

## 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:**

<b>Chapters</b>	<b>Proposed Review Dates and Notes</b>
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.