



# **SCHOOL BOARD ACTION REPORT**

**DATE:** May 31, 2019  
**FROM:** Ms. Denise Juneau, Superintendent  
**LEAD STAFF:** JoLynn Berge, Chief Financial Officer, [jdberge@seattleschools.org](mailto:jdberge@seattleschools.org);

**For Introduction:** June 26, 2019  
**For Action:** July 10, 2019

## **1. TITLE**

Amending Board Policy No. 6100, Revenues from Local, State, and Federal Sources

## **2. PURPOSE**

This Board Action Report makes edits to Board Policy No 6100, Revenue from Local, State, and Federal Sources, in order to meet new requirements in state law. These edits modify language describing local enrichment levies and adds a requirement for the board of directors to conduct a public hearing within thirty days of the issuance of any audit findings issued by the state auditor, related to the use of local revenues by the district in accordance with RCW [28A.320.245](#) and [28A.150.276](#).

## **3. RECOMMENDED MOTION**

I move that the School Board amend Board Policy No. 6100, Revenues from Local, State, and Federal Sources, as attached to the Board Action Report.

## **4. BACKGROUND INFORMATION**

As part of recent legislation to increase the state funding of basic education, legal restrictions were placed on school district local funds raised through property taxes. Specific limitations regarding what is considered appropriate uses for levy funds are documented within RCW 28A.150.276 Local revenues – Enrichment of program of basic education – “Local revenues” defined.

To ensure that school district local revenues are used solely for the purposes of enriching the state’s statutory program of basic education, starting with the FY19-20 school year, the state auditor’s office is required to audit the use of these funds. If the audit results in findings that a school district has failed to comply with these requirements, the district board of directors must conduct a public hearing within thirty days of the issuance of the findings.

The proposed changes to Board Policy No. 6100 are necessary to reflect the changes to local revenue requirements and to incorporate the need for a public hearing if any audit findings are issued related to use of enrichment levies. WSSDA’s model policy was reviewed as part of this work.

**5. FISCAL IMPACT/REVENUE SOURCE**

Fiscal impact to this action will be \$0.

The revenue source for this motion is \$0.

Expenditure:  One-time  Annual  Multi-Year  N/A

Revenue:  One-time  Annual  Multi-Year  N/A

**6. COMMUNITY ENGAGEMENT**

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

This is a legal compliance issue.

**7. EQUITY ANALYSIS**

Recent new laws require a change in how the district policy on revenue reflects new language and requirements related to enrichment or local property tax revenue usage and compliance. In addition to incorporating this new language into the policy, changes have been proposed to add alignment of revenue sources to district racial and equity goals.

**8. STUDENT BENEFIT**

Incorporating the new legal requirements allows the district to continue to collect and utilize enrichment levy funds to provide resources above the state’s basic education allocations so funds can be used to differentiate and enhance resources to meet the needs of students who need more supports and opportunities to succeed academically.

**9. WHY BOARD ACTION IS NECESSARY**

Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)

Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)

Adopting, amending, or repealing a Board policy

Formally accepting the completion of a public works project and closing out the contract

Legal requirement for the School Board to take action on this matter

Board Policy No. \_\_\_\_\_, [TITLE], provides the Board shall approve this item

Other: \_\_\_\_\_

**10. POLICY IMPLICATION**

This motion would update Policy No. 6100, Revenues from Local, State and Federal Sources to incorporate new language describing local enrichment levies and documenting the requirement of a public hearing if a state audit identifies a finding based on the use of local revenues.

**11. BOARD COMMITTEE RECOMMENDATION**


This motion was discussed at the A&F Committee meeting on June 10, 2019. The Committee reviewed the motion and has moved it forward for consideration.

**12. TIMELINE FOR IMPLEMENTATION**

Upon approval of this motion, Board Policy No. 6100, Revenues from Local, State, and Federal Sources, will go into effect immediately and the revised policy will be posted online.

**13. ATTACHMENTS**

- Board Policy No. 6100, Revenues from Local, State, and Federal Sources – clean (for approval)
- Board Policy No. 6100, Revenues from Local, State, and Federal Sources – redline (for reference)
- RCW 28A.150.276 Local revenues – Enrichment of program of basic education – “Local revenues” defined.
- RCW 28A.320.245 Responses to audit findings on use of local revenues – Policies-Hearings-Disciplinary actions.
- WSSDA model policy and Legal News (for reference)

	<p>REVENUES FROM LOCAL, STATE AND FEDERAL SOURCES</p>	<p>Policy No. 6100  July 10, 2019  Page 1 of 2</p>
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It is the policy of the Seattle School Board to pursue systematically those funding opportunities that are consistent with district priorities from federal, state, and other governmental units, as well as from private and foundation sources. Sources of funding opportunities may come from local taxes, revenues from local, state or federal resources and/or from grants.

**Revenues from Discretionary Local Taxes and Bonds**

The Seattle School Board may submit for voter approval enrichment levies for supplementing the general fund and for capital projects fund purposes, when appropriate, and to issue bonds for major capital improvements and to invest idle funds in U.S. Securities or as otherwise permitted by law, and obtain state aid or other finances whenever possible.

The Board will solicit advice from staff and the community prior to establishing the amount and purposes of the enrichment levy request and ensure that local revenues are only used for documented and demonstrated enrichment of the state’s statutory program of basic education as authorized in RCW 28A.150.276.

**Revenues from State Resources**

The responsibility for financing basic education in Washington falls upon the state. To provide educational services beyond the levels possible under the basic education allocation, and permit the district to focus on closing the opportunity gap and create learning communities that provide support and academic enrichment programs for all students, the district must depend upon state and federal special purpose funding programs and grants or enrichment property tax levies approved by district voters.

**Revenues from the Federal Government**

The objective of the Board is to provide the best educational services possible within resources available to the district. Federal grants and programs may provide helpful financial resources towards pursuing that objective.

**Compliance**

The Board agrees to comply with all federal and state requirements that may be a condition for the receipt of federal or state funds.

Activities will include, but are not limited to:

1. Maintenance of fiscal records which show the receipt and disposition of such funds;
2. Provision for eligible private school students to participate in programs and/or services designed for the educationally disadvantaged as well as other programs which are supported by federal and state funds;
3. Provision for staff and parent/guardian involvement, program planning, budget development, and program evaluation as contained in statutes and regulations;
4. The targeting of resources to student populations as required by statutes and regulations and to focus on educational and racial equity;
5. The provision of a district-wide salary schedule for employees;
6. The equitable provision of staff from school to school;
7. The equitable provision of instructional materials from school to school; and
8. Conducting a public hearing, within thirty days of the issuance, if the state auditor issues a finding that the district failed to comply with the restrictions for local enrichment levies.

Furthermore, the Board grants authority to directors and staff to participate in the development of any state and/or federal regulations deemed to be necessary for the implementation of federally-funded programs.

Adopted: February 2012

Revised: July 10, 2019

Cross Reference:

Related Superintendent Procedure:

Previous Policies: G27.00; G32.00

Legal References: RCW 28A.150.230 Basic Education Act — District school directors' as responsibilities; 28A.150.250 Annual basic education allocation — Full funding — Withholding of funds for noncompliance of (Effective September 1, 2011); 28A.150.370 Additional programs for which legislative appropriations must or may be made; 28A.300.070 Receipt of federal funds for school purposes — Superintendent of public instruction to administer; 84.52.0531 Levies by school districts — Maximum dollar amount for maintenance and operation support — Restrictions — Maximum levy percentage — Levy reduction funds — Rules. (Effective January 1, 2019); Chapter 180-16 WAC State Support of Public Schools; Public Law 81-874; WAC 392-123-115 Monthly budget status reports; 28A.150.276 Local revenues — Enrichment of program of basic education — "Local revenues" defined.; 28A.320.245 Responses to audit findings on use of local revenues-Policies-Hearings-Disciplinary actions  
Management Resources:



REVENUES FROM  
LOCAL, STATE AND  
FEDERAL SOURCES

Policy No. 6100

~~February 15,~~  
~~2012~~ July 10, 2019

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Activities will includeing, but are not limited to:-

1. Maintenance of fiscal records which show the receipt and disposition of such funds;-
2. Provision for eligible private school students to participate in programs and/or services designed for the educationally disadvantaged as well as other programs which are supported by federal and state funds;-
3. Provision for staff and parent/guardian involvement, program planning, budget development, and program evaluation as contained in statutes and regulations;-
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5. The provision of a district-wide salary schedule for employees;-
6. The equitable provision of staff from school to school;-
7. The equitable provision of instructional materials from school to school; and
- 7.8. Conducting a public hearing, within thirty days of the issuance, if the state auditor issues a finding that the district failed to comply with the restrictions for local enrichment levies.

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Management Resources:

## **RCW [28A.150.276](#)**

### **Local revenues—Enrichment of program of basic education—"Local revenues" defined.**

(1)(a) Beginning September 1, 2018, school districts may use local revenues only for documented and demonstrated enrichment of the state's statutory program of basic education as authorized in subsection (2) of this section.

(b) Nothing in this section revises the definition or the state funding of the program of basic education under RCW [28A.150.220](#) and [28A.150.260](#).

(c) For purposes of this section, "local revenues" means enrichment levies collected under RCW [84.52.053](#), local effort assistance funding received under chapter [28A.500](#) RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, except that "local revenues" does not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW [28A.150.250](#).

(2)(a) Enrichment activities are permitted under this section if they provide supplementation beyond the state:

(i) Minimum instructional offerings of RCW [28A.150.220](#) or [28A.150.260](#);

(ii) Staffing ratios or program components of RCW [28A.150.260](#), including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components of RCW [28A.150.200](#), [28A.150.220](#), or [28A.150.260](#);

or

(iv) Program of professional learning as defined by RCW [28A.415.430](#) beyond that allocated pursuant to RCW [28A.150.415](#).

(b) Permitted enrichment activities consist of:

(i) Extracurricular activities, extended school days, or an extended school year;

(ii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(iii) Activities associated with early learning programs;

(iv) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under this subsection; and

(v) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under (a) of this subsection and for which the superintendent approves proposed expenditures during the preballot approval process required by RCW [84.52.053](#) and [28A.505.240](#).

(3) In addition to the limitations of subsections (1) and (2) of this section and of RCW [28A.400.200](#), permitted enrichment activities are subject to the following conditions and limitations:

(a) If a school district spends local revenues for salary costs attributable to the administration of enrichment programs, the portion of administrator salaries attributable to that purpose may not exceed twenty-five percent of the total district expenditures for administrator salaries; and



(b) Supplemental contracts under RCW [28A.400.200](#) are subject to the limitations of this section.

(4) The superintendent of public instruction must adopt rules to implement this section.

[ [2018 c 266 § 301](#); [2017 3rd sp.s. c 13 § 501](#).]

**NOTES:**

**Intent—2017 3rd sp.s. c 13:** See note following RCW [28A.150.410](#).

## **RCW 28A.320.245**

### **Responses to audit findings on use of local revenues—Policies—Hearings—Disciplinary actions.**

Before the beginning of the 2019-20 school year, each school district board of directors must adopt a policy for responding to any audit findings resulting from the audits conducted by the state auditor on the use of local revenues by the school district in accordance with RCW 28A.150.276 and 43.09.2856. The policy must require a public hearing by the school district board of directors of the findings of the state auditor within thirty days of the issuance of the findings; and may include progressive disciplinary actions for the district superintendent, which may be implemented by the school district board of directors.



## Budget Work Session Presentation

April 3, 2019

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While Seattle Public Schools endeavors to only post documents optimized for accessibility, due to the nature and complexity of some documents, an accessible version of the document may not be available. In these limited circumstances, the District will provide equally effective alternate access.

For questions and more information about this document, please contact the following:

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This Board Action Report makes edits to Board Policy No 6100, Revenue from Local, State, and Federal Sources, in order to meet new requirements in state law.

# Policy & Legal News

HELPING SCHOOL DISTRICTS TRANSLATE LAW INTO ACTION

**Boundaries** prevent sexual abuse of students

**ALSO FEATURED:** Local funds, enrichment,  
and audits (oh my!)

  
**WSSDA**

**MARCH 2019**

WASHINGTON STATE SCHOOL  
DIRECTORS' ASSOCIATION

## Policy Classifications

### ESSENTIAL

- Policy is required by state or federal law; or
- A specific program requires a policy in order to receive special funding.

### ENCOURAGED

- While not required by law, policy is intended to reflect the spirit of existing state or federal law thus inuring districts to potential litigation;
- While not required by law, policy has potential to benefit the health, safety, and/or welfare of students, employees, directors, and/or the local community.

### DISCRETIONARY

- Policy addresses an action likely deemed important by the board; or
- Policy would likely be deemed appropriate due to special circumstances of the board; or
- Policy communicates district philosophy that a board may want to promote to employees and/or the community.

**A**merican philosopher, Eric Hoffer said, “Our greatest weariness comes from work not done.” I agree. It is not the work that troubles me (I love the work), but the exhausting worry that it isn’t enough. Knowing the scope of your work as school directors, you might feel similarly. Helen Keller’s words help ease the angst. She said, “I long to accomplish a great and noble task, but it is my chief duty to accomplish humble tasks as though they were great and noble. The world is moved along, not only by the mighty shoves of its heroes, but also by the aggregate of the tiny pushes of each honest worker.” I hope the tiny pushes and small steps of this spring edition will support you, your board, and your district in moving forward.

Inside this edition, you will find an important article on preventing the sexual abuse of students. School boards, administrators, and educators all have a role in preventing sexual abuse of students by educational staff members and volunteers. Although the individuals who engage in sexual misconduct with students constitute only a minuscule percentage of educators, they do disproportionate and severe harm to students, districts, and the teaching profession. The aim of this article and the revisions to the associated model policy and procedure is to help you protect students, educators, the profession, and your district through your board’s policy.

You’ll also find an article about revisions to policies pertaining to local funds, enrichment, and audits. The article focuses on provisions of Engrossed House Bill (EHB) 2242 that have just become effective or will become effective for the 2019-2020 school year. Unfortunately, the confusion about the real need to raise local money continues, despite the Legislature’s response to the *McCleary* decision. The good news is that complying with the requirement to track and use local funds separately from other funds is fairly straightforward. The accompanying revisions to model policy will have you ready for an audit.

Lastly, please know that the student discipline policies and procedures for the 2019-2020 school year are coming soon. As you know, student discipline has been undergoing a sea change. It started in 2016 with the passage of House Bill (HB) 1541. It then took years of stakeholder engagement to complete the rulemaking process necessary for implementing that legislation. Some of those new rules went into effect last summer and the

remainder will go into effect on July 1, 2019. We’re in the process of completing the new policies and procedures now. As soon as they’re ready, we’ll send them out in a policy alert.



Best,  
Abigail Westbrook, J.D.,  
Editor

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## ★ UPDATES

The following WSSDA model policies and procedures have been revised. For your convenience, updated marked-up documents are included with this issue of *Policy & Legal News*.

**ESSENTIAL**

- 3120P – Enrollment
- 3205 – Sexual Harassment of Students Prohibited
- 6100 – Revenues From Local, State, and Federal Sources (newly reclassified)

**ENCOURAGED**

- 5253/5253P/5253F – Maintaining Professional Staff/Student Boundaries
- 6020 – System of Funds and Accounts

**DISCRETIONARY**

- 5281 – Disciplinary Action and Discharge

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As stated in WSSDA Policy 1310, “Non-substantive editorial revisions and changes in administrative, legal and/or cross-references need not be approved by the board.”

# Preventing the sexual abuse of students

**School boards, administrators, and educators all have a role in preventing sexual abuse of students by educational staff members and volunteers.**

Studies reveal that almost 10% of students experience some type of sexually inappropriate talk or conduct from educators sometime between kindergarten and high school graduation<sup>1</sup>. Please do not mistake anything here to be an attack on educators or the teaching profession. The individuals who engage in sexual misconduct with students constitute only a minuscule percentage of educators. However, these small numbers of people often commit this misconduct repeatedly, doing disproportionate and severe harm to students and the profession. The aim of this article and the revisions to the associated model policy and procedure is to help you protect students, educators, the profession, and your district through your board's policy.

In 2010, WSSDA developed **Model Policy and Procedure 5253 – Maintaining Professional Staff/Student Boundaries**, which was the first board policy and procedure in the nation establishing professional boundaries and defining such boundaries in relation to inappropriate boundary invasions. There neither was, nor is presently, a legal requirement to adopt this policy<sup>2</sup>. However, advocates

<sup>1</sup>Charole Shakeshaft, Ph.D., *Educator Sexual Misconduct a synthesis of Existing Literature*, prepared for the U.S. Dept. of Education (2004). <sup>2</sup>This policy is categorized as "Encouraged," meaning it is not required by law, but intended to reflect the spirit of existing state or federal law thus inuring districts to potential litigation; and/or has potential to benefit the health, safety, and/or welfare of students, employees, directors, and/or the local community.

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**Model Policy, Procedure,  
& Form 5253**  
Maintaining  
Professional Staff/  
Student Boundaries

**Model Policy 3205**  
Sexual Harrassment  
of Students

**Model Policy 5281**  
Disciplinary Action  
Discharge

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for children and public entity insurers have credited the policy with preventing the sexual abuse of students, protecting educators from allegations, and protecting districts from claims that they failed to provide appropriate supervision against predatory employees. Even so, concerns about sexual assault and molestation claims are rising.

From 2014 to 2018, sexual assault and molestation claims rose 53 percent in Washington as compared to the prior four-year period. Additionally, a recent K-12 study based in California found that although sexual abuse and molestation claims constituted less than two percent of all claims, they accounted for almost 40 percent of claim costs in excess of \$1 million.

Of course, the monetary cost of claims does not adequately measure the whole impact of these situations. A claim that an educator sexually abused a student or that a district failed to identify and adequately address sexual abuse creates immediate disruption within every aspect of a public school district. In fact, it can be devastating; here are some of the factors why:

- In the K-12 setting, the victims are often part of the special education program.
- There may be several victims, abused over multiple years.
- The victims may have suppressed memories, and might be processing emotions concurrent with the investigation process.
- Victims, their families, and friends may attend the same school and community functions as the abuser.
- The offender, whether a teacher, coach, or volunteer, is often an admired and trusted member of the community

**“From 2014 to 2018, sexual assault and molestation claims rose 53 percent in Washington as compared to the prior four-year period.”**

**“Stopping sexual misconduct against students starts with a districtwide commitment to professional standards, relationships, and boundaries.”**

In addition to the increased claims already seen, several factors indicate that a further increase in sexual assault claims is likely. These factors include growing public discourse and awareness about sexual assault, including hashtag movements and social media stimuli. At the same time, national news regularly features stories of payoffs seeking to hide inappropriate sexual behavior by prominent figures. Unsurprisingly, we see increased scrutiny of public official behavior and movements to examine, identify, and end societal tolerance of sexual abuse and assault. In sum, these national (and international) movements will likely lead to an increase in claims of sexual misconduct in the public education context.

Given all these considerations, we’ve revised **Model Policy and Procedure 5253 – Maintaining Professional Staff/Student Boundaries** to reflect lessons learned over the past nine years, and reduce the risk for students, educators, and districts. The revisions include several small but important clarifications, but the foundation of the policy remains committing to professional boundaries.

#### **Professional Boundaries and Boundary Invasion**

Stopping sexual misconduct against students starts with a districtwide commitment to professional standards, relationships, and boundaries. The right type of relationship between educators and students—sound, trusting, and respectful—requires what can be a tricky balance. It is understandable that educators want to be friendly with and caring towards their students. However, the fundamental relationship between educators and students includes a power differential that makes it inherently unequal and susceptible to exploitation, whether of a mild or severe expression.

Importantly, educators do not need to become personal friends with their students to teach them successfully. Instead, successful teaching and learning flourishes in an environment of respect—an advanced form of caring. Respect for students and for the profession itself is the core of professional boundaries. The bedrock principle is that educators should not attempt to meet their own social needs through the educator/student relationship.

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**Model Policy, Procedure,  
& Form****5253****Model Policy****3205****Model Policy****5281**

This demarcation acknowledges the unequal nature of the educator/student relationship and prevents misuse of that unequal nature.

Maintaining a professional boundary between educators and students protects everyone. According to the

research, some educators may not initially have or be conscious of a predatory motivation when they developed what felt like a special relationship with a student. However, after developing that “special relationship,” they eventually allowed themselves to engage in sexual misconduct. It appears that these educators neither understood the significance of the professional boundary nor its full extent. The policy and procedure revisions seek to clarify where that bright line lies. For example, the revised procedure explicitly prohibits staff members from engaging with students on social networking sites, including prohibiting staff from “friending” or “following” students on social media.

Professional boundaries protect students by preventing sexual grooming. In the education setting, it is unlikely for an educator to commit serious sexual misconduct by suddenly grabbing a student. Rather, 99.9% of serious sexual misconduct by educators against students occurs through the sexual grooming process<sup>3</sup>. Sexual grooming starts when an adult befriends a child, creating a particular connection or special relationship that lowers the child’s natural inhibition. Sexual abusers often target students who are passive or needy and then gradually invade the child’s boundaries in small but ever increasingly inappropriate ways. Boundary invasions include excessive touching or hugging, granting special privileges, and for non-guidance or counseling staff, encouraging personal confidences. Overtime, the child gets used to the boundary invasions and their increasing intrusiveness, accepting them as normal. Eventually, when the student’s inhibitions are down, sexual misconduct may occur.

Not all touch is a boundary invasion. In the education setting, there are times when staff members have a legitimate educational purpose for touching a student. For example, educators appropriately help a first grader with a toileting accident or might need to grasp a young student’s arms to prevent running in front of a school bus. Similarly, the wrestling coach has a legitimate educational purpose for touching members of the wrestling team in order to teach a hold. The difference is that appropriate touch relates to the



**“...the revised procedure explicitly prohibits staff members from engaging with students on social networking sites, including prohibiting staff from “friending” or “following” students on social media.**

staff member’s professional duties, uses the minimal touch necessary for the task, and seeks to retain the student’s dignity. In contrast, a boundary invasion moves the relationship from professional to personal.

Professional boundaries encompass both the prohibition of personal boundary invasions and the sanction of appropriate touch when necessary as part of professional duty. Appropriate touch might differ with the age of students. For example, the boundaries prohibit excessive touching: a first grade teacher might appropriately hug a student whose pet just died; a middle school teacher might appropriately touch the student’s arm briefly; a high school teacher might simply say, “I’m so sorry,” without touch. Professional boundaries also allow staff members to be caring while maintaining an appropriate level of professional decorum and expertise. For example, an educator could listen caringly to a student who confides a personal problem, then connect that student with the appropriately trained staff, such as a school counselor or psychologist, and if necessary, remind the student to seek the school counselor or psychologist as needed.

**Making professional boundaries effective**

For professional boundaries to be effective at preventing sexual misconduct, educators need to understand and commit to maintaining them. Often, educators are better

<sup>3</sup> Carla van Dam, Ph.D., *Identifying Child Molesters* (2001).

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**“For professional boundaries to be effective at preventing sexual misconduct, educators need to understand and commit to maintaining them.”**

situated than administration to know when other educators are not vigilant about maintaining professional boundaries. This makes educators’ commitment to upholding professional boundaries as a group the key to stopping sexual misconduct against students. Several of the revisions to Model Policy and Procedure 5253 – Maintaining Professional Staff/Student Boundaries address the role that educators play. For example, the revised policy and procedure emphasize the importance of notifying administrative staff about suspicious behavior without waiting to try to determine if there is an innocent explanation. Another revision to the procedure informs educators not to confront or discuss the matter with the staff member whose behavior is in question or with anyone else, but to maintain confidentiality, thereby protecting privacy and avoiding rumors.

Additionally, making professional boundaries effective at preventing sexual misconduct requires leadership from the board. For example, the board could ask for a sample survey of staff members to learn if staff members can give multiple examples of inappropriate boundary invasions, and if staff members understand their duty to report suspected boundary invasions to the administration. The board could also ask for information about completion of training on professional boundaries in all of its schools and departments. If results are less than expected, the board can work as a team with the superintendent to set district training goals and schedule regular check-ins on progress. Keeping a healthy, working focus on the cautions and requirements of this policy and procedure demonstrates that the board considers its effective implementation a priority.

Speaking of training, an important revision to the policy and procedure is that the frequency of training has increased from every three years to every two. This revision is based on lessons learned over the years. Your district risk management pool can support you with training materials and operational guidelines. You’ll also find a new **Model Form 5253F** with additional guidelines and other resources on WSSDA’s Model Policy Online. As noted above, there is no legal requirement to adopt Model Policy and Procedure

5253 – Maintaining Professional staff/ Student Boundaries, but this policy can protect your students, staff, and your district. Your board might want to consult with your district’s attorney to confirm that the policy conforms to any applicable bargaining language.

**Model Policy, Procedure,  
& Form  
5253  
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5281**

#### **Recommendation of employment prohibited**

In a recent [Dear Colleague Letter](#)<sup>4</sup>, the U.S. Department of Education stated, “For too long, and too often,” someone who engaged in sexual misconduct with a student received help obtaining new employment from the former employer, effectively hiding the misconduct from the new employer. The Dear Colleague Letter reminded that federal statute<sup>5</sup> intended “to end this abhorrent practice” by requiring every district that receives funds under the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), to have a policy in place prohibiting providing an employment recommendation for a current or former employee who engaged in sexual misconduct with a student.

To that end, WSSDA has revised **Model Policy 3205 – Sexual Harassment of Students** and **Model Policy 5281 – Disciplinary Action Discharge**. We’ve added language reflecting this federal provision to both model policies to ensure that the prohibition is communicated both in the context of a formal disciplinary discharge and in the context where there was no formal disciplinary action, but staff members had probable cause to believe that sexual misconduct occurred.

Additionally, we’ve revised Model Policy 5281 – Disciplinary Action Discharge to provide districts with language for holding employees accountable for behavior not explicitly covered previously, such as falsification of information, witness intimidation, or destruction of evidence.

<sup>4</sup> Hyperlink to June 27, [Dear Colleague Letter](#)

<sup>5</sup> See section 8546 of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by Every Student Succeeds Act (ESSA)>

**“...an important revision to the policy and procedure is that the frequency of training has increased from every three years to every two.”**



# Local Funds, Enrichment, and Audits (Oh My!)

**I**t is difficult to identify recent legislation that has had as much impact on education as Engrossed House Bill (EHB) 2242 from the 2017 legislative session. EHB 2242 was entitled “An ACT relating to funding fully the state’s program of basic education by providing equitable education opportunities through reform of state and local education contributions.” The legislation came with the expectation that it would significantly restrict school districts’ use of local revenues and was presented as the compromise “*McCleary Agreement*.”

Given the significance of its impact, it is perhaps unsurprising that EHB 2242 was lengthy—one hundred and twenty-one pages long—was partially vetoed, has been widely critiqued, and became effective at different times. Here, we’re looking at a few of the provisions that either have just become effective or will for the 2019-2020 school year. The key takeaway is the need to distinguish local revenue from other funds.

Taking effect at the start of the 2019 calendar year, EHB 2242 renamed the former Maintenance & Operation levies as “enrichment levies.” Additionally, the legislation created a new levy lid, decreasing the amount school districts can raise

**Model Policy 6100**  
Revenues From Local, State, and Federal

**Model Policy 6020**  
System of Funds and Accounts

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**Model Policy  
6100**  
**Model Policy  
6020**

through local levies. Specifically, a district's maximum enrichment levy is now the lesser of \$2,500 per pupil or a rate of \$1.50 per \$1000 of assessed value of property in the school district. EHB 2242 also defined "local revenue" to include levy money, local effort assistance, grants, donations, state and

federal payments in lieu of taxes, and any local revenues that offset the district's basic education allocation.

Defining local revenue was straightforward. Similarly unambiguous is a provision requiring school districts to limit the use of local revenues to enrichment purposes, specifically to "documented and demonstrated enrichment of the state's program of basic education." Less intuitive, is the scope of the term "enrichment." Your community might expect that "enrichment" means expenses not included in basic education, such as athletics and extracurricular activities. Indeed, a 2018 *Seattle Times* editorial, titled [School-Levy confusion](#), stated just that; but in the context of EHB 2242, "enrichment" is more complicated.

For example, EHB 2242 defines basic education as those specific K-12 program-funding levels provided by the state and authorizes school districts enrichment beyond those levels by supplementing with local enrichment levies. This means that the state funding level is determinate of the line between state funding and permitted enrichment with local revenue. In other words, districts may be able to use enrichment levy funds to supplement any of the individual formulas that are part of the prototypical allocation model. This includes funding beyond the allocation for minimum instructional offerings, minimum staffing ratios or program components, minimum program of professional learning, early learning programs, extended school days, extended school year, and extracurricular activities.

If you're thinking that this flexible use of local levy funds could get complicated and possibly be misused, you have company. Perhaps this is why EHB 2242 also added new accounting requirements. Starting in the 2019-2020 school

**"..EHB 2242 defines basic education as those specific K-12 program-funding levels provided by the state and authorizes school districts enrichment beyond those levels by supplementing with local enrichment levies."**

**"Starting in the 2019-2020 school year, districts must establish a local revenue sub-fund, from its general fund, deposit local revenue into that sub-fund, and track expenditures from the sub-fund to account for the district's use of local revenues."**

year, districts must establish a local revenue sub-fund, from its general fund, deposit local revenue into that sub-fund, and track expenditures from the sub-fund to account for the district's use of local revenues. Having local revenue in its own sub-fund will likely help districts track their use of local revenues. It will certainly help the auditor. Beginning with the 2019-2020 school year, EHB 2242 requires the state auditor's office to include local revenue compliance in its regular financial audits of school districts.

Additionally, EHB 2242 requires that before the beginning of the 2019-2020 school year, school boards adopt a policy for responding to any audit findings resulting from a state auditor's audit on the district's use of local revenues. The bill further mandates that the policy require boards to hold a public hearing to review any such findings within thirty days. To help prepare you for these new requirements, we've revised **Model Policy 6100 – Revenues From Local, State, and Federal**. We also reclassified the policy as Essential, given that the legislation requires school boards to adopt a policy for responding to audit findings. Additionally, we've revised **Model Policy 6020 – System of Funds and Accounts**.

## OTHER UPDATES

### **Policy 3120P – Enrollment**

Category: **ESSENTIAL**

WSSDA has revised this procedure to reflect updates to claiming students for state funding. Please see the related bulletin from OSPI for more information. <http://k12.wa.us/BulletinsMemos/Bulletins2018/B028-18.pdf>

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#### VISION

All Washington School Directors effectively govern to ensure each and every student has what they need to be successful within our state's public education system.

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WSSDA builds leaders by empowering its members with tools, knowledge and skills to govern with excellence and advocate for public education.

#### BELIEFS

WSSDA believes:

- Public education is the foundation to the creation of our citizenry, and locally elected school boards are the foundation to the success of public education.
- High-functioning, locally elected school boards are essential to create the foundation for successfully impacting the learning, development and achievement of each and every student.
- Ethical, effective and knowledgeable school directors are essential for quality public schools.
- Focusing on and addressing educational equity is paramount to assure the achievement of each and every student.
- Public school directors are best served through an innovative, responsive and flexible organization which provides exceptional leadership, professional learning and services in governance, policy, and advocacy.

  
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