

- 20-3, filed 5/3/66, effective 6/3/66; filed 12/17/64, effective 7/1/65.] Repealed by Order 6-71, filed 10/13/71.
- 180-16-102 Intermediate school districts—Allocation of funds—By superintendent. [Order 2-69, § 180-16-102, filed 6/27/69; SBE 16-20-4, filed 5/3/66, effective 6/3/66; filed 12/17/64, effective 7/1/65.] Repealed by Order 6-71, filed 10/13/71.
- 180-16-150 Federal funds, channeling of for education—Policy statement. [SBE 16-24-1, filed 12/17/64, effective 7/1/65; Rules (part), filed 3/24/60, adopted 5/13-14/57.] Repealed by 82-20-054 (Order 5-82), filed 10/1/82.
- 180-16-160 Nursery school operation. [Order 3-77, § 180-16-160, filed 6/1/77; SBE 16-6-1, filed 12/17/64, effective 7/1/65.] Repealed by 82-20-053 (Order 7-82), filed 10/1/82. Statutory Authority: RCW 28A.34.010.
- 180-16-165 Minimum approval requirements for purposes of apportionment. [Order 3-77, § 180-16-165, filed 6/1/77; Order 2-76, § 180-16-165, filed 3/23/76; Order 5-73, § 180-16-165, filed 9/6/73; Order 4-72, § 180-16-165, filed 8/29/72; Order 7-70, § 180-16-165, filed 6/9/70; Order, filed 4/26/67; Order, filed 7/27/66.] Repealed by 78-06-097 (Order 3-78), filed 6/5/78. Statutory Authority: RCW 28A.41.130 and 28A.58.754.
- 180-16-166 Entry age. [Statutory Authority: RCW 28A.58.190. 79-06-047 (Order 2-79), § 180-16-166, filed 5/22/79.] Repealed by 83-13-004 (Order 5-83), § 180-16-166, filed 6/2/83.
- 180-16-167 Kindergarten operation on ninety full-day school year basis—Approval provisions. [Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-167, filed 6/5/78; Order 4-72, § 180-16-167, filed 8/29/72.] Repealed by 79-02-048 (Order 1-79), filed 1/30/79. Statutory Authority: RCW 28A.58-750.
- 180-16-170 Adult education. [SBE 16-12-4, filed 5/3/66, effective 6/3/66; filed 12/17/64, effective 7/1/65.] Repealed by Order 6-71, filed 10/13/71.
- 180-16-180 Vocational-technical institutes, state support of. [Statutory Authority: 1990 c 33. 90-17-009, § 180-16-180, filed 8/6/90, effective 9/6/90; Order 3-77, § 180-16-180, filed 6/1/77; Order 6-71, § 180-16-180, filed 10/13/71; Filed 5/3/66, effective 6/3/66; SBE 16-16-4, 16-16-40, 16-16-401 and 16-16-402, filed 12/17/64, effective 7/1/65.] Repealed by 98-08-039, filed 3/24/98, effective 4/24/98. Statutory Authority: RCW 28A.150.220(4).
- 180-16-190 Community colleges, state support of. [Reference 16-16-8, filed 5/3/66, effective 6/3/66.] Repealed by Order 7-70, filed 6/9/70.
- 180-16-205 Classroom teacher contact hours requirement—Waiver. [Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-086, § 180-16-205, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.150.220, 28A.320.200, 28A.150.260 and 1992 c 141. 92-17-053, § 180-16-205, filed 8/17/92, effective 9/17/92. Statutory Authority: RCW 28A.150.220 and [28A.150.]260. 92-05-047, § 180-16-205, filed 2/13/92, effective 3/15/92. Statutory Authority: RCW 28A.04.127 and 28A.41-140. 86-21-020 (Order 15-86), § 180-16-205, filed 10/7/86. Statutory Authority: RCW 28A.58.754(6). 84-11-043 (Order 2-84), § 180-16-205, filed 5/17/84. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-205, filed 9/12/79. Statutory Authority: RCW 28A.41-130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-205, filed 6/5/78.] Repealed by 01-24-092, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW.
- 180-16-210 Kindergarten through grade three students to classroom teacher ratio requirement. [Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-086, § 180-16-210, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.41.130. 89-01-039 (Order 24-88), § 180-16-210, filed 12/14/88; 87-12-043 (Order 12-87), § 180-16-210, filed 6/1/87. Statutory Authority: RCW 28A.58.754(6). 84-11-043 (Order 2-84), § 180-16-210, filed 5/17/84. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-210, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-210, filed 6/5/78.] Repealed by 11-24-033, filed 12/1/11, effective 1/1/12.
- 180-16-215 Minimum one hundred eighty school day year. [Statutory Authority: RCW 28A.150.220(4). 02-18-053, § 180-16-215, filed 8/28/02, effective 9/28/02. Statutory Authority: Chapter 28A.630 RCW. 01-24-092, § 180-16-215, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-086, § 180-16-215, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-215, filed 9/12/79. Statutory Authority: RCW 28A.41-130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-215, filed 6/5/78.] Repealed by 11-24-034, filed 12/1/11, effective 1/1/12.
- 180-16-221 Assignment of classroom teachers within districts. [Statutory Authority: RCW 28A.150.220(4) and 28A.410.010. 98-01-031, § 180-16-221, filed 12/8/97, effective 1/8/98. Statutory Authority: RCW 28A.150-220(6) and 28A.410.010. 97-04-083, § 180-16-221, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 28A.70.005. 87-12-040 (Order 9-87), § 180-16-221, filed 6/1/87. Statutory Authority: RCW 28A.58-754(6). 86-13-015 (Order 5-86), § 180-16-221, filed 6/10/86.] Repealed by 99-07-054, filed 3/16/99, effective 4/16/99. Statutory Authority: RCW 28A.150-220(4).
- 180-16-222 Exceptions to classroom teacher assignment policy. [Statutory Authority: RCW 28A.150.220(6) and 28A.410.010. 97-04-083, § 180-16-222, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 28A.150-220(6). 94-24-040, § 180-16-222, filed 12/2/94, effective 1/2/95. Statutory Authority: RCW 28A.410.010. 93-07-102, § 180-16-222, filed 3/23/93, effective 4/23/93; 92-04-044, § 180-16-222, filed 1/31/92, effective 3/2/92. Statutory Authority: RCW 28A.58.754(6). 86-13-015 (Order 5-86), § 180-16-222, filed 6/10/86.] Repealed by 99-07-054, filed 3/16/99, effective 4/16/99. Statutory Authority: RCW 28A.150.220(4).
- 180-16-223 Temporary out-of-endorsement assignment criteria. [Statutory Authority: RCW 28A.410.010. 94-20-054, § 180-16-223, filed 9/30/94, effective 10/31/94; 93-07-102, § 180-16-223, filed 3/23/93, effective 4/23/93; 92-04-044, § 180-16-223, filed 1/31/92, effective 3/2/92. Statutory Authority: 1990 c 33. 90-17-009, § 180-16-223, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.754(6). 88-08-045 (Order 9-88), § 180-16-223, filed 4/4/88; 86-13-015 (Order 5-86), § 180-16-223, filed 6/10/86.] Repealed by 97-04-083, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 28A.150.220(6) and 28A.410.010.
- 180-16-224 Second and third year temporary out-of-endorsement criteria. [Statutory Authority: RCW 28A.58.754(6). 86-13-015 (Order 5-86), § 180-16-224, filed 6/10/86.] Repealed by 97-04-083, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 28A.150.220(6) and 28A.410.010.
- 180-16-226 Superintendent of public instruction annual report to state board of education. [Statutory Authority: RCW 28A.58.754(6). 86-13-015 (Order 5-86), § 180-16-226, filed 6/10/86.] Repealed by 99-07-054, filed 3/16/99, effective 4/16/99. Statutory Authority: RCW 28A.150-220(4).
- 180-16-227 Implementation timeline for WAC 180-16-220(2). [Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). 04-04-093, § 180-16-227, filed 2/3/04, effective 3/5/04; 02-18-056, § 180-16-227, filed 8/28/02, effective 9/28/02.] Repealed by 06-23-011, filed 11/2/06, effective 12/3/06. Statutory Authority: RCW 28A.150.220, 28A.305.140, and 28A.305.130(6).
- 180-16-230 Definitions—Basic skills areas. [Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-230, filed 6/5/78.] Repealed by 79-10-033 (Order 10-79), filed 9/12/79. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250.
- 180-16-231 Assignment of principals and vice-principals within districts. [Statutory Authority: RCW 28A.58.754(6). 86-13-015 (Order 5-86), § 180-16-231, filed 6/10/86.] Repealed by 99-07-054, filed 3/16/99, effective 4/16/99. Statutory Authority: RCW 28A.150.220(4).
- 180-16-235 Definitions—Work skills. [Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), §

- 180-16-235, filed 6/5/78.] Repealed by 79-10-033 (Order 10-79), filed 9/12/79. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250.
- 180-16-236 Assignment of educational staff associates. [Statutory Authority: RCW 28A.410.010, 94-01-103, § 180-16-236, filed 12/16/93, effective 1/16/94. Statutory Authority: RCW 28A.58.754(6), 86-13-015 (Order 5-86), § 180-16-236, filed 6/10/86.] Repealed by 99-07-054, filed 3/16/99, effective 4/16/99. Statutory Authority: RCW 28A.150.220(4).
- 180-16-238 Assignment of persons providing instruction of braille to students. [Statutory Authority: RCW 28A.410.010 and 1995 2nd sp.s. c 18 § 501 (2)(j), 96-11-111, § 180-16-238, filed 5/20/96, effective 6/20/96.] Repealed by 99-07-054, filed 3/16/99, effective 4/16/99. Statutory Authority: RCW 28A.150.220(4).
- 180-16-240 Compliance with other program requirements. [Statutory Authority: 1990 c 33, 90-17-009, § 180-16-240, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.754(6), 84-11-043 (Order 2-84), § 180-16-240, filed 5/17/84. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250, 79-10-033 (Order 10-79), § 180-16-240, filed 9/12/79. Statutory Authority: RCW 28A.58.750, 79-02-048 (Order 1-79), § 180-16-240, filed 1/30/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754, 78-06-097 (Order 3-78), § 180-16-240, filed 6/5/78.] Repealed by 99-10-091, filed 5/4/99, effective 6/4/99. Statutory Authority: RCW 28A.150.250, 28A.150.260 and 28A.15.220 [28A.150.220].
- 180-16-241 Remote and necessary small school plants—Purpose and authority. [05-13-061, recodified as § 180-16-241, filed 6/10/05, effective 6/10/05. Statutory Authority: 1994 sp.s. c 6 § 502 (i)(e), 02-14-113, § 180-24-400, filed 7/2/02, effective 8/2/02; 95-20-055, § 180-24-400, filed 10/2/95, effective 11/2/95.] Decodified and amended by 06-17-038, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). Recodified as WAC 392-349-005.
- 180-16-242 Remote and necessary small school plants—Criteria. [05-13-061, recodified as § 180-16-242, filed 6/10/05, effective 6/10/05. Statutory Authority: 1994 c 6 § 502 (i)(e), 02-14-113, § 180-24-410, filed 7/2/02, effective 8/2/02. Statutory Authority: 1994 1st sp.s. c 6 § 502 (1)(e), 97-21-069, § 180-24-410, filed 10/15/97, effective 11/15/97. Statutory Authority: 1994 sp.s. c 6 § 502(i)(e), 95-20-055, § 180-24-410, filed 10/2/95, effective 11/2/95.] Decodified and amended by 06-17-038, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). Recodified as 392-349-010.
- 180-16-243 Remote and necessary small school plants—Review committee. [05-13-061, recodified as § 180-16-243, filed 6/10/05, effective 6/10/05. Statutory Authority: 1994 sp.s. c 6 § 502 (i)(e), 02-14-113, § 180-24-415, filed 7/2/02, effective 8/2/02. Statutory Authority: 1994 1st sp.s. c 6 § 502 (1)(e), 97-21-069, § 180-24-415, filed 10/15/97, effective 11/15/97. Statutory Authority: 1994 sp.s. c 6 § 502(i)(e), 95-20-055, § 180-24-415, filed 10/2/95, effective 11/2/95.] Decodified and amended by 06-17-038, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). Recodified as WAC 392-349-015.

WAC 180-16-002 Purpose and authority. (1) In support of improving student learning and growth, 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.

(2) The authority for this chapter is RCW 28A.150.220 (4).

[Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6), 02-18-056, § 180-16-002, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.150.220(4), 98-08-039, § 180-16-002, filed 3/24/98, effective 4/24/98. Statutory Authority: RCW 28A.150.220(4) and 28A.410.010.

(12/1/11)

98-01-031, § 180-16-002, filed 12/8/97, effective 1/8/98. Statutory Authority: 1990 c 33, 90-17-009, § 180-16-002, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.754(6), 84-11-043 (Order 2-84), § 180-16-002, filed 5/17/84.]

WAC 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. (1) Strike defined. For the purpose of this section 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 of the declaration has been provided to the district by the recognized representative at least two calendar school days in advance of the actual stoppage.

(2) Presumption of approved program. It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

(a) Upon the submission of a written complaint of substandard program operation by a credible observer, the state superintendent of public instruction may investigate the complaint and program being operated during the strike.

(b) The district's program shall be deemed disapproved if the investigation of the state superintendent establishes a violation of one or more of the following standards or, as the case may be, such deviations as have been approved by the state board:

- (i) All administrators must have proper credentials;
- (ii) WAC 180-16-220(1) which requires that all teachers have proper credentials;
- (iii) The school district shall provide adequate instruction for all pupils in attendance;
- (iv) Adequate provisions must be made for the health and safety of all pupils;
- (v) The local district shall have a written plan for continuing the school program during this period; and
- (vi) The required ratio of enrolled pupils to certificated personnel for the first five days shall not exceed 60 to 1, for the next five days shall not exceed 45 to 1 and thereafter shall not exceed 30 to 1.

(c) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the state superintendent and shall apply to those particular school days encompassed in whole or in part by the remainder of the strike period.

(d) The decision of the state superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

(e) The program shall be deemed approved during those days of operation for which a trial court order ordering striking employees to work is in effect.

(3) Work stoppages. Nothing in this section or WAC 180-16-191 through 180-16-225 shall be construed as condoning or authorizing any form of work stoppage which disrupts any portion of the planned educational program of a dis-

trict or the maintenance of an approved program for less than the minimum number of school days required by law, except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW 28A.150.290.

[Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. 10-23-104, § 180-16-162, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 28A.150.220(4). 02-18-053, § 180-16-162, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-162, filed 9/12/79; Order 5-73, § 180-16-162, filed 9/6/73.]

WAC 180-16-163 Strike defined. For the purpose of WAC 180-16-162, 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.

[Order 5-73, § 180-16-163, filed 9/6/73.]

WAC 180-16-164 Work stoppages and maintenance of approved programs for less than 180 days not condoned. Nothing in WAC 180-16-162, 180-16-163 or 180-16-191 through 180-16-225 shall be construed as condoning or authorizing any form of work stoppage which disrupts the planned educational program of a district, or any portion thereof, or the maintenance of an approved program for less than the minimum number of school days required by law except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW 28A.150.290.

[Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. 10-23-104, § 180-16-164, filed 11/16/10, effective 12/17/10. Statutory Authority: 1990 c 33. 90-17-009, § 180-16-164, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-164, filed 9/12/79; Order 5-73, § 180-16-164, filed 9/6/73.]

WAC 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.

[Statutory Authority: RCW 28A.150.220(4). 02-18-053, § 180-16-191, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.58.754(6). 84-11-043 (Order 2-84), § 180-16-191, filed 5/17/84. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-191, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-191, filed 6/5/78.]

WAC 180-16-195 Annual reporting and review process. (1) **Annual school district reports.** A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with basic education program approval requirements. On or before September 15th of each school year, each school district superintendent shall complete and return the program assurance form (OSPI Form

1497) distributed by the state board of education as a part of an electronic submission to OSPI. The form shall be designed to elicit data necessary to a determination of a school district's compliance or noncompliance with basic education program approval requirements. The form shall be submitted electronically and signed by:

- (a) The school board president or chairperson, and
- (b) The superintendent of the school district.

(2) State board staff review.

(a) State board of education staff shall review each school district's program assurance form, conduct on-site monitoring visits of randomly selected school districts, as needed and subject to funding support, and prepare recommendations and reports for presentation to the state board of education: Provided, That, if a school district's initial program assurance form does not establish compliance with the basic education program approval requirements, the district shall be provided the opportunity to explain the deficiency or deficiencies. School districts which foresee that they will not be able to comply with the program approval requirements, or that are deemed by the state board to be in noncompliance, may petition for a waiver on the basis of substantial lack of classroom space as set forth in WAC 180-16-225 and instructional hours offering requirements under WAC 180-18-030.

(b) School districts may use the personnel and services of the educational service district to assist the district and schools in the district that are out of compliance with basic education program approval requirements.

(3) Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.

(a) At the November meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify by motion each school district as being in compliance or noncompliance with the basic education program approval requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary by the state board of education or advisable by the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance or noncompliance with the program approval requirements.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of state board of education staff, subject to review by the state board. Basic education allocation funds shall be deducted from the basic education allocation of a school district that has been certified as being in noncompliance unless such district has received a waiver from the state board for such noncompliance, pursuant to WAC 180-16-225 or 180-18-030, or assurance of program compliance is subsequently provided for the school year previously certified as in noncompliance and is accepted by the state board.

(d) The withholding of basic education allocation funding from a school district shall not occur for a noncompliance if the school district has remediated the noncompliance situation within sixty school business days from the time the district receives notice of the noncompliance from the state board of education. The state board of education may extend

the sixty days timeline only if the district demonstrates by clear and convincing evidence that sixty days is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(e) The superintendent of public instruction, or his/her designee, after notification by the state board of education to a school district regarding an existing noncompliance, shall enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s), not to exceed sixty school business days per noncompliance as specified in (d) of this subsection.

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline shall result in the immediate withholding of the district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, the chair of the district's board of directors, and the superintendent of public instruction, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school district's board of directors and the school district superintendent.

(f) In the event a school district fails to sign the compliance agreement within five school business days from the date of issuance or does not satisfy the terms of the signed compliance agreement within the designated amount of time, the superintendent of public instruction shall withhold state funds for the basic education allocation until program compliance is assured based on the following procedure:

(i) For the first month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold twenty-five percent of the state funds for the basic education allocation to a school district.

(ii) For the second month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold fifty percent of the state funds for the basic education allocation to a school district.

(iii) For the third month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold seventy-five percent of the state funds for the basic education allocation to a school district.

(iv) For the fourth month, and every month thereafter, that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold one hundred percent of the state

funds for the basic education allocation to a school district until compliance is assured.

(g) Any school district may appeal to the state board of education the decision of noncompliance by the state board of education. Such appeal shall be limited to the interpretation and application of these rules by the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section. The state board of education may not waive any of the basic education entitlement requirements as set forth in this chapter, except as provided in WAC 180-16-225 or 180-18-030.

(4) The provisions of subsection (3)(f) of this section shall not apply if the noncompliance is related to the district's fiscal condition and results in the implementation of a financial plan under RCW 28A.505.140(3).

[Statutory Authority: RCW 28A.150.220, 28A.150.250, and 28A.150.260. 11-17-044, § 180-16-195, filed 8/11/11, effective 9/11/11. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6), 02-18-056, § 180-16-195, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.150.250, 28A.150.260 and 28A.15.220 [28A.150.220]. 99-10-091, § 180-16-195, filed 5/4/99, effective 6/4/99. Statutory Authority: RCW 28A.58.754(6), 84-11-043 (Order 2-84), § 180-16-195, filed 5/17/84. Statutory Authority: RCW 28A.04.120, 83-13-002 (Order 3-83), § 180-16-195, filed 6/2/83. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-195, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-195, filed 6/5/78.]

WAC 180-16-200 Total instructional hour requirement. (1)(a) Kindergarten total instructional hour requirement - four hundred fifty hours annual minimum. (See RCW 28A.150.220 (1)(a).)

(b) Grades 1-12 total instructional hour requirement - district-wide annual average of one thousand hours. (See RCW 28A.150.220 (1)(b).) In grades one through twelve school districts may arrange their calendars in any way they determine as long as the district-wide annual average instructional hour requirement is at least one thousand hours.

(2) The basic education program requirements shall be as described under RCW 28A.150.220(1).

[Statutory Authority: Chapter 28A.630 RCW. 01-24-092, § 180-16-200, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. 95-20-086, § 180-16-200, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.410.010, 94-03-104 (Order 5-94), § 180-16-200, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.150.220, 28A.320.200, 28A.150.260 and 1992 c 141. 92-17-053, § 180-16-200, filed 8/17/92, effective 9/17/92. Statutory Authority: RCW 28A.150.220 and [28A.150.]260. 92-05-047, § 180-16-200, filed 2/13/92, effective 3/15/92. Statutory Authority: RCW 28A.04.127 and 28A.41.140. 86-21-020 (Order 15-86), § 180-16-200, filed 10/7/86. Statutory Authority: RCW 28A.58.754(6), 84-11-043 (Order 2-84), § 180-16-200, filed 5/17/84. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-200, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-200, filed 6/5/78.]

WAC 180-16-220 Supplemental basic education program approval requirements. The following requirements are hereby established by the state board of education as related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).

(1) **Current and valid certificates.** Every school district employee required by WAC 181-79A-140 to possess an edu-

cation permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC 181-82-105, 181-82-120, and 181-82-125, respectively.

(2) Annual school building approval.

(a) Each school in the district shall be approved annually by the school district board of directors under an approval process determined by the district board of directors.

(b) At a minimum the annual approval shall require each school to have a school improvement plan that is data driven, promotes a positive impact on student learning, and includes a continuous improvement process that shall mean the ongoing process used by a school to monitor, adjust, and update its school improvement plan. For the purpose of this section "positive impact on student learning" shall mean:

(i) Supporting the goal of basic education under RCW 28A.150.210, "...to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives...";

(ii) Promoting continuous improvement of student achievement of the state learning goals and essential academic learning requirements; and

(iii) Recognizing nonacademic student learning and growth related, but not limited to: Public speaking, leadership, interpersonal relationship skills, teamwork, self-confidence, and resiliency.

(c) The school improvement plan shall be based on a self-review of the school's program for the purpose of annual building approval by the district. The self-review shall include active participation and input by building staff, students, families, parents, and community members.

(d) The school improvement plan shall address, but is not limited to:

(i) The characteristics of successful schools as identified by the superintendent of public instruction and the educational service districts, including safe and supportive learning environments;

(ii) Educational equity factors such as, but not limited to: Gender, race, ethnicity, culture, language, and physical/mental ability, as these factors relate to having a positive impact on student learning. The state board of education strongly encourages that equity be viewed as giving each student what she or he needs and when and how she or he needs it to reach their achievement potential;

(iii) The use of technology to facilitate instruction and a positive impact on student learning; and

(iv) Parent, family, and community involvement, as these factors relate to having a positive impact on student learning.

(3) Nothing in this section shall prohibit a school improvement plan from focusing on one or more characteristics of effective schools during the ensuing three school years.

(4) School involvement with school improvement assistance under the state accountability system or involvement with school improvement assistance through the federal Elementary and Secondary Education Act shall constitute a suf-

ficient school improvement plan for the purposes of this section.

(5) Nonwaiverable requirements. Certification requirements, including endorsements, and the school improvement plan requirements set forth in subsection (2) of this section may not be waived.

[Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. 10-23-104, § 180-16-220, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 28A.150.220, 28A.305.140, and 28A.305.130. 04-23-008, § 180-16-220, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). 04-04-093, § 180-16-220, filed 2/3/04, effective 3/5/04; 02-18-056, § 180-16-220, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.150.250, 28A.150.260 and 28A.15.220 [28A.150.220]. 99-10-091, § 180-16-220, filed 5/4/99, effective 6/4/99. Statutory Authority: RCW 28A.58.754(6), 28A.58.085 and 28A.58.090. 90-01-137, § 180-16-220, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.58.090. 86-20-056 (Order 14-86), § 180-16-220, filed 9/29/86. Statutory Authority: RCW 28A.58.754(6). 86-13-015 (Order 5-86), § 180-16-220, filed 6/10/86; 84-11-043 (Order 2-84), § 180-16-220, filed 5/17/84. Statutory Authority: 28A.04.120(4). 81-08-026 (Order 1-81), § 180-16-220, filed 3/26/81. Statutory Authority: RCW 28A.04.120. 80-06-093 (Order 7-80), § 180-16-220, filed 5/29/80. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. 79-10-033 (Order 10-79), § 180-16-220, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-220, filed 6/5/78.]

WAC 180-16-225 Waiver—Substantial lack of classroom space—Grounds and procedure. (1) **Grounds.** The state board of education may waive one or more of the basic education allocation entitlement requirements set forth in WAC 180-16-200 through 180-16-220(1) only if a school district's failure to comply with such requirement(s) is found by the state board to be caused by substantial lack of classroom space.

As a condition to a waiver based on substantial lack of classroom space the state board will consider and a school district must demonstrate, at least, that the facilities of the school district do not contain enough classroom space or other space that can reasonably be converted into classroom space, and that necessary classroom space may not reasonably be acquired by lease or rental to enable the district to comply with the referenced entitlement requirements.

(2) **Waiver procedure.** In order to secure a waiver pursuant to subsection (1) of this section a school district must submit a petition together with a detailed explanation and documentation in support of its request not later than thirty days prior to either:

(a) The state board of education meeting immediately preceding commencement of the school year; or

(b) The March (or such other meeting as the state board shall have established) meeting of the board at which the board will consider certifications of compliance and noncompliance with these entitlement requirements.

A school district that can reasonably foresee an inability to comply with entitlement requirements by reason of substantial lack of classroom space should petition for a waiver as early as the state board meeting immediately preceding commencement of the school year in order to allow for the possibility that the request may be denied.

[Statutory Authority: RCW 28A.150.220, 28A.305.140, and 28A.305.130. 04-23-008, § 180-16-225, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). 04-04-093, § 180-16-225, filed 2/3/04, effective 3/5/04. Statutory Authority: RCW

28A.58.754(6). 86-13-015 (Order 5-86), § 180-16-225, filed 6/10/86; 84-11-043 (Order 2-84), § 180-16-225, filed 5/17/84. Statutory Authority: RCW 28A.04.120. 83-13-002 (Order 3-83), § 180-16-225, filed 6/2/83; 80-06-093 (Order 7-80), § 180-16-225, filed 5/29/80. Statutory Authority: RCW 28A.41.130 and 28A.58.754. 78-06-097 (Order 3-78), § 180-16-225, filed 6/5/78.]