



THE WASHINGTON STATE BOARD OF EDUCATION

Governance | Accountability | Achievement | Oversight | Career & College Readiness

Title:	Review of Washington Administrative Code	
As Related To:	<input type="checkbox"/> Goal One: Effective and accountable P-13 governance. <input type="checkbox"/> Goal Two: Comprehensive statewide K-12 accountability. <input type="checkbox"/> Goal Three: Closing achievement gap.	<input checked="" type="checkbox"/> Goal Four: Strategic oversight of the K-12 system. <input type="checkbox"/> Goal Five: Career and college readiness for all students. <input type="checkbox"/> Other
Relevant To Board Roles:	<input 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:	Does the Board approve the filing of a CR 101 to enable the repeal or amendment of each of the rules cited in this review? Are there any sections of WAC listed in the document that should not be included in the CR 101? Are there sections omitted from the document that should be added to the CR 101, or considered for an additional filing?	
Possible Board Action:	<input type="checkbox"/> Review <input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Other Approve for filing of a CR 101 with the Code Reviser	
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>WAC 180-08-015, adopted by the Board in 1999, provides that the SBE “shall review all board rules not less than three years.” The purpose of this agenda item is to meet that requirement. In your packet you will find:</p> <ul style="list-style-type: none"> • A listing of the chapters in Title 180 Washington Administrative Code, State Board of Education. • WAC 180-08-015, requiring the periodic review of SBE rules. • A memo discussing WAC 180-105-020, Performance Improvement Goals. Reading and mathematics. • A memo in table form listing, summarizing, and commenting on SBE rules for possible inclusion in a CR 101. <p>The CR-101, Proposal Statement of Inquiry, is a Code Reviser document that is the initial filing. It informs the public of a possible agency intent to initiate rule-making. Inclusion of a specific rule or subject in a CR-101 does not commit the agency to engaging in rule-making on those matters, but the agency may not engage in rule-making without first having filed a CR 101. According to the Code Reviser, “By filing this form, the public is invited to participate with the agency to discuss a subject of possible rule-making before any formal notice or action is taken on the part of the agency.”</p>	



WAC 180-105-020 – PERFORMANCE AND IMPROVEMENT GOALS

Policy Considerations

Under Title 180, WAC 180-105-020, each school district board of directors shall by December 15, 2003:

- 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 (WASL) for reading and mathematics in grades four, seven, and ten, and
- 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.
- 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.

Background

The rule appears to be outdated and no longer relevant to Washington school district boards of directors. Since this legislation was enacted, a number of changes have been implemented rendering the current requirements in the legislation meaningless:

1. Washington no longer administers the Washington Assessment of Student Learning.
2. The Washington assessment program currently assesses students:
 - a. In 3rd to 8th grade on the Washington Measurements of Student Progress (MSP),
 - b. In 10th grade on the Washington High School Proficiency Exam (HSPE), and
 - c. Through End-of-Course assessments in mathematics and biology.
3. Washington is transitioning to assessments aligned to the Common Core of State Standards (CCSS) and developed by the Smarter Balanced Assessment Consortium (SBAC) while continuing to administer MSP science assessments, End-of-Course exams, and HSPEs through the assessment transition period.
4. The federal accountability requirements Washington operates under (Adequate Yearly Progress under the No Child Left Behind Act) requires that 100 percent of students meet or exceed the standards on the state assessments.

The development and implementation of annual performance and improvement goals was an integral element of the NCLB and AYP federal accountability system. In July of 2012, the U.S. Department of Education (USED) granted Washington a waiver allowing the state to sidestep

the many of the numerous and onerous ESEA requirements in favor of an approved state system of accountability that was closely aligned to USED school accountability initiatives.

Under the ESEA Waiver, rigorous but achievable annual measurable objectives (AMOs) were developed. AMOs are unique yearly targets in reading and mathematics for each subgroup, school and district, as described in Washington's ESEA Flexibility Request. The AMOs replaced the state uniform bar utilized under AYP. Washington's ESEA Flexibility Request did not include penalties for schools that did not meet their AMO targets for a specific year.

In April of 2014, the USED did not approve Washington's request to continue to operate under the ESEA Flexibility Waiver. Washington was required to resume implementing the mandates of Title I of the ESEA (NCLB and AYP) for the 2014-15 school year. Under the ESEA and NCLB, Washington is not permitted to use the AMOs for federal accountability, but the use of AMOs in a state accountability system would presumably be allowed. As provided for in WAC-17-100, the OSPI is expected to reset baselines and re-establish achievable AMOs because the anticipated student performance levels on the new SBAC assessments are not expected to reflect current performance levels.

Discussion

A literal interpretation of Title 180 WAC (180--105-020) would likely render the legislation obsolete on account of the referenced assessment program. A more liberal interpretation of Title 180 WAC (180--105-020) would be that school district boards must adopt improvement goals (projected to all students meeting standards) based on state assessments and aligned with state and or federal accountability thresholds. This means that the Board could consider several options regarding the WAC in question.

Option 1: Repeal Title 180 WAC (180--105-020) which would eliminate the need for school district boards of directors to adopt annual performance and improvement goals.

Option 2: Revise Title 180 WAC (180--105-020) to include the updated assessment program and assessed grades, and

- a. The requirement that districts adopt the performance goal of all students eligible to be assessed meet standard on the state assessments, or
- b. The requirement that districts adopt (align) the performance and improvement goals to the OSPI developed AMOs.

Moving to repeal Title 180 WAC (180--105-020) might send the unintended message to some that the Board is not in support of school and district accountability and system improvement.

Revising the WAC (Option 2.a.) would send the message that the Board supports a comprehensive accountability system and school improvement, but the Board must understand that the goal of 100 percent proficient is unrealistic in the short term.

Revising the WAC (Option 2.b.) would also send the message that the Board supports a comprehensive accountability system and school improvement, and that the Board understands the need to continue to measure school success against the challenging and achievable goals developed through the AMOs.

Please contact Andrew Parr at andrew.parr@k12.wa.us if you have questions regarding this memo.

EDUCATION, STATE BOARD OF

Chapters

<u>180-08</u>	Practice, procedure, and access to public records.
<u>180-16</u>	State support of public schools.
<u>180-17</u>	Accountability.
<u>180-18</u>	Waivers for restructuring purposes.
<u>180-19</u>	Charter Schools.
<u>180-22</u>	Educational service districts.
<u>180-38</u>	Private school pupil immunization requirement.
<u>180-44</u>	Teachers' responsibilities.
<u>180-51</u>	High school graduation requirements.
<u>180-52</u>	Tests for students receiving home-based instruction.
<u>180-55</u>	Private school accreditation.
<u>180-72</u>	Adult education.
<u>180-90</u>	Private schools.
<u>180-96</u>	General educational development (GED) test.
<u>180-105</u>	Performance improvement goals.

WAC 180-08-015

No agency filings affecting this section since 2003

Scheduled review of state board rules.

The state board of education shall review all board rules not less than every three years.

[Statutory Authority: RCW [34.05.220](#). WSR 99-10-092, § 180-08-015, filed 5/4/99, effective 6/4/99.]



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Review of State Board of Education Rules, Title 180 Washington Administrative Code

WAC	Title	Initial Filing	Last Filing	Comment
180-16-002	State support of public schools – Purpose and authority	5/17/84	8/28/02	Statutory citation is out of date.
180-16-162	Strike defined – Presumption of approved program operation	9/6/73	8/28/02	It is unclear whether this and the following two sections are necessary under current law. Staff are seeking advice from AGO.
180-16-163	Strike defined	9/6/73	11/16/10	Same.
180-16-164	Work stoppages and maintenance of approved programs for less than 180 days not condoned	9/6/73	11/16/10	Same.
180-16-195	Annual reporting and review process	6/5/78	8/11/11	Sets out detailed procedures for staff review of district reports on compliance with basic education requirements and for board certification of compliance or noncompliance, including district appeals of board decisions of noncompliance. The Board may wish to consider whether all the provisions of this section are necessary.
180-16-200	Total instructional hour requirement	6/5/78	9/8/14	<p>WAC 180-16-200 was amended in 2014 to implement the provisions of E2SSB 6552 concerning instructional hour requirements under RCW 28A.150.220(2). Various questions arose about compliance with this BEA requirement when the Legislature implemented the instructional hour requirement of SHB 2261 in 2013, and then revised the requirement in 2014. The SBE, with advice from counsel, has provided guidance to districts through an FAQ document. The Board may wish to consider clarifying requirements for compliance through rule-making by amending WAC 180-16-200. Questions that may be addressed in rule include:</p> <ul style="list-style-type: none"> • The method for calculation of district-wide average instructional hours. • The calculation of instructional hours for online schools operated by school districts. • How skill centers should be treated for purposes of compliance with this statute.

WAC	Title	Initial Filing	Last Filing	Comment
180-16-225	Waiver – Substantial lack of classroom space	6/5/78	2/3/04	Authorizes and sets procedures for the SBE to waive WAC 180-16-200 (Instructional hour requirement) and a portion of WAC 180-16-220 (Supplemental basis education program approval requirements) for reason of a lack of classroom space. The policy basis for this rule is unclear. Staff has no record of the waiver ever having been used. Staff are consulting with OSPI Facilities.
180-18-030	Waiver from total instructional hour requirements	10/2/95	9/24/07	Authorizes the SBE to grant waivers from instructional hour requirements, pursuant to the wide waiver authority in RCW 28A.305.140, for up to three years. Does not set criteria for evaluation of such waiver requests. Staff have no record of requests ever having been made or granted for waivers under this WAC.
180-18-040	Waivers from minimum one hundred eighty-day school year requirement	10/2/95	11/30/12	The rule for “Option One” waiver of 180-day requirement. The SBE adopted criteria for evaluation of waiver requests under this section in November 2012. The Board may wish to review for possible amendment.
180-18-050	Procedure to obtain waiver	10/2/95	11/30/12	Sets forth procedures for applications for Option One waivers and board action on the requests. Subsection (3), added by amendment in November 2012, establishes application requirements and board procedures for 180-day waivers requested solely for the purpose of parent-teacher conferences. The Board may wish to review this WAC for possible amendment as well.
180-18-090	Alternative option to WAC	2/3/04	2/3/04	Concerns competency-based credits. The WAC referenced in this section, 180-18-055, has since been repealed. The current WAC on competency-based credits is 180-51-050.
180-44-005 – 180-44-060	Teachers’ Responsibilities 010 – Related to instruction 040 – Classroom – Physical environment 060 – Drugs and alcohol – Use of as cause for dismissal.	3/29/65	8/6/90	Sets forth teachers’ responsibilities for instruction, maintaining order and discipline, the physical environment of the classroom, and drug and alcohol use. This chapter does not appear to belong in Title 180. The statutory authority cited in 180-44-005 (Purpose and authority) is RCW 28A.305.130(6) and RCW 28A.600.010. The first of these provides at best marginal authority for these rules; SBE is not mentioned in the other. Staff are consulting with OSPI and PESB. WAC 180-44-060 is covered by a PESB rule.

WAC	Title	Initial Filing	Last Filing	Comment
180-51-001	High school graduation requirements -- Education reform vision	9/20/00	9/20/00	It is unclear whether the aspirational language of this rule, adopted in 2000, represents the current vision of the Board. Is it consistent with the SBE Strategic Plan? With the Board's legislative positions?
180-105-020	Performance improvement goals – Reading and mathematics.	5/12/05	5/12/05	Requires each district to adopt district-wide performance goals, using federal requirements, for the percentage of students meeting or exceeding standard on the Washington Assessment of Student Learning (WASL). Directs each school that administers the WASL to adopt performance improvement goals. Specifies that the performance improvement goals for the spring of 2014 are that all students meet standard on the WASL. This rule appears to be outdated because of changes in both state and federal requirements that have taken place since its adoption in 2005. Please see the staff memo on WAC 180-105-205 in your board packet.

Action

Approve for filing of a CR-101, Preproposal Statement of Inquiry, with the Code Reviser. A CR-01 must be filed before any action may be taken by an agency to engage in rule-making on any matter. The inclusion of a WAC in a CR-101 does not require the agency to initiate rule-making on that WAC; it only permits it. "By filing this form," the Code Reviser states, "the public is invited to participate with the agency to discuss a subject of possible rule-making before any formal notice or action is taken on the part of the agency. RCW 34.05.310 [Prenotice inquiry] and WAC 1-21-010."

If you have questions regarding this memo, please contact Jack Archer at @k12.wa.us.