



THE WASHINGTON STATE BOARD OF EDUCATION

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

Exhibit F

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180-16-002	State support of public schools – Purpose and authority	5/17/84	8/28/02	Statutory citation is out of date.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.