



SUPERINTENDENT OF PUBLIC INSTRUCTION

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OSPI Update
July 2018

OSPI Vision, Mission, Values, & Equity Statement

Vision: All students prepared for post-secondary pathways, careers, and civic engagement.

Mission: Transform K-12 education to a system that is centered on closing opportunity gaps and is characterized by high expectations for all students and educators. We achieve this by developing equity-based policies and supports that empower educators, families, and communities.

Values:

- Ensuring Equity
- Collaboration and Service
- Achieving Excellence through Continuous Improvement
- Focus on the Whole Child

Equity: Each student, family, and community possesses strengths and cultural knowledge that benefits their peers, educators, and schools.

Ensuring educational equity:

- Goes beyond equality; it requires education leaders to examine the ways current policies and practices result in disparate outcomes for our students of color, students living in poverty, students receiving special education and English Learner services, students who identify as LGBTQ+, and highly mobile student populations.
- Requires education leaders to develop an understanding of historical contexts; engage students, families, and community representatives as partners in decision-making; and actively dismantle systemic barriers, replacing them with policies and practices that ensure all students have access to the instruction and support they need to succeed in our schools.

OSPI Strategic Plan and Drivers

1. Core Instruction for All
2. Comprehensive Supports for All
3. Dual Language for All
4. Multiple Pathways for All
5. Expanded Learning for All

Absence Rules Update

The Office of Superintendent of Public Instruction (OSPI) has adopted the new Chapter 392-401 of the Washington Administrative Code (WAC). This chapter defines an absence and reasons for excused absences. OSPI revised the absence rules to create more consistent reporting, which will increase data quality and comparability as accountability and visibility of chronic absenteeism increases. To view the permanent rules, visit the [OSPI Attendance Laws & Policies webpage](#).

OSPI adopted the absence rules on May 3. The rules will become effective on August 1. OSPI did not make substantial changes in response to written comments and public testimony received at the rulemaking hearing.

The permanent rule contains the following changes:

Definition of absence. The new proposed Chapter 392-401 WAC defines an absence as when a student is:

- (a) Not physically present on school grounds; and
- (b) Not participating in the following activities at an approved location:
 - (i) Instruction;
 - (ii) Any instruction-related activity; or
 - (iii) Any other district or school approved activity regulated by an instructional/academic accountability system, such as participation in district-sponsored sports.

Guidance. OSPI has determined the phrase, “not physically present on school grounds” should be broadly interpreted as a student not in their assigned or expected setting, and still on school property. Therefore, according to the adopted definition, a student skipping class but still on campus should be considered absent.

Additionally, this rule is not intended to change the practice of teachers taking daily and period attendance, or from marking a student absent from class when they are participating in school-related instructional events and therefore not in their assigned class, for example. This is to ensure the safety and whereabouts of every student and to maintain data accuracy. Local student information systems typically are able to differentiate between types of absences, which can include the use of an “Other” or “Exempt” code. OSPI encourages districts to work with their student information system administrator or service provider to receive support in this area.

Assessment Waiver Update

2017 legislation (ESHB 2224) allows some students in the classes of 2014 through 2018, who are eligible, to have their assessment graduation requirements waived (in English language arts, math, or both). Over 1,500 students have accessed the waiver, enabling them to get their high school diploma after demonstrating a viable pathway after high school.

To obtain a waiver, the student must have met all other graduation requirements. The student must also demonstrate that he/she has attained the skills and knowledge to meet the high school standards and possesses the skills to achieve the college or career goals established in his or her high school and beyond plan. There are several ways to demonstrate the

requirements. More information is available on the [Expedited Assessment Appeals Waiver](#) webpage, including how districts can submit waiver requests on behalf of the students.

For more information, please contact Deb Came, Assistant Superintendent of Assessment and Student Information at 360-725-6088 or email deb.came@k12.wa.us.

Braiding Federal and State Funding

Live link will be posted in August.

Discipline Update

Office of Superintendent of Public Instruction's revisions to [Chapter 392-400](#) of the Washington Administrative Code (WAC), which provides rules regarding how public school districts may administer student discipline, including notice for parents and due process protections for students who are suspended or expelled.

Over the past nine months, OSPI has undertaken a rulemaking initiative intended to comprehensively re-write the student discipline rules for the purpose of improving their clarity and readability, clarifying requirements in [House Bill 1541](#) (2016), and increasing opportunities for families to participate in the development of discipline policies and in resolving discipline-related issues. On September 6, 2017, OSPI filed its first proposed revisions to Chapter 392-400 WAC. Following a public comment period, including public hearings held across the state, OSPI made several revisions to the proposed rules. The supplemental revised rules, filed on February 21, 2018, substantially differed from the initial proposal; accordingly, OSPI reopened the rulemaking proceedings for further comments, holding public hearings in Tukwila on March 30, 2018; in Olympia on April 2, 2018; and in Spokane on May 2, 2018.

OSPI has carefully reviewed all of the written and oral comments we received over the rulemaking period. Based on those comments, OSPI is proposing to make further revisions to the student discipline rules and will be reopening the proceedings for public comment on the new proposed revisions. These revisions include, among other things, proposed modified effective dates that are intended to provide school districts ample time to implement new due process procedures, and to give districts, parents, teachers, and communities an opportunity to work together to develop appropriate local policies and become familiar with the new student discipline rules.

The supplemental proposed rules will be formally published in the Washington State Register next week. You'll find a copy of the proposed rules attached to this email, showing the latest changes that OSPI has made. Language that's been added to the proposed rules is underlined like this. Language that's been removed from the proposed rules has strikethroughs, ~~like this~~.

Highlights of the Proposed Rules

The following information provides a summary of the supplemental revisions to the student discipline rules that will be formally published next week.

Effective dates

To provide ample time for school districts to implement new due process procedures, train school personnel, and engage with parents, teachers, and communities to develop appropriate local student discipline policies, OSPI is proposing the following new effective dates:

The following *current rules* will remain effective, as amended, for the 2018-19 school year only:

- WAC 392-400-225 (School district rules defining misconduct—Distribution of rules)
- WAC 392-400-230 (Persons authorized to impose discipline, suspension, or expulsion upon students)
- WAC 392-400-233 (Absences, tardiness, and school meals)
- WAC 392-400-235 through 392-400-285 (Discipline, short-term and long-term suspensions, and expulsions)
- WAC 392-400-295 through 392-400-305 (Emergency expulsions)
- WAC 392-400-310 through 392-400-320 (Long-term suspension and expulsion appeals)
- WAC 392-400-410 (Appeal for extension of an expulsion)

The following *proposed rules* will be effective starting in the 2018-19 school year:

- WAC 392-400-010 (Purpose)
- WAC 392-400-015 (Authority)
- WAC 392-400-020 (Application)
- WAC 392-400-023 (Definitions)
- WAC 392-400-330 and 392-400-335 (Classroom exclusions)
- WAC 392-400-610 (Educational services)
- WAC 392-400-710 (Reengagement)
- WAC 392-400-805 (Fundamental rights)
- WAC 392-400-810 (Exceptions for the purposes of protecting victims)
- WAC 392-400-815 (Behavior agreements)
- WAC 392-400-820 (Firearm exceptions)
- WAC 392-400-825 (Corporal punishment, restraint, and isolation)
- WAC 392-400-830 (School meals)

The following *proposed rules* will become effective starting in the 2019-20 school year:

- WAC 392-400-025 (Definitions)
- WAC 392-400-110 (Discipline policies and procedures)
- WAC 392-400-430 through 392-400-480 (Suspensions and expulsions)
- WAC 392-400-510 through 392-400-530 (Emergency expulsions)

Classroom exclusion

The definition of classroom exclusion is revised to clarify that a classroom exclusion does not include actions that result in missed instruction for a brief duration when (a) a teacher or other school personnel attempts other forms of discipline to support the student in meeting

behavioral expectations, and (b) the student remains under the supervision of the teacher or other school personnel during such brief duration.

WAC 392-400-023 and 392-400-025

Emergency expulsions

The proposed rules are revised to authorize the use of emergency expulsions in situations where a student's presence poses an immediate and continuing threat of material and substantial disruption of the educational process. The revision also clarifies that an "immediate and continuing threat of material and substantial disruption of the educational process" means (a) the student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day, and (b) school personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

WAC 392-400-025 and 392-400-510 through 392-400-530

Educational Services

The proposed rules are revised to remove language regarding the administrative transfer of students. The proposed rules are further revised to provide that, during a suspension, expulsion, or emergency expulsion, school districts must provide students the opportunity to receive educational services that enable the student to (a) continue to participate in the general education curriculum; (b) meet the educational standards established within the district; and (c) complete subject, grade-level, and graduation requirements. In addition, the proposed rules are revised to incorporate the language of [RCW 28A.600.020\(7\)](#).

WAC 392-400-610

End Date of Suspensions and Expulsions

The proposed rules are revised to clarify that if a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless (a) the school district superintendent or designee grants a petition to extend a student's expulsion; (b) the student is excluded from the student's regular educational setting for the purpose of protecting victims of certain offenses; or (c) the student is otherwise precluded under law from returning to the student's regular educational setting.

WAC 392-400-430

Suspensions and Expulsions Administered by Another School District

The provision in the proposed rules regarding long-term suspensions and expulsions administered by another school district is removed.

Exceptions for the Purpose of Protecting Victims

A new section is added to clarify that, in accordance with RCW [28A.600.460](#), a school district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses.

WAC 392-400-810

School Meals

The rules are revised to incorporate the provision under the [Hunger-Free Students' Bill of Rights Act](#) providing that a school district may not administer discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

WAC 392-400-830

Written Comments

OSPI welcomes and encourages comments on the proposed supplemental revisions. Please submit written comments to Dierk Meierbachtol, OSPI Chief Legal Officer, by July 17, 2018, at 5:00 p.m.

Dierk Meierbachtol, Chief Legal Officer
Office of Superintendent of Public Instruction
PO Box 47200, Olympia, WA 98504-7200
Email: DisciplineRuleComments@k12.wa.us

Public Hearings

OSPI will hold a public hearing to receive comments about the proposed supplemental revisions:

July 18, 2018 | 10:30 a.m.
Office of Superintendent of Public Instruction
Brouillet Room
600 Washington St. SE, Olympia, WA 98504

Those wishing to testify at the July 18, 2018, hearing in Olympia should arrive by 10:30 p.m.

OSPI Budget Survey

In late April, OSPI opened up a survey to the public asking them to share their priorities for public K-12 education in Washington. In the six weeks the survey was open, OSPI received over 30,000 responses from people all over the state. Two-thirds of the respondents reported that they work in public K-12 education in Washington, and of this, two-thirds said they were teachers. Of the third of respondents who said they do not work in public K-12 education, two-thirds said they were a parent or guardian of a student in Washington's K-12 schools. The most important priority reported was student support services such as counseling, advising, and mental health. The other top issues identified were class size reductions, financial incentives to recruit and retain educators, school safety, effective buildings and facilities for learning, and access to career and technical education and work-based learning opportunities. Superintendents maintained alignment with teachers and parents/guardians on the importance of all priorities with the exception of class size reductions, which teachers rated as the most important issue, parents/guardians rated as the fifth most important, and superintendents rated as the least important.

In mid-summer, OSPI will open a second survey to the public asking participants to determine how much funding they would allocate to each priority, given a set amount.

Paraeducator Update

The Paraeducator Board has provided further guidance for minimum employment requirements and the timelines to meet the requirements in [SB 6388](#).

Minimum Employment Requirements: [SB 6388](#) and [WAC 179-03-020](#)

Be at least eighteen years of age and hold a high school diploma or its equivalent*, as described in [WAC 179-03-022](#) (on the second page of this flyer); **and**

(b) In addition, a paraeducator must meet one or more of the following:

- (i) Have received a qualifying score of 461 on the Education Testing Service ParaPro Assessment; **or**
- (ii) Hold an associate degree or higher from an accredited college or university; **or**
- (iii) Have earned seventy-two quarter credits or forty-eight semester credits at the one hundred level or higher at an accredited college or university; **or**
- (iv) Have completed an apprenticeship as a paraeducator, in a program registered with the Washington State Apprenticeship and Training Council.

*The Paraeducator Board has further articulated what is considered the equivalent of a high school diploma. Please refer to the [Paraeducator Board flyer](#).

Timelines: [SB 6388](#) and [WAC 179-03-020](#)

- **Newly employed paraeducators** are those who have not previously worked as a paraeducator for the employing school district. These newly employed paraeducators must meet the minimum employment requirements prior to the date of hire for the 2018-19 school year, or any subsequent year.
- **Current or previously employed paraeducators** are those who have worked as a paraeducator for the employing school district before or during the 2017–18 school year. These paraeducators must meet the minimum employment requirements by the date of hire for the 2019-20 school year or any subsequent school year.

For more information and upcoming news on paraeducators, please go to the [PESB Paraeducator Board](#) website and register for news and updates.

Restraint and Isolation State Reporting Requirement

On December 5, 2017, the Office of Superintendent of Public Instruction (OSPI) issued [Bulletin No. 094-17](#) Restraint and Isolation Data Gathering 2016–17. The bulletin provided information relative to reporting data on the use of restraint or isolation of all district students during the 2016–17 school year as required by [RCW 28A.600.485](#) and [WAC 392-172A-02110](#). These data were due from the district on January 1, 2018.

Over half of the districts in the state did not complete the required report. OSPI has re-opened the restraint and isolation data submission application for the 2016–17 school year in order to allow for district submissions to take place through the end of June. The Restraint and Isolation

application can be found under *My Applications* in EDS at <http://eds.ospi.k12.wa.us>. Please refer to Bulletin No. 094-17 for additional background and reporting instructions.

Letters to superintendents will be mailed electronically and snail mail beginning on Friday, July 22. During the 2018–19 school year, OSPI will be providing technical assistance and professional development for districts regarding the appropriate use of restraint and isolation, and will be clarifying the definitions and updating the data collection tool and timeline for reporting.

For more information, please contact Mike Donlin, School Safety Program Supervisor at 360-725-6041 or email mike.donlin@k12.wa.us.

Safety Net Update

The State Special Education Oversight Committee met June 13 and 14 to review LEA high need individual safety net applications. The Committee recommends conditional awards totaling \$56,217,904 for 2,789 applications. Almost 93 percent of all applications reviewed were recommended for funding. Should an application be unfunded, LEAs may request review and reconsideration of the Committee decision. Deadline for this request is July 16, and letters are going out to districts Tuesday, June 26.

The Safety net Legislative Workgroup met June 20, to review their draft recommendations to the Safety Net process. They anticipate having the draft document out for public input in early July–early August, to enable them to provide final recommendations to the Superintendent by September 1. They are anticipating soliciting public input from the following stakeholder groups:

- Washington Association of School Business Officials
- Washington Association of School Administrators
- LEA Superintendents, Business Officials, and Special Education Directors
- ESD Superintendents, Business Officials, and Special Education Directors
- Educators (WEA and PSE)
- Legislators and Legislative staff
- Parents of Students with Disabilities
- Advocates for Students with Disabilities
- SEAC

For more information, please contact Glenna Gallo, Assistant Superintendent of Special Education at 360-725-6075 or email Glenna.gallo@k12.wa.us.

School Day Task Force

OSPI has been tasked with convening a workgroup in order “to make recommendations to define the duties and responsibilities that entail a “school day” under the state’s statutory program of basic education under [RCW 28A.150.220](#) and [28A.150.260](#).” This exercise is far more than a technical analysis. The approach will be student-centered with an emphasis on closing gaps and outcomes.

Our plan moving forward is to have “representatives of diverse school districts and education stakeholders” on the workgroup and are emailing you today to request your recommendations. We encourage you to identify representatives from your organization that can offer both a technical and student-centered approach to the discussion. My final recommendations are due to the education policy and operating budget committees of the legislature by January 14, 2019. OSPI plans to have a total of three meetings to complete the workgroup objectives with the acknowledgement that if more are needed we will have ample time to add an additional meeting.

The objectives of this workgroup will be to create a set of recommendations that consider:

1. The professional responsibilities, time, and effort required to provide the state’s statutory program of basic education that exceed the required number of instructional hours specified in RCW 28A.150.220.
2. Duties covered by state salary allocations that may be outside of school instructional time including, but not limited to, direct instruction required in RCW 28A.150.220.
3. The necessary preparations, planning, and coordination for that instruction; meeting with and collaborating with parents and other teachers or other staff regarding the program of basic education; and the necessary evaluation of student learning from that instruction.

School Safety Update

OSPI is in the process of implementing state budget proviso 501(69) regarding regional student safety programs (\$722,000 for FY 18-19). The primary goal is to develop capacity for regional threat assessment. ESD 114 and ESD 105 are the lead ESDs, but each of the ESDs will be participating in the initiative, offering training and support to districts in their region.

Related, OSPI will be applying for federal “STOP” funding to further expand this regional threat assessment capacity. Again, we will be using ESDs as the vehicle to build this out. This is a competitive grant opportunity offered through the Department of Justice Bureau of Justice Assistance. We will be competing for one of 4 awards nationally.

The 3rd Annual Safety Summit is scheduled for August 6 at Puget Sound ESD 121, in Renton. The summit will be followed on August 7 by an annual strategic planning session of the WA Safety Center Advisory Committee.

Staffing Enrichment Workgroup

Workgroup starting soon. Report due to the Legislature in December 2019.