

REVIEW OF STATE BOARD RULES

SUMMARY OF POLICY ISSUE /STATE BOARD OF EDUCATION (SBE) STRATEGIC PLAN GOALS

WAC 180-08-015 states that the State Board of Education (SBE) will review all Board rules no less than every three years. As a part of a periodic review of its rules, SBE may update or clarify any of its rules and may fix inaccuracies that have developed due to changes in other rules and laws. SBE is currently reviewing one of its rules for the minimum requirements for high school graduation (WAC 180-51-066) and will be conducting a public hearing during the July 2009 Board meeting.

BACKGROUND

The SBE maintains a set of rules that provide information, guidance, and requirements to students, parents, employees of schools, and other education stakeholders. SBE can create and amend rules that are related to the authority it has been given by the Legislature in the state's laws (Revised Code of Washington). SBE's rules are codified in Title 180 of the Washington Administrative Code (WAC). The rules are not laws but have the backing of the authority provided in the law. SBE's rules should be periodically updated to reflect the work of the SBE and to stay relevant with the full set of education rules and laws.

The process of revising rules is determined by the Administrative Procedure Act (APA) (34.05 RCW) and SBE policy (WAC 180-08-008). The APA directs rule-making agencies to engage in a process with the intent of providing greater public access to rule making and to promote consensus among interested parties. For each stage of the process, SBE staff fills out and submits the appropriate forms to the Code Reviser (CR). The steps of the process include announcing intent to revise a rule or section of rules (Form CR 101); providing draft language and announcing a public hearing (Form CR 102); conducting a public hearing; considering the new or revised rule; and, potentially, adopting the new or revised rule (Form CR 103). The process of revising rules is not quick because it requires that a specified number of days elapse between the different steps. In general, the process can take anywhere from four to six months to complete. However, if immediate adoption, amendment, or repeal of a rule is necessary for the preservation of public health, safety, or general welfare, then an agency may use an abbreviated process.

POLICY CONSIDERATION

Proposed Rule Review Objectives:

- Approve rule revisions during the coming year as part of a required periodic review.
- Correct inaccuracies and update links and references.
- Support SBE initiative work:
 - Graduation requirements.
 - Accountability.
- Work with OSPI and other stakeholders to promote efficiency and reduce inaccuracies.

Summary of Proposed Rule Review Schedule:

Chapters	Proposed Review Dates and Notes
180-08 Practice, procedure, and access to public records.	Possible changes due to ESHB 2261, fall 2009/Winter 2010
180-16 State support of public schools.	School improvement planning, fall 2009/winter 2010
180-18 Waivers for restructuring purposes.	fall 2009/winter 2010
180-22 Educational service districts.	spring/summer 2010
180-38 Private school pupil immunization requirement.	spring/summer 2010
180-44 Teachers' responsibilities.	Discuss with PESB
180-51 High school graduation requirements.	Subject to ESHB 2261 implementation schedule
180-52 Tests for students receiving home-based instruction.	spring/summer 2010
180-55 Private school accreditation.	spring/summer 2010
180-72 Adult education.	spring/summer 2010
180-90 Private schools.	spring/summer 2010
180-96 General educational development (GED) test.	spring 2010
180-105 Performance improvement goals.	summer 2010

EXPECTED ACTION

Staff recommends that chapters of the rules be assigned to one or two willing or interested Board members to assist staff in the review and possible drafting of revised language.

It should be noted, that some chapters will require more work than others. Some have lengthy rules, such as "State support of public schools" and "High school graduation requirements", while other chapters only have a few rules, such as "Tests for students receiving home-based instruction" and "Educational service districts." In addition, some chapters are linked to initiative work and should possibly fall under the direction of the Board member leads, if so desired.

Laws and Responsibilities of the State Board of Education

Rule (WAC)	Title	Brief Summary	Status/Comments
180-08 WAC	Practice, procedure, and access to public records.		
180-08-001	Purpose and authority.	Formal and informal procedures of SBE.	
180-08-002	General description of organization.	Nearly identical to law: 28A.305.130 Powers and duties -- Purpose.	Prepare to update due to ESHB 2261.
180-08-004	Definitions.	Definitions for terms used in this chapter of rules.	
180-08-006	Public records officer -- Access to public records -- Requests for public records -- Determination regarding exempt records -- Review of denials of public record requests - Protection of public records -- Copying -- Office hours.	The title is a summary of the rule's contents.	
180-08-008	Administrative practices regarding hearings and rule proceedings.	Identifies the Administrative Procedure Act and SBE's rules as the guidance for the practices of SBE.	
180-08-015	Scheduled review of state board rules.	The state board of education shall review all board rules not less than every three years.	
180-16 WAC	State support of public schools.		
180-16-002	Purpose and authority.	The purpose of this chapter is to establish the policies and procedures for state board of education approval of school district programs for entitlement to state basic education allocation funding.	
180-16-162	Strike defined -- Presumption of approved program operation -- Strikes -- Exception -- Approval/disapproval of program during strike period -- Work stoppages and maintenance of approved programs for less than one hundred eighty days not condoned.	The title is a summary of the rule's contents.	
180-16-163	Strike defined.	The term "strike" shall mean: A concerted work stoppage by employees of a school district of which there has been a formal declaration by their recognized representative and notice thereof provided to the district by such representative at least two calendar school days in advance of the actual stoppage.	

Rule (WAC)	Title	Brief Summary	Status/Comments
180-16-164	Work stoppages and maintenance of approved programs for less than 180 days not condoned.	The title is a summary of the rule's contents.	
180-16-191	Programs subject to basic education allocation entitlement requirements.	The requirements, procedures, and other provisions set forth in this chapter shall apply to kindergarten programs and to such portion of the grade one through twelve program, including related vocational instruction, as a school district provides for students enrolled in kindergarten through grade twelve.	Should Alternative Learning and Online learning be included?
180-16-195	Annual reporting and review process.	Compliance or noncompliance with basic education program approval requirements.	Prepare to update due to ESHB 2261.
180-16-200	Total instructional hour requirement.	Reflects portions of law: RCW 28A.150.220.	Prepare to update due to ESHB 2261.
180-16-210	Kindergarten through grade three students to classroom teacher ratio requirement.	Reflects portions of law: RCW 28A.150.250 and provides guidance on the computation of ratios.	Prepare to update due to ESHB 2261.
180-16-215	Minimum one hundred eighty school day year.	Reflects portions of law: RCW 28A.150.220 and provides definitions found in other related laws.	Prepare to update due to ESHB 2261.
180-16-220	Supplemental basic education program approval requirements.	The rule identifies requirements established by SBE as related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).	Prepare to update due to ESHB 2261.
180-16-225	Waiver -- Substantial lack of classroom space -- Grounds and procedure.	If a district is found by SBE to have a substantial lack of classroom space, then it may waive one or more of the basic education requirements.	
180-18 WAC	Waivers for restructuring purposes.		
180-18-010	Purpose and authority.	The purpose of this chapter is to support local educational improvement efforts by establishing policies and procedures by which schools and school districts may request waivers from basic education program approval requirements.	
180-18-030	Waiver from total instructional hour requirements.	A district desiring to improve student achievement by enhancing the educational program for all students may apply to the State Board of Education for a waiver from the total instructional hour requirements.	

Rule (WAC)	Title	Brief Summary	Status/Comments
180-18-040	Waivers from minimum one hundred eighty-day school year requirement and student-to-teacher ratio requirement.	A district desiring to improve student achievement by enhancing the educational program 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.	
180-18-050	Procedure to obtain waiver.	Identifies what needs to be provided and when for applications to be considered by SBE.	
180-18-055	Alternative high school graduation requirements.	Procedure to apply for a waiver from one or more of the graduation requirements chapter 180-51 WAC.	
180-18-090	Alternative option to WAC 180-18-055.	See WAC 180-51-050 (1)(b) as another option to award high school credit on the basis of competency.	
180-22 WAC	Educational service districts.		
180-22-100	Purpose and authority.	The purpose of this chapter is to establish the procedures for making changes in the number and boundaries of educational service districts.	
180-22-140	Territorial organization of educational service districts.	Purpose of the statewide territorial organization of ESDs 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.	
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.	
180-38 WAC	Private school pupil immunization requirement		
180-38-005	Purpose and authority.	Due process requirements governing the exclusion of students from private schools for failure to comply with the immunization requirement.	
180-38-020	Definitions.	Identifies some definitions and provides links to RCW 28A.210 for other definitions.	
180-38-045	Private school attendance conditioned upon presentation of proofs.	The title is a summary of the rule's contents.	
180-38-050	Written notice prior to exclusions from private school.	Private schools must provide written notice to parents prior to excluding students from school for failure to comply with WAC 180-38-045.	
180-44 WAC	Teachers' responsibilities.		
180-44-005	Regulatory provisions relating to RCW 28A.305.130(6) and 28A.600.010.	Authority to establish rules and regulations for the government of the common schools, pupils and teachers.	Review with PESB.

Rule (WAC)	Title	Brief Summary	Status/Comments
180-44-007	Regulatory provisions relating to RCW 28A.04.120(6) and 28A.58.101 -- Application.	The rules and regulations provided for in WAC 180-44-010 through 180-44-060 shall be applicable to all teachers and other certificated personnel of grades kindergarten through twelve of the common schools.	Review with PESB.
180-44-010	Regulatory provisions relating to RCW 28A.04.120(6) and 28A.58.101 -- Responsibilities related to instruction.	Teacher responsibilities related to instruction.	Review with PESB.
180-44-020	Regulatory provisions relating to RCW 28A.04.120(6) and 28A.58.101 -- Responsibilities related to discipline of pupils.	Teachers shall maintain good order and discipline in their classrooms at all times, and any neglect of this requirement shall constitute sufficient cause for dismissal.	Review with PESB.
180-44-040	Regulatory provisions relating to RCW 28A.04.120(6) and 28A.58.101 -- Classroom -- Physical environment.	Every teacher shall give careful attention to the maintenance of a healthful atmosphere in the classroom, reporting to the principal or his designated representative any shortcomings in lighting, heating or ventilation.	Review with PESB
180-44-060	Regulatory provisions relating to RCW 28A.04.120(6) and 28A.58.101 -- Drugs and alcohol -- Use of as cause for dismissal.	Use by any certificated person of habit-forming drugs, without pharmaceutical prescription or at a school-sponsored activity off the school premises, shall constitute sufficient cause for dismissal or nonrenewal of contract.	Review with PESB.
180-51 WAC	High school graduation requirements.		
180-51-001	Education reform vision.	The state is shifting from a time and credit-based system of education to a standards and performance-based education system. Certain ways of thinking about time must shift in order to support the ongoing implementation of school reform. The board's long-term vision of a performance-based education system includes:	
180-51-003	Intent of graduation requirements.	SBE is responsible for establishing minimum high school graduation requirements that appropriately balance:(a) statewide public expectations for all graduating students; (b) high, meaningful, and fair requirements every student can meet; (c) the unique characteristics of and differing resources among all school districts and high schools in Washington; and (d) recognition that some students' educational plans may not include college or may include application for admission to a postsecondary institution one year or more after being granted a high school diploma.	Change (2) to reflect new 180-51-066 rule.
180-51-005	Authority and purpose.	The purpose of this chapter is to establish high school graduation requirements, including policies and procedures for equivalencies...	

Rule (WAC)	Title	Brief Summary	Status/Comments
180-51-015	Application of chapter to approved private schools and community colleges.	High school diplomas granted by approved private schools and by community colleges shall meet the requirements of this chapter.	Possible change due to SHB 1758.
180-51-020	Additional local standards.	Nothing within this chapter shall preclude the board of directors of any district offering a high school diploma from establishing such additional course, credit, and test requirements as deemed desirable.	
180-51-025	Local school district application of state requirements.	The content of courses and the determination of which courses satisfy particular subject area requirements and whether a particular course may satisfy more than one subject area requirement shall be determined locally in accordance with written policies adopted by boards of directors of districts...	
180-51-030	High school credit for courses taken before attending high school.	Reference to law RCW 28A.230.090(4).	Only references a law.
180-51-035	Applicable standards for graduation for students under age twenty-one -- Applicable standards for graduation for students age twenty-one or older -- Amendments to this chapter.	The title is a summary of the rule's contents.	May need to revise according to SHB 1758.
180-51-040	Copies of graduation requirements for each year.	Each high school shall keep on file for student and public inspection a copy of the state board of education rules and guidelines regarding high school graduation requirements and procedures for equivalencies applicable for the school year...	
180-51-045	Notice to students, parents, and guardians.	Commencing with the beginning of the ninth grade, or the equivalent of a four-year high school program, and each year thereafter, each high school shall provide each student and his or her parents or guardians with a copy of the high school graduation requirements...	
180-51-050	High school credit -- Definition.	As used in this chapter the term "high school credit" shall mean:...	Review with OSPI?
180-51-053	Community college high school diploma programs.	The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall...	
180-51-060	Minimum subject areas for high school graduation -- Students entering the ninth grade before July 1, 2004.	The title is a summary of the rule's contents.	
180-51-061	Minimum requirements for high school graduation -- Students entering the ninth grade as of July 1, 2004 through June 30, 2009.	The title is a summary of the rule's contents.	

Rule (WAC)	Title	Brief Summary	Status/Comments
180-51-066	Minimum requirements for high school graduation -- Students entering the ninth grade on or after July 1, 2009.	The title is a summary of the rule's contents.	Currently open for revision.
180-51-075	Social studies requirement -- Mandatory courses -- Equivalencies.	The social studies requirement in WAC 180-51-060 shall consist of the following mandatory courses or equivalencies:...	
180-51-095	Temporary exemption from course and credit requirements.	Annual exemptions to the definition of an annualized high school credit may be granted ...by OSPI.	
180-51-107	Alternative high school graduation requirements.	Alternative high school graduation requirements may be established under WAC 180-18-055.	
180-51-115	Procedures for granting high school graduation credits for students with special educational needs.	The title is a summary of the rule's contents.	
180-52 WAC	Tests for students receiving home-based instruction.		
180-52-070	Approved standardized tests for use by students receiving home-based instruction -- Examples -- Assistance.	SBE will provide a list of examples of standardized achievement tests that a parent may use to assess and determine whether their child is making reasonable academic progress....	
180-55 WAC	Private school accreditation.		
180-55-005	Purpose and authority.	The provision of school accreditation procedures for approved private schools by SBE is designed to serve the following purposes:...	
180-55-015	Definitions.	Definitions for terms used in this chapter of rules.	
180-55-017	Criteria for state board of education recognition of accrediting bodies.	The title is a summary of the rule's contents	
180-55-020	Prerequisite to application for accreditation by approved private schools -- Types of accreditation -- Conditions -- Effective periods -- Administration of accreditation procedures.	The title is a summary of the rule's contents.	
180-72 WAC	Adult education.		
180-72-040	adult education - Purpose and authority.	The major purposes of adult education ... are to raise the educational level of adults in the state who have not obtained an education consistent with their ability to learn...	
180-72-050	Adult education defined.	For the purpose of this chapter "adult education" shall be defined as set forth in RCW 28B.50.030(12) which provides as follows:...	Take out quote of RCW since it may change due to 2009 legislation.

Rule (WAC)	Title	Brief Summary	Status/Comments
180-72-060	Adult high school completion education -- Community/technical college and common school district participation.	A community or technical college district and a common school district may enter into an agreement for the conduct of an adult education...	
180-72-070	Federal programs for adult education.	It is the responsibility of the executive director of community and technical colleges to administer...	
180-90 WAC	Private schools.		
180-90-105	Private schools - Purpose and authority.	...to establish the procedures and conditions governing the approval of private schools by the state board of education and rescission of such approval.	
180-90-112	Definitions.	The definitions in this section apply throughout this chapter unless the context clearly requires otherwise...	Work with PESB on (5)(a) "Non-Washington state certificated teacher" means a person who has.
180-90-130	Approval -- Annual certification -- Adverse findings.	At least ninety days prior to the commencement of the annual school term or period, the chief administrator of each private school shall file with the superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, a certificate of compliance...	
180-90-139	Approval action by SBE.	The state board of education shall take one of the following actions regarding private school approval.	
180-90-141	Loss of private school approval.	OSPI is authorized to rescind approval of a private school for one or more of the following reasons:...	
180-90-145	Approval -- Annual certification and initial application -- Exception.	Any private school which is unable to file its application at least 90 days prior to the commencement of the annual school term or period...	
180-90-150	Appeals.	Pursuant to RCW 28A.195.030...	
180-90-160	Minimum standards and certificate form.	The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:...	Prepare to revise due to ESHB 2261 and consult with OSPI on compliance form in rule.
180-96 WAC	General educational development (GED) test.		
180-96-005	GED - Authority.	RCW 28A.305.190 which authorizes SBE to adopt regulations governing the eligibility of a person...	

Rule (WAC)	Title	Brief Summary	Status/Comments
180-96-010	GED - Purpose.	Persons who are sixteen years of age and under nineteen years of age must have a substantial and warranted reason for leaving the regular high school program...	
180-96-020	General educational development test -- Definition.	As used in this chapter, the term "general educational development test" means the most recent general educational development test of the American Council on Education.	
180-96-035	Designated employee -- Definition.	The title is a summary of the rule's contents.	
180-96-040	Regular high school education program -- Definition.	"regular high school education program" means a secondary education program operated pursuant to chapters 180-50 and 180-51 WAC leading to the issuance of a high school diploma.	
180-96-045	Substantial and warranted reason for leaving the regular high school education program -- Definition.	The title is a summary of the rule's contents.	
180-96-048	Applications for a determination of substantial and warranted reason for leaving the regular high school program.	Application for a determination ...shall be made to a designated employee of either the last Washington school district the applicant attended or the Washington school district in which the applicant currently resides.	
180-96-050	Right to appeal.	The following shall govern the finality of decisions of the designated employee:...	
180-96-053	Certification of completion of a program of home-based instruction.	The parent(s) or legal guardian(s) who provided home-based instruction to a person who is sixteen years of age and under nineteen years of age is responsible for determining and certifying in writing that the person has completed a program of home-based instruction...	
180-96-058	Presentation of determinations of substantial and warranted reason and home schooling to official testing centers.	Written determinations made in accordance with this chapter...	
180-105 WAC	Performance improvement goals.		
180-105-020	Reading and mathematics.	District-wide improvement goals for math and reading achievement	
180-105-040	Definitions.	As used in Title 3 WAC:...	
180-105-060	High school graduation.	The minimum graduation rate goals shall be...	Tied to NCLB - may need a review.