the Washington accountability plan approved by the U.S. Department of Education.

(b) "Student growth indicator" means a measure of academic growth or academic improvement derived from the Washington assessments of student learning included as part of the system of differentiation described in the Washington accountability plan approved by the U.S. Department of Education.

(c) "High school graduation indicator" means the graduation rate and adjustments if any included as part of the system of differentiation described in the Washington accountability plan approved by the U.S. Department of Education. This indicator only applies to high schools as defined in subsection (3) of this section.

(d) "English learner progress indicator" means a measure of the progress in achieving English language proficiency for English learners included as part of the system of differentiation as described in the Washington accountability plan approved by the U.S. Department of Education.

(e) "School quality or student success indicator" means the measure or combination of measures of student engagement and school climate included as part of the system of differentiation described in the

Washington accountability plan approved by the U.S. Department of Education.

(i) "Regular school attendance" is a measure of school quality or student success in the Washington School Improvement Framework. The measure is the percentage of students at a school who had fewer than 18 full day absences (ten percent) during the school year.

(ii) "9th Graders on track" is a measure of school quality or student success in the Washington School Improvement Framework. The measure is the percentage of first-time 9th graders at a school who pass all the credits attempted. This indicator only applies to high schools as defined in subsection (3) of this section.

(iii) "Advanced course-taking" is a measure of school quality or student success in the Washington School Improvement Framework. The measure is the percentage of all enrolled students (grades 9-12) who complete a dual credit course. This indicator only applies to high schools as defined in subsection (3) of this section.

[WSR 05-15-036, recodified as § 180-105-040, filed 7/11/05, effective 7/11/05. Statutory Authority: RCW 28A.655.030 (1)(a). WSR 05-11-046, § 3-20-390, filed 5/12/05, effective 6/13/05.]

WAC 180-105-020 Reading and mathematics. ~~(1) Each school district~~

~~board of directors shall by December 15, 2003:~~

~~(a) Adopt district-wide performance improvement goals using the federal requirements to determine the increase in the percentage of students who meet or exceed the standard on the Washington assessment of student learning for reading and mathematics in grades four, seven, and ten; and~~

~~(b) Direct each school in the district that administers the Washington assessment of student learning for grade four, seven, or ten to adopt performance improvement goals using the federal requirements to determine the increase in the percentage of students meeting the standard for its fourth, seventh, or tenth grade students in reading and mathematics.~~

~~(2) School districts and schools shall establish separate district-wide and school reading and mathematics improvement goals using the federal requirements to determine the increase in requirements under subsection (1) of this section for each of the following groups of students:~~

~~(a) All students;~~

~~(b) Students of each major racial and ethnic group;~~

~~(c) Economically disadvantaged students;~~

~~(d) Students with disabilities; and~~

~~(e) Students with limited English proficiency.~~

~~(3) School districts and schools are not required to publish numerical improvement goals in a grade level for reading and mathematics for 2004 or in any year thereafter for any student group identified in subsection (2) of this section in which there were fewer than ten students eligible to be assessed on the Washington assessment of student learning in the prior year. However, this subsection shall not be construed to affect WAC 180-16-220 (2)(b) or any other requirements for school and school district improvement plans.~~

~~(4) Annual performance improvement goals for both school districts and schools shall be determined:~~

~~(a) By using the starting point and annual goals established using the federal requirements for determining starting points in the 2003 Washington State No Child Left Behind (NCLB) Accountability Plan.~~

~~(b) If the performance improvement goals established by using the federal requirements to determine the increase for assessments administered in the spring of 2003 and each year thereafter through and including assessments administered in the spring of 2013 are not met, but the other indicator is met [the other indicator for high schools is the graduation goal (WAC 180-105-040(4)) and the other indicator for elementary and middle schools is the unexcused absences goal (Washington State Accountability System under NCLB 2001)] then a substitute calculation may be made. That substitute calculation representing satisfactory progress shall not be less than the sum of:~~

~~(i) The percentage of students meeting standard on the assessments administered in the spring of the preceding year for the relevant student group, grade level and subject; and~~

~~(ii) The percentage of students who did not meet standard on the assessments administered in the spring of the preceding year for the~~

~~relevant student group, grade level and subject, multiplied by ten percent.~~

~~(c) The performance improvement goals for assessments administered in the spring of 2014 shall be that all students eligible to be assessed meet standard on the Washington assessment of student learning.~~

~~(5) School districts and schools shall be deemed to have met the performance improvement goals established pursuant to this chapter if the school district or school achieves the minimum improvement goal required under subsection (4) of this section, even if the school district or school does not achieve the performance improvement goals established by using the federal requirements to determine the increase.~~

~~(6) No performance improvement goal for a group in a subject and grade established pursuant to this section shall be used for state or federal accountability purposes if fewer than thirty students in the group for a subject and grade are eligible to be assessed on the Washington assessment of student learning.~~

Performance Improvement Goals.

(1) As part of the district and school improvement plan required in WAC 180-16-220 each school district board of directors shall by September 1, 2019, and annually thereafter:

a. Adopt district-wide performance improvement goals for the measures included in the Washington School Improvement Framework.

b. Direct each school in the district that enrolls students in grades 3-8 and/or High School to establish goals to increase the measures included in the Washington School improvement Framework consistent with State and District goals.

(2) School districts and schools shall establish separate district-wide and school English Language Arts and mathematics improvement goals using the federal requirements to determine the increase in requirements under subsection (1) of this section for the all students group and each of the groups of students required under the federal requirements.

(3) School districts and schools are not required to publish numerical improvement goals in a grade level or student group referenced

in subsection (2) of this section for any year in which there were fewer than the minimum number of reportable students identified in the Washington accountability plan approved by the U.S. Department of Education. However, this subsection shall not be construed to affect WAC 180-16-220 (2)(b) or any other requirements for school and school district improvement plans.

[Statutory Authority: RCW 28A.305.130. WSR 07-07-052, § 180-105-020, filed 3/14/07, effective 4/14/07. WSR 05-15-036, recodified as § 180-105-020, filed 7/11/05, effective 7/11/05. Statutory Authority: RCW 28A.655.030 (1)(a). WSR 03-09-144, § 3-20-200, filed 4/23/03, effective 5/24/03.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 180-105-060 ~~High school graduation.~~ ~~(1) Each school district board of directors shall by December 15, 2005, revise district-wide graduation rate goals for 2006 and each year thereafter and shall direct each high school in the district to revise graduation rate goals for 2006 and each year thereafter, subject to approval by the board.~~

~~(2) The minimum graduation rate goals through 2013 shall be as follows for each of the nine groups of students listed in WAC 180-105-040(4):~~

~~(a) Sixty six percent in 2005, one percentage point above the previous year's goal from 2006 through 2009, and three percentage points above the previous year's goal in 2010 through 2013; or~~

~~(b) For any student group whose graduation rate falls below sixty six percent in 2005, the minimum goal for 2005 is two percentage points above that group's graduation rate in 2004, an additional two percentage points per year above the previous year's goal in 2006 through 2009, and an additional four percentage points per year above the previous year's goal in 2010 through 2013, until the rate for that group meets or exceeds the goal described in (a) of this subsection.~~

~~(3) Graduation rate goals in 2014 and each year thereafter for each group of students listed in WAC 180-105-040(4) shall be not less than eighty five percent.~~

~~(4) School district boards of directors are authorized to adopt district-wide graduation rate goals and to approve high school graduation rate goals that exceed the minimum level required under this section. However, district wide and high school graduation rate goals that exceed the minimum level required under this section shall not be used for federal or state accountability purposes.~~

Establishing Goals.

(1) Annual performance improvement goals for both school districts and schools established pursuant to RCW 180-105-020 shall be determined:

a. Using the most recently available school improvement framework results as the starting point and annual increments to reach the goals outlined below in section 1.b.

b. The performance improvement goals for assessments administered in the spring of 2027 shall be consistent with the goals outlined in the state consolidated plan. At a minimum schools and districts must include the following goals:

i. Ninety (90) percent of students eligible to be assessed meet standard on the required state assessments.

ii. Graduation rate for all students, and each group of students referenced in WAC 180-105-020(2) shall be not less than ninety (90) percent.

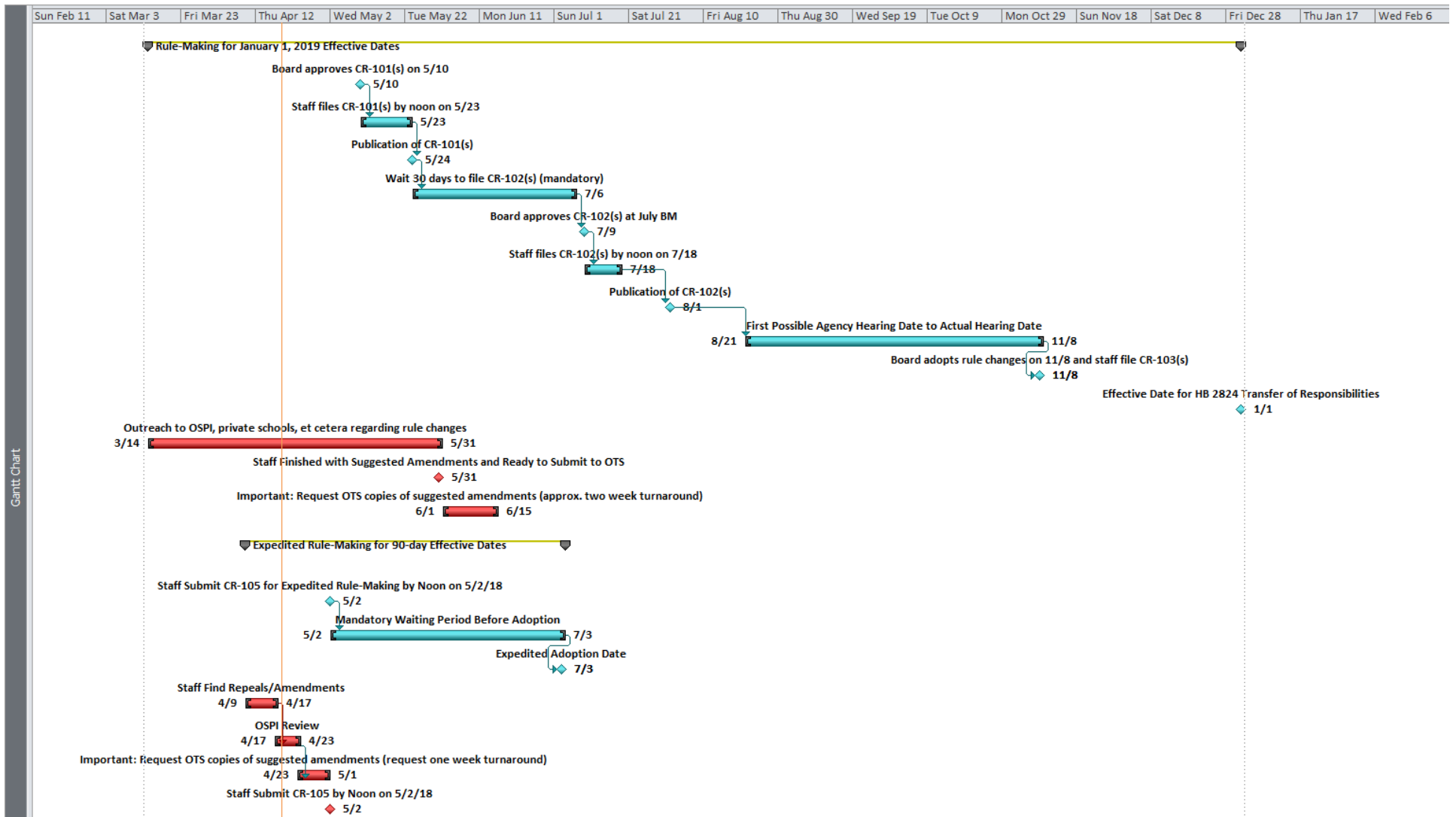
iii. In the districts that administer the Washington English language proficiency assessment described in the Washington accountability plan approved by the U.S. Department of Education to adopt performance improvement goals using the federal requirements to determine the increase in the percentage of students making progress toward English language proficiency included in the Washington School Improvement Framework.

c. Districts and schools shall establish goals for each of the Washington School Improvement Framework indicators as defined in WAC 180-105-040 (11) for all students and each group of students referenced in WAC 180-105-020(2).

(2) School district boards of directors are authorized to adopt district-wide and school goals that exceed the minimum level required

under this section. However, district-wide and school goals that exceed the minimum level required under this section shall not be used for federal or state accountability purposes.

[Statutory Authority: RCW 28A.305.130. WSR 07-07-052, § 180-105-060, filed 3/14/07, effective 4/14/07. WSR 05-15-036, recodified as § 180-105-060, filed 7/11/05, effective 7/11/05. Statutory Authority: RCW 28A.655.030 (1)(a). WSR 05-11-046, § 3-20-400, filed 5/12/05, effective 6/13/05.]



Simplified timeline for HB 2824 Rule-Making

- Board considers approval of HB 2824 CR-101 at May 2018 Board meeting
- Staff engage OSPI on proposed amendments and prepare amendments for July 2018 Board meeting
- Board considers approval of CR-102 at July 2018 Board meeting
- Engage public throughout process and hold public hearing in late August 2018
 - If public input warrants substantive changes to the proposed amendments in the CR-102, the Board has the opportunity to file a supplemental CR-102 at the September 2018 Board meeting if the changes are too significant to adopt under the original CR-102.
- Final rule adoption at November 2018 board meeting



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

Agency: Washington State Board of Education

Title of rule and other identifying information: (describe subject) To implement provisions of HB 2824 (Laws of 2018) that have an effective date 90 days after sine die of the 2018 Legislature, the State Board of Education is amending WAC 180-18-100 and repealing WAC Chapter 180-22.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To implement provisions of HB 2824 (Laws of 2018) that have an effective date 90 days after sine die of the 2018 Legislature, the State Board of Education is:

- Amending WAC 180-18-100 to transfer responsibility for processing applications for district waiver of career and technical education course equivalencies from State Board of Education to Office of Superintendent of Public Instruction.
- Repealing WAC Chapter 180-22 to eliminate the role of the State Board of Education in establishing educational service district boundaries.

Reasons supporting proposal: House Bill 2824 requires that changes be made to the aforementioned rules, effective 90 days after sine die of the 2018 Legislature.

Statutory authority for adoption: The authority for amendment of WAC 180-18-100 is RCW 28A.230.010. The authority for repeal of WAC Chapter 180-22 is RCW 28A.310.020.

Statute being implemented: These amendments and repeal implement changes to RCW 28A.230.010 and RCW 28A.310.020 as a result of HB 2824 (Laws of 2018)

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Washington State Board of Education

- Private
 Public
 Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|-----------------|-----------------|---|--------------|
| Drafting: | Parker Teed | Old Capitol, 600 Washington SE, Olympia, WA 98501 | 360-725-6047 |
| Implementation: | Randy Spaulding | Old Capitol, 600 Washington SE, Olympia, WA 98501 | 360-725-6024 |
| Enforcement: | Randy Spaulding | Old Capitol, 600 Washington SE, Olympia, WA 98501 | 360-725-6024 |

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.


Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): To implement provisions of HB 2824 (Laws of 2018) that have an effective date 90 days after sine die of the 2018 Legislature.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Parker Teed
Agency: Washington State Board of Education
Address: 600 Washington St SE, PO Box 47206, Olympia, Washington 98504
Phone: 360-725-6025
Fax: 360-586-2357
Email: parker.teed@k12.wa.us
Other:

AND RECEIVED BY (date) _____

| | |
|----------------------------------|--|
| Date: 4/9/2018 | Signature:  |
| Name: Mr. Randy Spaulding | |
| Title: Executive Director | |

WAC 180-18-100 District waiver from requirement for student access to career and technical education course equivalencies. (1) Any school district reporting, in any school year, an October P223 headcount of fewer than two thousand students as of January of that school year may apply to the ~~state board of education~~superintendent of public instruction for a waiver of up to two years from the provisions of RCW 28A.230.010(2) for the subsequent school year.

(2) In any application for a waiver under this section, the district shall demonstrate that students enrolled in the district do not have and cannot be provided reasonable access, through high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses, to at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course as determined by the superintendent of public instruction ~~and the state board of education~~ under RCW 28A.700.070.

(3) On a determination, in consultation with the office of the superintendent of public instruction, that the students enrolled in the district do not and cannot be provided reasonable access to at

least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course under subsection (2) of this section, the ~~state board of education~~superintendent of public instruction shall grant the waiver for the term of years requested.

(4) The ~~state board of education~~office of superintendent of public instruction shall post on its web site an application form for use by a district in applying for a waiver under this section. A completed application must be signed by the chair or president of the district's board of directors and superintendent.

(5) In order to provide sufficient notice to students, parents, and staff, the application must be submitted to the superintendent of public instruction in electronic form no later than January 15th of the school year prior to the school year for which the waiver is requested, ~~and no later than thirty days before the board meeting at which the application will be considered.~~ The ~~board~~office of superintendent of public instruction shall post all applications received on its public web site.

[Statutory Authority: 2014 c 217 and RCW 28A.230.090. WSR 14-19-032, § 180-18-100, filed 9/8/14, effective 10/9/14.]

Chapter 180-22 WAC

EDUCATIONAL SERVICE DISTRICTS

Last Update: 3/14/07

WAC

Repeal the following (all of WAC Chapter 180-22):

~~EDUCATIONAL SERVICE DISTRICTS—ORGANIZATION~~

~~180-22-100 Purpose and authority.~~

~~180-22-140 Territorial organization of educational service districts.~~

~~180-22-150 Educational service districts—Criteria for organization.~~

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

180-22-005 Regulatory provisions relating to specific acts. [Order 3-68, § 180-22-005, filed 2/14/68.]

Repealed by Order 3-69, filed 6/27/69 and Emergency Order 1-69, filed 5/1/69.

180-22-010 Definitions. [Order 3-68, § 180-22-010, filed 2/14/68.] Repealed by Order 3-69, filed

6/27/69 and Emergency Order 1-69, filed 5/1/69.

180-22-015 Statewide plan of service areas—Policy. [Order 3-68, § 180-22-015, filed 2/14/68.] Repealed

by Order 3-69, filed 6/27/69 and Emergency Order 1-69, filed 5/1/69.

180-22-020 Statewide plan of service areas—Purpose—Criteria. [Order 3-68, § 180-22-020, filed

2/14/68.] Repealed by Order 3-69, filed 6/27/69 and Emergency Order 1-69, filed 5/1/69.

180-22-025 Statewide plan of service areas—Changes in service area boundaries—Procedure. [Order 3-68, § 180-22-025, filed 2/14/68.] Repealed by Order 3-69, filed 6/27/69 and Emergency Order 1-69, filed 5/1/69.

180-22-030 Statewide plan of service areas—Service area division. [Order 3-68, § 180-22-030, filed 2/14/68.] Repealed by Order 3-69, filed 6/27/69 and Emergency Order 1-69, filed 5/1/69.

180-22-035 Intermediate districts. [Order 3-68, § 180-22-035, filed 2/14/68.] Repealed by Order 3-69, filed 6/27/69 and Emergency Order 1-69, filed 5/1/69.

180-22-105 Purpose. [Statutory Authority: RCW 28A.21.020. WSR 84-21-001 (Order 9-84), § 180-22-105, filed 10/4/84.] Repealed by WSR 02-18-052, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.310.020, 28A.210.080.

180-22-200 Educational service districts—Qualifications of superintendents. [Permanent and Emergency Order 12-77, § 180-22-200, filed 8/30/77, effective 8/30/77; Order 4-77, § 180-22-200, filed 6/2/77.] Repealed by WSR 84-21-001 (Order 9-84), filed 10/4/84. Statutory Authority: RCW 28A.21.020.

180-22-201 Election of educational service district board members. [Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-201, filed 8/28/02, effective 9/28/02.] Decodified by WSR 06-14-009, filed 6/22/06, effective 6/22/06. Statutory Authority: 2006 c 263. Recodified as § 392-107-201.

180-22-205 Elector provisions. [Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-205, filed 8/28/02, effective 9/28/02.] Decodified by WSR 06-14-009, filed 6/22/06, effective 6/22/06. Statutory Authority: 2006 c 263. Recodified as § 392-107-205.

180-22-210 Publicity and call of election. [Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-210, filed 8/28/02, effective 9/28/02.] Decodified by WSR 06-14-009, filed 6/22/06, effective 6/22/06. Statutory Authority: 2006 c 263. Recodified as § 392-107-210.

180-22-215 Candidate qualifications—Forms—Filing—Withdrawal of candidacy. [Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-215, filed 8/28/02, effective 9/28/02.] Decodified by WSR 06-14-009, filed 6/22/06, effective 6/22/06. Statutory Authority: 2006 c 263. Recodified as § 392-107-215.

180-22-220 Balloting. [Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-220, filed 8/28/02, effective 9/28/02.] Decodified by WSR 06-14-009, filed 6/22/06, effective 6/22/06. Statutory Authority: 2006 c 263. Recodified as § 392-107-220.

180-22-225 Counting—Ineligible votes—Recount—Certification of election—Special election. [Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-225, filed 8/28/02, effective 9/28/02.] Decodified by WSR 06-14-009, filed 6/22/06, effective 6/22/06. Statutory Authority: 2006 c 263. Recodified as § 392-107-225.

180-22-250 Board of directors—Election of members. [Order 16-77, § 180-22-250, filed 12/13/77; Permanent and Emergency Order 12-77, § 180-22-250, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-255 Eligibility—Declaration of candidacy—Withdrawal—Lapse of election. [Statutory Authority: Chapter 28A.21 RCW and 1980 c 179. WSR 81-01-022 (Order 13-80), § 180-22-255, filed 12/8/80; Order 16-77, § 180-22-255, filed 12/13/77; Permanent and Emergency Order 12-77, § 180-22-

255, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-260 Biographical data—Limitation. [Order 16-77, § 180-22-260, filed 12/13/77; Permanent and Emergency Order 12-77, § 180-22-260, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-265 Ballots. [Order 16-77, § 180-22-265, filed 12/13/77; Permanent and Emergency Order 12-77, § 180-22-265, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-270 Voting. [Statutory Authority: Chapter 28A.21 RCW and 1980 c 179. WSR 81-01-022 (Order 13-80), § 180-22-270, filed 12/8/80; Order 16-77, § 180-22-270, filed 12/13/77; Permanent and Emergency Order 12-77, § 180-22-270, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-275 Publicity. [Order 16-77, § 180-22-275, filed 12/13/77; Permanent and Emergency Order 12-77, § 180-22-275, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-280 Postage. [Statutory Authority: Chapter 28A.21 RCW and 1980 c 179. WSR 81-01-022 (Order 13-80), § 180-22-280, filed 12/8/80; Permanent and Emergency Order 12-77, § 180-22-280, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-285 Recount of votes cast—Automatic—By request—Certification. [Permanent and Emergency Order 12-77, § 180-22-285, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-290 Composition of election board. [Permanent and Emergency Order 12-77, § 180-22-290, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-295 Contest of elections. [Permanent and Emergency Order 12-77, § 180-22-295, filed 8/30/77, effective 8/30/77.] Repealed by WSR 84-11-044 (Order 3-84), filed 5/17/84. Statutory Authority: RCW 28A.21.020.

180-22-297 Listing of candidates' names. [Permanent and Emergency Order 12-77, § 180-22-297, filed 8/30/77, effective 8/30/77.] Repealed by Order 16-77, filed 12/13/77.

Repeal the following (All of WAC Chapter 180-22

~~EDUCATIONAL SERVICE DISTRICTS ORGANIZATION~~

~~WAC 180-22-100 Purpose and authority. (1) The purpose of this chapter is to establish the procedures for making changes in the number and boundaries of educational service districts.~~

~~(2) The authority for this chapter is RCW 28A.310.020.~~

[Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 07-07-053, § 180-22-100, filed 3/14/07, effective 4/14/07. WSR 06-19-033, recodified as § 180-22-100, filed 9/13/06, effective 9/13/06. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-107-100, filed 6/22/06,

effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-100, filed 8/28/02, effective 9/28/02. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-22-100, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.21.020. WSR 84-21-001 (Order 9-84), § 180-22-100, filed 10/4/84.]

~~WAC 180-22-140 Territorial organization of educational service districts. It shall be the purpose of the statewide territorial organization of educational service districts to more readily and efficiently adapt to the changing economic pattern and educational program in the state so that the children of the state will be provided more equal and equitable educational opportunities.~~

[WSR 06-19-033, recodified as § 180-22-140, filed 9/13/06, effective 9/13/06. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-107-140, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-140, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.21.020. WSR 84-21-001 (Order 9-84), § 180-22-140, filed 10/4/84.]

~~WAC 180-22-150 Educational service districts Criteria for organization. The establishment of educational service districts shall be in~~

~~accordance with the criteria set forth below. In making a determination about the boundaries of an educational service district, reasonable weight shall be given by the state board of education to each criterion individually and to all criteria collectively. Failure to meet any single criterion shall not necessarily prohibit the establishment of an educational service district, if in the judgment of the state board of education, the establishment of the educational service district is warranted by a collective consideration of all the criteria.~~

~~(1) Program and staff. An educational service district shall have the ability to support an administrative unit of sufficient staff to provide a program of educational services that meet the requirements of RCW 28A.310.010, 28A.310.180, 28A.310.190, and 28A.310.350.~~

~~(2) Size. An educational service district should have no more than a maximum area of 7,500 square miles nor less than a minimum area of 1,700 square miles.~~

~~(3) School enrollment. An educational service district should have a potential of 15,000 students or more.~~

~~(4) Topography and climate. In establishing the boundaries of an educational service district, consideration shall be given to topography and climate as these factors may affect the educational services to be provided and the economic efficiency of the program.~~

[WSR 06-19-033, recodified as § 180-22-150, filed 9/13/06, effective 9/13/06. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-107-150, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-150, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.310.020. WSR 98-05-003, § 180-22-150, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.21.020. WSR 84-21-001 (Order 9-84), § 180-22-150, filed 10/4/84; Order 4-77, § 180-22-150, filed 6/2/77; Order 3-69, § 180-22-150, filed 6/27/69; Emergency Order 1-69, filed 5/1/69.]

PREPROPOSAL STATEMENT OF INQUIRY



CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Washington State Board of Education

Subject of possible rule making: To implement provisions of Substitute HB 2824 (Chapter 177, Laws of 2018) and to make changes to rule as needed, the State Board of Education is amending WAC 180-16-195, WAC 180-16-225, WAC Chapter 180-18 and WAC Chapter 180-90.

Statutes authorizing the agency to adopt rules on this subject: RCW 28A.305.130. The authority for amendment of WAC 180-16-195 is RCW 28A.150.250. The authority for amendment of WAC 180-16-225 is RCW 28A.150.220, RCW 28.305.130, and RCW 28A.305.140. The authority for amendment of WAC Chapter 180-18 is RCW 28A.305.140. The authority for amendment of WAC Chapter 180-90 is RCW 28A.195.040..

Reasons why rules on this subject may be needed and what they might accomplish: Substitute House Bill 2824 (Chapter 177, Laws of 2018) exchanges specific powers, duties, and functions among the Superintendent of Public Instruction and the State Board of Education, thus requiring rule-making to implement the statutory change of roles. In particular, the exchange of roles in the private school approval process and in the 180-day waiver application process and the change of duty in basic education compliance require rule-making to implement Substitute House Bill 2824 (Chapter 177, Laws of 2018).

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Office of Superintendent of Public Instruction. State Board of Education staff will regularly engage the Office of Superintendent of Public Instruction staff regarding these rule changes in a series of meetings and by email.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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TTY:
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Web site: www.sbe.wa.gov
Other:

(If necessary)

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

Additional comments:

Date: 3/26/2018

Name: Mr. Randy Spaulding

Title: Executive Director

Signature:



Published on *Washington State* (<http://www.atg.wa.gov>)

[Home](#) > Days devoted entirely to teacher/parent-guardian conferences in public schools likely count toward the statutory minimum of 180 school days required by RCW 28A.150.220.

Attorney General

EDUCATION—SCHOOLS—Definition Of “School Days”

Days devoted entirely to teacher/parent-guardian conferences in public schools likely count toward the statutory minimum of 180 school days required by RCW 28A.150.220.

February 16, 2018

Isabel Muñoz-Colón
Chair, Washington State Board of Education
PO Box 47206
Olympia, WA 98504

Cite As:
AGO 2018 No. 3

Dear Chair Muñoz-Colón:

By letter previously acknowledged, you have requested our opinion on the following paraphrased question:

Can a school district count a full scheduled day of teacher/parent-guardian conferences as one of the 180 school days required by RCW 28A.150.220(5)(a), or must it request a waiver under RCW 28A.305.140?

BRIEF ANSWER

Days devoted entirely to teacher/parent-guardian conferences likely count toward the statutory minimum of 180 school days required by RCW 28A.150.220(5)(a). Thus a waiver would not be required.

BACKGROUND

RCW 28A.150.220 provides the minimum requirements of the statewide instructional program of basic education that school districts must offer. Each school year must consist of a minimum of 180 “school days.” RCW 28A.150.220(5)(a). School districts also must provide at least 1,000 annual “instructional hours” to kindergarteners through

eighth graders, and at least 1,080 annual “instructional hours” to ninth through twelfth graders. RCW 28A.150.220(2)(a), (b).

“School year” is defined as “the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August” RCW 28A.150.203(11). A “school day” is defined as “each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and

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career and technical instruction planned by and under the direction of the school.” RCW 28A.150.203(10).

“Instructional hours” is defined in a separate statute as “those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, *inclusive of* intermissions for class changes, recess, and *teacher/parent-guardian conferences* that are planned and scheduled by the district for the purpose of discussing students’ educational needs or progress, and *exclusive of* time actually spent for meals.” RCW 28A.150.205 (emphases added).

Under these definitions, school districts must hold at least 180 school days and provide the minimum required instructional hours between September 1 and August 30 of the following year. While teacher/parent-guardian conferences are expressly included in the definition of “instructional hours,” and thus clearly count toward that requirement, the conferences are not explicitly included in the definition of a “school day.” Thus a question persists about whether days scheduled in their entirety for teacher/parent-guardian conferences fall within the definition of a “school day” and count toward the 180 “school day” requirement.

The State Board of Education has operated under the view that a day devoted entirely to teacher/parent-guardian conferences likely does not count as a “school day.” This is because not all students in the district are engaged in “academic and career and technical” instruction on those days. RCW 28A.150.203(10) (definition of school day). However, the Board is authorized to grant districts waivers of the 180 school day requirement.^[1] Thus, exercising its statutory waiver authority, the Board adopted a rule in 2012 establishing an expedited procedure for districts to request waivers of up to five school days for the sole purpose of conducting full-day teacher/parent-guardian conferences. WAC 180-18-050(3).

This background and these relevant provisions of RCW Title 28A provide the backdrop against which we analyze your question.

ANALYSIS

We conclude that a Washington court would likely find that a day devoted entirely to teacher/parent-guardian conferences amounts to a “school day” and thus counts toward the statutory minimum requirement of 180 school days per school year. Therefore, no waiver would be necessary. As we describe in the analysis below, however, there are

arguments to the contrary. Because a court might conclude that the statute is ambiguous, the State Board of Education may

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wish to issue a rule interpreting the statutes to clarify this point. RCW 28A.150.220(7) (“The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section”). Such a rule would be entitled to deference in the courts and would help solidify the certainty of this conclusion. *Port of Seattle v. Pollution Control Hr’gs Bd.*, 151 Wn.2d 568, 587, 90 P.3d 659 (2004) (“if an ambiguous statute falls within the agency’s expertise, the agency’s interpretation of the statute is ‘accorded great weight, provided it does not conflict with the statute’”) (quoting *Pub. Util. Dist. 1 v. Dep’t of Ecology*, 146 Wn.2d 778, 790, 51 P.3d 744 (2002)). Alternatively, the Board could consider seeking legislative clarification of this point.

Our objective in construing a statute is to determine the legislature’s intent. *Darkenwald v. Emp’t Sec. Dep’t*, 183 Wn.2d 237, 244-45, 350 P.3d 647 (2015). This analysis begins with the plain meaning of the statute, which encompasses “the text of the provision, the context of the statute in which the provision is found, related provisions, amendments to the provision, and the statutory scheme as a whole.” *State ex rel. Banks v. Drummond*, 187 Wn.2d 157, 170, 385 P.3d 769 (2016). “Where the statutory language is unambiguous, we accept that the legislature means exactly what it says.” *State v. Marohl*, 170 Wn.2d 691, 698, 246 P.3d 177 (2010). But if, after considering this plain language analysis, “the statute remains ambiguous or unclear, it is appropriate to resort to canons of construction and legislative history.” *Banks*, 187 Wn.2d at 170. “A statute is ambiguous when it is susceptible to two or more reasonable interpretations, but a statute is not ambiguous merely because different interpretations are conceivable.” *State v. Gray*, 174 Wn.2d 920, 927, 280 P.3d 1110 (2012) (internal quotation marks omitted).

The plain language of RCW 28A.150.203(10), in the context of related statutes, indicates that a full day devoted entirely to teacher/parent-guardian conferences counts as a “school day.” This conclusion finds additional support in the history of statutory amendments to the relevant statutes.

Plain Language and Statutory Context

A “school day” is defined as “each day of the school year on which pupils enrolled in the common schools of a school district are engaged in *academic and career and technical instruction* planned by and under the direction of the school.” RCW 28A.150.203 (10) (emphasis added). This definition does not explicitly mention teacher/parent-guardian conferences, but it also does not mention any specific examples of activities that count as “academic and career and technical instruction,” so the omission of teacher/parent-guardian conferences does not tell us very much.

The key question is whether a day devoted entirely to teacher/parent-guardian conferences would count as a day “on which pupils . . . are engaged in academic and career and technical instruction[.]” RCW 28A.150.203(10). RCW Title 28A never defines either “academic and career and technical instruction” or simply “instruction.” But the next sequential statute after RCW 28A.150.203 defines “instructional hours” as “those hours

students are provided the opportunity to engage in educational activity planned by and under the direction of school district

[original page 4]

staff, as directed by the administration and board of directors of the district, *inclusive of* intermissions for class changes, recess, and *teacher/parent-guardian conferences* that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals." RCW 28A.150.205 (emphases added). Thus, while the statutes never define "instruction," they do define "instructional hours," and it would be odd if what the legislature defined as "instructional hours" did not count as "instruction." See *Banks*, 187 Wn.2d at 170 (analysis of a statute's meaning must consider related statutes). Because the legislature has defined teacher/parent-guardian conferences as "instructional hours," we think the best reading of the statutes is that the conferences qualify as "instruction" within the meaning of RCW 28A.150.203(10), and thus that days spent on teacher/parent-guardian conferences count as "school days" under RCW 28A.150.220(5)(a).

History of the Statutory Amendments

The history of the amendments to the statutes defining school days and instructional hours supports this interpretation. From 1909 until 1971, "school day" was defined temporally and consisted of "six hours for all pupils above the primary grades" and "not less than four hours" for pupils in the primary grades. Laws of 1909, ch. 97, tit. 3, ch. 1, § 3.^[2] In 1971, the legislature changed the meaning of "school day" to "each day of the school year on which pupils enrolled in the common schools of a school district are engaged in *educational activity* planned by and under the direction of the school district staff, as directed by the administration and board of directors of the district." Laws of 1971, 1st Ex. Sess., ch. 161, § 1 (emphasis added). Since 1971, "school day" has not been defined in terms of a number of hours, or any sort of length of time.

The Washington Basic Education Act of 1977 further established minimum educational requirements. Laws of 1977, 1st Ex. Sess., ch. 359. It established an annual "total program hour offering," rather than an "instructional hour" requirement, in terms of hours by grade grouping. It defined "total program hour offering" similarly to how "instructional hours" is now defined: "those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes and recess and exclusive of intermission for meals." Laws of 1977, 1st Ex. Sess., ch. 359, § 3(1)(a). The Washington Basic Education Act of 1977 also established the minimum school day requirement of 180 days. Laws of 1977, 1st Ex. Sess., ch. 359, § 3(e).

In 1992, the legislature changed the term "program offering" to "instructional hour offering," required a district-wide annual average instructional hour offering of 1,000 hours, and added a definition of "instructional hours." Laws of 1992, ch. 141, § 502. The definition of "instructional hours" was the same as the definition of "total program hour offering," but it

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specifically provided that instructional hours included teacher/parent-guardian conferences. Laws of 1992, ch. 141, § 302(4). This definition remains unchanged.

Finally, in 2009, the legislature repealed the former definition of “school day,” which had not been amended since 1971, and enacted the current definition, which became effective on September 1, 2011. Laws of 2009, ch. 548, §§ 102(10), 804. The notable change in the definition of “school day” from the previous 1971 version is that “academic and career and technical instruction” was substituted for “educational activity.”

Thus, for 19 years (1992 until 2011), the terms “school day” and “instructional hours” were both statutorily defined in terms of “educational activity.” During that time, a “school day” was one in which students were engaged in “educational activity.” Laws of 1971, 1st Ex. Sess., ch. 161, § 1. And “educational activity” expressly included teacher/parent-guardian conferences. Laws of 1992, ch. 141, § 302(4). It follows that, at least from 1992 to 2011, days devoted entirely to teacher/parent-guardian conferences counted as a “school day,” because the conferences were included within the concept of “educational activity.” See *Lenander v. Dep’t of Ret. Sys.*, 186 Wn.2d 393, 412, 377 P.3d 199 (2016) (“Statutes relating to the same subject are to be read together so as to constitute a unified whole.”).

The question then becomes whether the amendment that substituted the phrase “academic and career and technical instruction” for “educational activity” in the definition of “school day” changed this result. Courts often presume that an amendment to a statute signifies a change in the meaning of that statute. *Darkenwald*, 183 Wn.2d at 252. But there is no reason to infer that the legislature substituted “academic and career and technical instruction” for “educational activity” as a way of excluding days devoted entirely to teacher/parent-guardian conferences. No legislative history supports that inference, and if the legislature had intended that result, it more naturally would have simply amended the statute to say so in so many words. The legislature more likely amended the statute to make clear that a “school day” is not limited to instruction in only core academic courses but also includes “career and technical” education instruction in accordance with state statutory requirements. See RCW 28A.230.097. This reading gives effect to the plain language of the amendment. See *Tesoro Refining & Mktg. Co. v. Dep’t of Revenue*, 173 Wn.2d 551, 556, 269 P.3d 1013 (2012) (courts give effect to the plain meaning of statutory language).

Alternative Readings

The strongest argument against our reading is an intuitive one. If a school devotes some days entirely to teacher/parent-guardian conferences, many students presumably will not be at school at all on those days (even if a student accompanies his parent/guardian to his conference, it often takes multiple days for teachers to meet with all parents/guardians, so the student would not be at school some days). One might argue that it is absurd to say that a day on which many students are not even at school counts as a day “on which pupils . . . are engaged in academic and career and technical instruction[.]” RCW 28A.150.203(10). And courts try to read statutes to avoid absurd

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results. *Fraternal Order of Eagles, Tenino Aerie 564 v. Grand Aerie of Fraternal Order of Eagles*, 148 Wn.2d 224, 239, 59 P.3d 655 (2002).

But the maxim against absurd results “must be applied sparingly.” *Five Corners Family Farmers v. State*, 173 Wn.2d 296, 311, 268 P.3d 892 (2011). This is so because “by its terms, [the maxim] refuses to give effect to the words the legislature has written; it necessarily results in a court disregarding an otherwise plain meaning and inserting or removing statutory language, a task that is decidedly the province of the legislature.” *Id.* And there are at least two responses to the argument that it would be absurd to conclude that full days of teacher/parent-guardian conferences count as school days.

First, accepting this contrary view would lead to its own bizarre results. If a day devoted entirely to teacher/parent-guardian conferences did not qualify as a school day, schools could simply schedule such conferences as part of regular school days (e.g., a regular school day until noon, the students are released early, and then the teacher conducts a few teacher/parent-guardian conferences in the afternoon). Such a day would plainly count as a “school day,” but the resulting impact on students would be very similar in the sense that there would be large stretches of time where they are not at school despite it being a “school day.” There is no reason to think that the legislature intended to allow schools to take this approach but not to allow full days devoted to teacher/parent-guardian conferences.

Second, it is not necessarily absurd for a day to qualify as a “school day” even if the school knows that many students will be absent. For example, if many students are typically absent the day before Thanksgiving because of travel, no one would argue that such a day no longer qualifies as a school day such that the school must add a day to its calendar. The definition of “school day” is not focused on individual students, but rather on “pupils” in general.

Another possible argument against our conclusion is that where the legislature intended to allow for certain days to count toward the 180 day requirement that were not obviously within the definition in RCW 28A.150.203(10), it did so explicitly. For example, the legislature has provided that a school district “may schedule the last five school days of the 180 day school year for noninstructional purposes” “[i]n the case of students who are graduating from high school[.]” RCW 28A.150.220(5)(c). In addition, the legislature has allowed schools administering the Washington Kindergarten Inventory of Developing Skills to “use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory.” RCW 28A.150.220(5)(b). However, both of these provisions involve examples of activities that would not otherwise qualify as “instructional hours” under the statutes. Because teacher/parent-guardian conferences do count as “instructional hours,” the legislature may have simply seen no need to specify that a day spent on such conferences would count towards the 180 day requirement.

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In short, while we recognize that our conclusion is open to some question, we believe it is the best reading of the statutes as a whole. If the State Board of Education wants more certainty on this topic, it could issue a rule specifying that days spent entirely

on teacher/parent-guardian conferences qualify as “school days” under RCW 28A.150.203 (10), or it could potentially seek legislative amendments to clarify this issue.

We trust that the foregoing will be useful to you.

ROBERT W. FERGUSON
Attorney General

LEAH HARRIS
Assistant Attorney General

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[1] The State Board of Education is authorized to grant school districts waivers from the requirements of RCW 28A.150.200 through .220 if such waivers are necessary to, among other things, “[i]mplement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student.” RCW 28A.305.140(1)(a). The legislature has directed the Board to adopt criteria to evaluate the need for waivers. RCW 28A.305.140(2).

[2] This was changed to six hours for pupils above the third grade, not less than four hours for grades one through three, and not less than three hours for kindergarteners in 1969. Laws of 1969, 1st Ex. Sess., ch. 223, § 28A.01.010.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Washington State Board of Education

Subject of possible rule making: To implement provisions of ESHB 2224 (Chapter 31, Laws of 2017), SHB 2686 (Chapter 229, Laws of 2018) and SSHB 1896 (Chapter 127, Laws of 2018), the State Board of Education is amending WAC 180-51-067(9), WAC 180-51-068(10), WAC 180-51-075 and creating a new section of rule in WAC Chapter 180-51. The State Board of Education will also make amendments to fix references to graduation requirement rule in WAC 180-51-003, WAC 180-51-035, and WAC 180-18-055.

Statutes authorizing the agency to adopt rules on this subject: RCW 28A.230.090

Reasons why rules on this subject may be needed and what they might accomplish: ESHB 2224 (Chapter 31, Laws of 2017), SHB 2686 (Chapter 229, Laws of 2018) and SSHB 1896 (Chapter 127, Laws of 2018) make changes to graduation requirements for Civics and High School and Beyond planning. To implement those provisions, the State Board of Education will amend rules related to graduation requirements. The amendments will be limited to those necessary to implement the changes to the Civics and High School and Beyond planning requirements.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Office of Superintendent of Public Instruction. State Board of Education staff will regularly engage the Office of Superintendent of Public Instruction staff regarding these rule changes in a series of meetings and by email.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

| | |
|--|-------------------------|
| Name: Parker Teed | (If necessary) Name: |
| Address: 600 Washington Street SE, Olympia, WA 98504 | Address: |
| Phone: 360-725-6047 | Phone: |
| Fax: 360- | Fax: |
| TTY: | TTY: |
| Email: parker.teed@k12.wa.us | Email: |
| Web site: www.sbe.wa.gov | Web site: |
| Other: | Other: |

Additional comments:

Date: 4/25/2018

Name: Mr. Randy Spaulding

Title: Executive Director

Signature:



THE WASHINGTON STATE BOARD OF EDUCATION

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

The following table shows the effect of the proposed changes to meeting locations from 2018 through 2022. Staff approached this planning with the following goals in mind:

- Meet in each ESD at least every second year.
- Ensure that every year has meetings in both Eastern and Western Washington
- Meet in Olympia in January during 60 day legislative session (even years) and Meet in Olympia and March during 105-day legislative sessions (odd years).

Proposed Meeting Locations

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------|------|------|------|------|------|
| ESD 101 | 1 | 0 | 1 | 0 | 1 |
| ESD 105 | 1 | 1 | | 1 | |
| ESD 112 | 1 | | 1 | 0 | 1 |
| ESD 113 | 2 | 2 | 1 | 2 | 1 |
| ESD 114 | | 1 | | 1 | |
| ESD 121 | | 1 | 1 | 1 | 1 |
| ESD 123 | | | 1 | 0 | 1 |
| ESD 171 | | 1 | | 1 | |
| ESD 189 | 1 | | 1 | 0 | 1 |
| Online | 1 | | | | |

Legend

Green = Meeting(s) added to the ESD

Black = Change happened within the ESD

Red = Meeting(s) removed from the ESD

If a zero appears, it denotes an ESD that would have been visited under the current schedule but will no longer be visited under the proposed schedule.

Legend: Board meetings that have proposed changes to the location are in gray cells with thick border.

| 2018 | Current | | Proposed | |
|------------------------|--------------------|--------------|-----------------|-------------|
| Date | Place | City | Place | City |
| January 10-11 | ESD 113 | Tumwater | | Tumwater |
| March 6-7 | SPSCC Event Center | Lacey | | Lacey |
| May 9-10 | ESD 105 | Yakima | | Yakima |
| July 11-12 | ESD 101 | Spokane | | Spokane |
| August 9 (Special Mtg) | | | OSPI | Olympia |
| September 11-13 | Semiahmoo Resort | Blaine | | Blaine |
| November 7-8 | TBD | Vancouver | | Vancouver |
| 2019 | Current | | Proposed | |
| Date | Place | City | Place | City |
| January 9-10 | TBD | Olympia | | Olympia |
| March 13-14 | TBD | Tacoma | | Olympia |
| May 8-9 | TBD | Wenatchee | | Wenatchee |
| July 10-11 | TBD | Spokane | | Seattle |
| September 10-12 | TBD | Pullman | | Yakima |
| November 6-7 | TBD | Vancouver | | Bremerton |
| 2020 | Current | | Proposed | |
| Date | Place | City | Place | City |
| January 8-9 | TBD | Tumwater | | Tumwater |
| March 11-12 | TBD | Seattle | | Tacoma |
| May 13-14 | TBD | Pasco | | Pasco |
| July 8-9 | TBD | Spokane | | Spokane |
| September 15-17 | TBD | Anacortes | | Anacortes |
| November 4-5 | TBD | Vancouver | | Vancouver |
| 2021 | Current | | Proposed | |
| Date | Place | City | Place | City |
| January 6-7 | TBD | Olympia | | Olympia |
| March 10-11 | TBD | Lynnwood | | Olympia |
| May 12-13 | TBD | Richland | | Seattle |
| July 7-8 | TBD | Spokane | | Yakima |
| September 14-16 | TBD | TBD | | Leavenworth |
| November 3-4 | TBD | Vancouver | | Bremerton |
| 2022 | Current | | Proposed | |
| Date | Place | City | Place | City |
| January 12-13 | TBD | Olympia | | Olympia |
| March 9-10 | TBD | Mount Vernon | | Tacoma |
| May 11-12 | TBD | Kennewick | | Kennewick |
| July 13-14 | TBD | Spokane | | Spokane |
| September 13-15 | TBD | TBD | | LaConner |
| November 9-10 | TBD | Vancouver | | Vancouver |



THE WASHINGTON STATE BOARD OF EDUCATION

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

Old Capitol Building, Brouillet Room, 600 Washington Street SE
Olympia, WA 98504

August 9, 2018
DRAFT MEETING AGENDA

Recommended: Sign into Zoom 15 minutes before the meeting begins to test your connection, sound, and video.

Thursday, August 9

Times are still TBD, pending coordination with OSPI and polling board members. Tentatively, the meeting is expected to last three hours.

| | |
|------------------------|--|
| TBD Start Time | Call to Order |
| | Roll Call of Members Present |
| | Agenda Overview |
| Approx. 45 Min. | Approval of Setting Threshold Scores for Washington Comprehensive Assessment of Science (Pending Further Information from OSPI on Whether Score-Setting is Needed for Other Assessments) |
| Approx. 40 Min | OSPI Update |
| Approx. 40 Min | Update on Expanded Learning Opportunities Council |
| Approx. 40 Min. | Parent-Teacher Association Strategic Planning Panel |
| Approx. 15 Min. | Business Items (Action Required) <ol style="list-style-type: none">1. Approval of Setting Threshold Scores for Washington Comprehensive Assessment of Science2. (Pending Further Information from OSPI on Whether Score-Setting is Needed for Other Assessments) |
| TBD End Time | Adjourn |