

**SBE RULE REVISIONS AND SBE/OSPI PROCESS  
TO FILL ELECTED MEMBER VACANCY**

In 2009, the State Board of Education (SBE) began a periodic review of its rules, as stipulated by WAC 180-08-015. The review process is designed to fix outdated text and to align the rules with the current work of the Board.

**FILLING ELECTED VACANCIES ON THE BOARD**

**BACKGROUND**

Last September, the SBE submitted recommendations to OSPI for proposed revisions to the rules governing SBE elections (Chapter 392-109 WAC). Upon review, OSPI's Office of Professional Practices, which administers the election process, identified potential problems with the recommendations.

The SBE had recommended that a special election be held within 120 days of a vacancy. OSPI believes that, in most instances, the special election would overlap and interfere with the regular elections (for ESD Board members or SBE Board members) that are conducted every summer and fall. Therefore, the special election would create logistical problems for OSPI and could possibly confuse the voters.

**POLICY CONSIDERATION**

Staff and counsel have developed an option for the SBE to consider. In this option, both the appointment by SBE elected members and the call for a special election would be replaced with an appointment by the WSSDA Board of Directors. The appointed person would hold the office for the unexpired term of the member whose position was vacated. WSSDA approves of this option and OSPI is receptive to the idea. Please see Appendix A to review the proposed language.

In addition, WSSDA will recommend to OSPI that elections for unopposed candidates be continued. The WSSDA board believes that eliminating the election (even when there is only one person) distances the candidate from the membership. However, to address the cost concerns expressed by OSPI, WSSDA will recommend consideration of electronic elections.

**HEARING ON REPEALING WAC 180-08-002 (GENERAL DESCRIPTION OF ORGANIZATION)**

**BACKGROUND**

Currently, WAC 180-08-002 quotes an old version of a statute - RCW 28A.305.130 (Powers and duties – Purpose). This quoted statute is often amended by the legislature. It was amended in 2009 with ESHB 2261 and had been proposed for amending again this session by legislation that died.

## **POLICY CONSIDERATION**

The Board should consider repealing the rule because statute does not need to be repeated in rule. If the rule remains, it would probably need to be amended almost every year. Please see Appendix B to review the language of the rule.

## **HEARING ON REVISING WAC 180-51-053 (COMMUNITY COLLEGE HIGH SCHOOL DIPLOMA PROGRAMS)**

### **BACKGROUND**

In 2009, the legislature passed SHB 1758 which created two new options for community and technical colleges to issue high school diplomas. Statute now allows community or technical colleges to issue a high school diploma to students if they complete an Associate's Degree and are either enrolled in Running Start or are 21 years or older. These students do not need to meet the State Board of Education's graduation requirements.

### **POLICY CONSIDERATION**

SBE's rule WAC 180-51-053 outlines the minimum requirements and procedures for community and technical colleges to issue a high school diploma. SHB 1758 established new options that are separate and distinct from SBE's requirements. The proposed rule revision for SBE's rule WAC 180-51-053 simply adds a reference to the new options that are outlined in statute. Please see Appendix C to review the proposed rule revision.

## **HEARING ON REVISING WAC 180-18-040 (WAIVERS FROM MINIMUM ONE HUNDRED EIGHTY-DAY SCHOOL YEAR REQUIREMENT AND STUDENT-TO-TEACHER RATIO REQUIREMENT) AND WAC 180-18-050 (PROCEDURE TO OBTAIN WAIVER)**

### **BACKGROUND**

Over the past year, the SBE has considered amending its rules outlining the procedure for districts to obtain waivers. At this Board meeting, the SBE will consider adopting a set of revised rules that create a pilot process for districts to obtain waivers from the 180 school day requirement.

### **POLICY CONSIDERATION**

The pilot process allows any district that meets the requirements to use a certain number of waived days for one or more specified activities. The pilot process is available through the 2017-18 school year or until the legislature provides funding for three or more Learning Improvement Days, whichever comes first.

Under the pilot process, the Board does not review each district's use of waived days. A school district submits a plan to SBE and staff reviews the plan to ensure its compliance with the requirements. If a district's plan does not meet the requirements, then SBE staff requires a district to revise the plan or submit it as an application for full Board approval. Please see Appendix D to review the proposed rule revision.

## **EXPECTED ACTION**

1. Filling Elected Vacancies on the Board:
  - Approval of the recommended amendatory language.
2. Repealing WAC 180-08-002 General description of organization:
  - Adoption of the repeal.
3. Revising WAC 180-51-053 Community college high school diploma programs:
  - Adoption of the proposed amendatory language.
4. Revising WAC 180-18-040 Waivers From Minimum One Hundred Eighty-Day School Year Requirement And Student-To-Teacher Ratio Requirement and WAC 180-18-050 Procedure To Obtain Waiver:
  - Adoption of the proposed amendatory language.

**Proposed revision to OSPI's vacancy and special election rule for SBE elected positions.**

AMENDATORY SECTION (Amending WAC 392-109-120)

**WAC 392-109-120 Vacancies (~~(and special elections)~~).**

(1) Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the Washington State School Directors' Association Board of Directors (~~(the remaining members representing public school boards of directors)~~) to fill such vacancy by appointment consistent with the appropriate regional position being vacated. The (~~Board shall fill the vacancy by appointment consistent with the appropriate regional position being vacated, and the~~) person so appointed shall hold that office for the unexpired term of the member whose position was vacated. (~~(continue in office until his or her successor has been specially elected)~~).

(2) Whenever a vacancy of the (~~(approved)~~) private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy (~~(consistent with qualifications in RCW 28A.305.102)~~) and the person so appointed shall hold that office for the unexpired term of the member whose position was vacated. (~~(continue in office until his or her successor has been specially elected.~~

~~———— (3) When a vacancy occurs, the superintendent of public instruction shall include such a position in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.~~

~~———— (4) Special elections provided for in RCW 28A.305.102 shall be conducted in accordance with this chapter.)~~

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-120, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]

**Proposed repeal of WAC 180-08-002 General description of organization**

REPEALER

The following section of the Washington Administrative Code is repealed: WAC 180-08-002 General description of organization.

~~**WAC 180-08-002 General description of organization.** (1) The state board of education is created by law in chapter 28A.305 RCW.~~

~~(2) The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board shall:~~

~~(a) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;~~

~~(b) Form committees as necessary to effectively and efficiently conduct the work of the board;~~

~~(c) Seek advice from the public and interested parties regarding the work of the board;~~

~~(d) For the purposes of statewide accountability:~~

~~(i) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems necessary to improve student learning;~~

~~(ii) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of certificates;~~

~~(iii) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:~~

~~(A) An increase in the percent of students meeting standards;~~

~~(B) Positive progress on an improvement index that measures improvement in all levels of the assessment; and~~

~~———— (C) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting standard, or the improvement index.~~

~~———— (iv) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards;~~

~~———— (v) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions;~~

~~———— (vi) Identify performance incentive systems that have improved or have the potential to improve student achievement;~~

~~———— (vii) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction for any improvements needed to the system; and~~

~~———— (viii) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board.~~

~~———— (e) Accredited, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve; provide that no private school may be approved that operates a kindergarten program only; provided further that no private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;~~

~~———— (f) Articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;~~

~~———— (g) Hire an executive director and an assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020.~~

~~———— (3) The board consists of:~~

~~———— (a) Five members, three from Western Washington and two from Eastern Washington elected by members of school district boards of directors in those respective regions;~~

~~———— (b) Seven members appointed by the governor;~~

~~———— (c) The superintendent of public instruction;~~

~~———— (d) One member elected at large by members of the boards of directors of approved private schools; and~~

~~———— (e) Two high school students, selected by a process determined by the state board, who are nonvoting members.~~

~~———— (4) The governor appointed and school director elected members serve staggered terms of office of no more than two consecutive four-year terms.~~

~~———— (5) The board determines its own officers.~~

~~———— (6) General policy powers of the board relate to the school accountability system, high school graduation requirements, school district approval for basic education funding purposes, waivers from basic education requirements, private school approval and accreditation, educational service district boundaries, immunization of private school students, and home-based testing.~~

~~———— (7) The state board publishes a schedule of its meetings and notices of proposed rule-making actions in the *Washington State Register*. The secretary (executive director) to the state board of education maintains a complete record of all board proceedings and supporting materials.~~

[Statutory Authority: RCW 28A.305.130, 34.05.220, and 42.17.250 through 42.17.348. 06-23-007, § 180-08-002, filed 11/2/06, effective 12/3/06.  
Statutory Authority: RCW 34.05.220, 28A.305.130. 02-18-054, § 180-08-002, filed 8/28/02, effective 9/28/02.]

**Proposed revision to WAC 180-51-053 Community college high school diploma programs**

AMENDATORY SECTION(Amending WSR 04-20-093, filed 10/5/04, effective 11/5/04)

**WAC 180-51-053 Community college high school diploma programs.**

(1) (a) **Minimum requirements for high school diploma.** The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC or as set forth in RCW 28B.50.535 (2) or (3).

(b) Any high school graduation diploma issued by or through a community or technical college district shall certify that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction or as set forth in RCW 28B.50.535 (2) or (3).

(2) **Provisions governing program for persons eighteen years of age and over.**

(a) The appropriate school district, community college, or technical college education official shall evaluate the previous educational records of the student and may provide evaluative testing to determine the student's educational level. The official shall recommend an appropriate course or courses of study and upon the successful completion of such study the student will be eligible for the high school diploma.

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods with the applicable institution granting credit verifying completion of course requirements.

(i) Actual completion of courses regularly conducted in high school;

(ii) Technical college;

(iii) Community college;

(iv) Approved correspondence or extension courses;

(v) Supervised independent study; or

(vi) Testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student either in or out of a formal school program to determine the degree to which the student has satisfied the minimum credit requirements for completion of the high school program. Consideration may be given to work experience, vocational training, civic responsibilities discharged by the adult and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements for high school completion. The



diploma shall be issued by the appropriate school district, community college, or technical college: Records of diplomas issued under the provisions of this subsection shall be maintained by the issuing agency.

(3) Provisions governing program for persons under eighteen years of age.

(a) The high school principal shall evaluate the previous educational record of the individual and prior to his or her enrollment in courses and in cooperation with the appropriate education official of a community college or technical college shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

[Statutory Authority: Chapter 28A.230 RCW and RCW 28B.50.915. 04-20-093, § 180-51-053, filed 10/5/04, effective 11/5/04.]

**Proposed revision to WAC 180-18-040 Waivers From Minimum One Hundred Eighty-Day School Year Requirement And Student-To-Teacher Ratio Requirement and WAC 180-18-050 Procedure To Obtain Waiver**

AMENDATORY SECTION (Amending WSR 07-20-030, filed 9/24/07, effective 10/25/07)

**WAC 180-18-040** **Waivers from minimum one hundred eighty-day school year requirement and student-to-teacher ratio requirement.** (1) 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 pursuant to [RCW 28A.150.220](#)(5) and [WAC 180-16-215](#) by offering the equivalent in annual minimum program hour offerings as prescribed in [RCW 28A.150.220](#) in such grades as are conducted by such school district. The state board of education may grant said initial waiver requests for up to three school years.

(2) A district that is not otherwise ineligible as identified under [WAC 180-18-050](#) (3) (b) may develop and implement a plan that meets the program requirements identified under [WAC 180-18-050](#)(3) to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to [RCW 28A.150.220](#)(5) and [WAC 180-16-215](#) by offering the equivalent in annual minimum program hour offerings as prescribed in [RCW 28A.150.220](#) in such grades as are conducted by such school district.

(3) 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 student-to-teacher ratio requirement pursuant to [RCW 28A.150.250](#) and [WAC 180-16-210](#), which requires the ratio of the FTE students to kindergarten through grade three FTE classroom teachers shall not be greater than the ratio of the FTE students to FTE classroom teachers in grades four through twelve. The state board of education may grant said initial waiver requests for up to three school years.

[Statutory Authority: [RCW 28A.150.220](#)(4), [28A.305.140](#), [28A.305.130](#)(6), [28A.655.180](#). 07-20-030, § 180-18-040, filed 9/24/07, effective 10/25/07. Statutory Authority: [Chapter 28A.630 RCW](#) and 1995 c 208. 95-20-054, § 180-18-040, filed 10/2/95, effective 11/2/95.]

AMENDATORY SECTION (Amending WSR 07-20-030, filed 9/24/07, effective 10/25/07)

**WAC 180-18-050 Procedure to obtain waiver.** (1) State board of education approval of district waiver requests pursuant to [WAC 180-18-030](#) and 180-18-040 (1) and (3) shall occur at a state board meeting prior to implementation. A district's waiver application shall be in the form of a resolution adopted by the district board of directors. The resolution shall identify the basic education requirement for which the waiver is requested and include information on how the waiver will support improving student achievement. The resolution shall be accompanied by information detailed in the guidelines and application form available on the state board of education's web site.

(2) The application for a waiver and all supporting documentation must be received by the state board of education at least ((thirty)) fifty days prior to the state board of education meeting where consideration of the waiver shall occur. The state board of education shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(3) (a) Under this section, a district meeting the eligibility requirements may develop and implement a plan that meets the program requirements identified under this section and any additional guidelines developed by the state board of education for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to [RCW 28A.150.220](#)(5) and [WAC 180-16-215](#). The plan must be designed to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district by offering the equivalent in annual minimum program hour offerings as prescribed in [RCW 28A.150.220](#) in such grades as are conducted by such school district. This section will remain in effect only through August 31, 2018. Any plans for the use of waived days authorized under this section may not extend beyond August 31, 2018.

(b) A district identified by the superintendent of public instruction as having persistently low achieving schools will not be eligible to develop and implement a plan under this section.

(c) A district shall involve staff, parents, and community members in the development of the plan.

(d) The plan can span a maximum of three school years.

(e) The plan shall be consistent with the district's improvement plan and the improvement plans of its schools.

(f) A district shall hold a public hearing and have the school board approve the final plan in resolution form.

(g) The maximum number of waived days that a district may use is dependent on the number of learning improvement days, or their equivalent, funded by the state for any given school year. For any school year, a district may use a maximum of three waived days if the state does not fund any learning improvement days. This maximum number of waived days will be reduced for each additional learning improvement day that is funded by the state. When the state funds

three or more learning improvement days for a school year, then no days may be waived under this section.

| Scenario | Number of learning improvement days funded by state for a given school year | Maximum number of waived days allowed under this section for the same school year |
|----------|---|---|
| A        | 0   | 3   |
| B        | 1   | 2   |
| C        | 2   | 1   |
| D        | 3 or more   | 0   |

(h) The plan shall include goals that can be measured through established data collection practices and assessments. At a minimum, the plan shall include goal benchmarks and results that address the following subjects or issues:

(i) Increasing student achievement on state assessments in reading, mathematics, and science for all grades tested;

(ii) Reducing the achievement gap for student subgroups;

(iii) Improving on-time and extended high school graduation rates (only for districts containing high schools).

(i) Under this section, a district shall only use one or more of the following strategies in its plan to use waived days:

(i) Use evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance;

(ii) Use data from multiple measures to identify and implement comprehensive, research-based, instructional programs that are vertically aligned from one grade to the next as well as aligned with state academic standards;

(iii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction to meet the needs of individual students;

(iv) Implement strategies designed to recruit, place, and retain effective staff;

(v) Conduct periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;

(vi) Increase graduation rates through, for example, credit-recovery programs, smaller learning communities, and acceleration of basic reading and mathematics skills;

(vii) Establish schedules and strategies that increase instructional time for students and time for collaboration and professional development for staff;

(viii) Institute a system for measuring changes in instructional practices resulting from professional development;

(ix) Provide ongoing, high-quality, job-embedded professional development to staff to ensure that they are equipped to provide effective teaching;

(x) Develop teacher and school leader effectiveness;

(xi) Implement a school-wide "response-to-intervention" model;

(xii) Implement a new or revised instructional program;

(xiii) Improve student transition from middle to high school through transition programs or freshman academies;

(xiv) Develop comprehensive instructional strategies;

(xv) Extend learning time and community oriented schools.

(j) The plan must not duplicate activities and strategies that are otherwise provided by the district through the use of early-release days.

(k) A district shall provide notification to the state board of education thirty days prior to implementing a new plan. The notification shall include the approved plan in resolution form signed by the superintendent, the chair of the school board, and the president of the local education association; include a statement indicating the number of certificated employees in the district and that all such employees will be participating in the strategy or strategies implemented under the plan for a day that is subject to a waiver, and any other required information. The approved plan shall, at least, include the following:

(i) Members of the plan's development team;

(ii) Dates and locations of public hearings;

(iii) Number of school days to be waived and for which school years;

(iv) Number of early-release days to be eliminated, if applicable;

(v) Description of the measures and standards used to determine success and identification of expected benchmarks and results;

(vi) Description of how the plan aligns with the district and school improvement plans;

(vii) Description of the content and process of the strategies to be used to meet the goals of the waiver;

(viii) Description of the innovative nature of the proposed strategies;

(ix) Details about the collective bargaining agreements, including the number of professional development days (district-wide and individual teacher choice), full instruction days, early-release days, and the amount of other noninstruction time; and

(x) Include how all certificated staff will be engaged in the strategy or strategies for each day requested.

(l) Within ninety days of the conclusion of an implemented plan a school district shall report to the state board of education on the degree of attainment of the plan's expected benchmarks and results and the effectiveness of the implemented strategies. The district may also include additional information, such as investigative reports completed by the district or third-party organizations, or surveys of students, parents, and staff.

(m) A district is eligible to create a subsequent plan under this section if the summary report of the enacted plan shows improvement in, at least, the following plan's expected benchmarks and results:

(i) Increasing student achievement on state assessments in reading and mathematics for all grades tested;

(ii) Reducing the achievement gap for student subgroups;

(iii) Improving on-time and extended high school graduation rates (only for districts containing high schools).

(n) A district eligible to create a subsequent plan shall follow the steps for creating a new plan under this section. The new plan shall not include strategies from the prior plan that were found to be ineffective in the summary report of the prior plan. The summary report of the prior plan shall be provided to the new plan's development team and to the state board of education as a part of the district's notification to use a subsequent plan.

(o) A district that is ineligible to create a subsequent plan under this section may submit a request for a waiver to the state board of education under [WAC 180-18-040](#)(1) and subsections (1) and (2) of this section.

[Statutory Authority: [RCW 28A.150.220](#)(4), [28A.305.140](#), [28A.305.130](#)(6), [28A.655.180](#). 07-20-030, § 180-18-050, filed 9/24/07, effective 10/25/07. Statutory Authority: [RCW 28A.150.220](#)(4), [28A.305.140](#), and [28A.305.130](#)(6). 04-04-093, § 180-18-050, filed 2/3/04, effective 3/5/04. Statutory Authority: [Chapter 28A.630 RCW](#) and 1995 c 208. 95-20-054, § 180-18-050, filed 10/2/95, effective 11/2/95.]