

Critical, Important, or Discretionary?

Understanding Model Policies and WSSDA's New Way of Presenting Them

School boards are responsible for maintaining an up-to-date policy manual. To help boards prioritize where they direct their attention, the Washington State School Directors' Association (WSSDA) has updated its classification of model policies.

WSSDA's model policies have always fallen into three categories. Now, those three categories are labeled: Critical, Important, and Discretionary. The simplest explanation of the three categories is that "critical" indicates there's a state or federal mandate in place; "important" has no mandate, but there is case law; and "discretionary" indicates no mandate or case law exists, so legal liability is negligible.

Going beyond the simplest explanation, in actual practice, a single policy could have critical, important, and discretionary elements in it; it depends on the situation. However, the revised labels are meant to show, in general terms, which policy areas may be more urgent to address.

The Categories In More Detail

Critical (formerly “Essential”)

A model policy lands in this category because having a policy for this circumstance is required by state or federal law. Or, a specific program may require a policy to be in place as a prerequisite to receiving special funding.

Important (formerly “Encouraged”)

Circumstances in this category do not definitively require a corresponding policy. However, relevant case law and the resulting legal decisions may exist. Other factors that make policy adoption important include findings from state audits or task forces, as well as clear, research-based best practices.

Therefore, model policies in this category may reflect the spirit of existing laws and legal decisions, protect districts from identifiable situations that could lead to litigation, or benefit the health, safety, and/or welfare of students, employees, directors, or the community.

Discretionary (unchanged)

The label for this category has not changed. Model policies in this category are developed to support boards who want to:

- address a circumstance important to them, but not necessarily addressed by any law or regulation
- address a circumstance unique to the district
- promote a philosophy to employees and/or the community

Categories Summarized

Label	Meaning	Purpose
Critical	Required by state or federal law, or tied to funding eligibility	Ensures legal compliance and access to necessary resources
Important	Not legally required, but supported by case law, audit findings, or best practices	Helps prevent litigation and promotes well-being of the school community
Discretionary	No legal mandate or liability; board-driven initiatives	Allows boards to reflect local values, needs, or philosophies

Defining “Model Policy”

A model policy is a legally viable example of a policy that boards can adopt to ensure compliance with the law in any given situation. Typically, a model policy comes with a companion “model procedure” to guide implementation of the policy, if adopted. School boards are under no obligation to adopt WSSDA’s models, but there are benefits to using them.

The Benefits of Model Policy

Model policies are designed to provide three main benefits:

- They provide a sound legal starting point for any school board to engage in dialogue and adoption of local policies.
- They help safeguard the K-12 system by removing barriers to legal compliance.
- They can save school districts from the expenses (financial, professional, and human resource) necessary to develop policy from scratch.

Flexibility in Local Adoption

WSSDA’s model policies are not necessary or required for school boards to adopt (unless the state Legislature takes the rare step of mandating it). Also, WSSDA model policy is not set in stone. School boards, guided by legal counsel, can modify model policies and procedures to address the uniqueness of their locale or reflect input gathered from their local community as they would during a curriculum adoption process.

A Starting Point—Not a Final Destination

WSSDA’s models are not a permanent guarantee of legal compliance because laws change as new court cases occur or legislation is enacted. Because of the ever-evolving legal landscape, WSSDA model policy is not “set it and forget it.” Boards must have a process for regularly reviewing and revising their policy manual.

To help boards anticipate changes and remain current, WSSDA produces [Policy and Legal News](#), a subscription magazine that explains the “why” behind newly developed or revised model policies, including the origin and context of the updates.

The other tool WSSDA provides is [policy manual review services](#), where WSSDA’s policy and legal staff review a district’s policy manual and recommend updates to ensure the policies reflect current legal requirements. (The district’s school board may adopt the recommendations or not through regularly scheduled open public meetings, as with any policy adoption.)

Who Contributes to Model Policy?

WSSDA coordinates or leads the development of model policy with experts in school law and experts, specialists, or practitioners in whichever field is related to the law and policy in development.

At a minimum, WSSDA staff will work with a lawyer or firm that is a member of the Council of School Attorneys, a statewide association of legal firms with deep knowledge of relevant case law and litigation experience in school law. Then, depending on what the model policy was concerned with, additional partners have included:

- The Washington Association of Sheriffs and Police Chiefs
- School Nurse Corps Administrators
- Washington Department of Children, Youth, and Families
- Office of Superintendent of Public Instruction
- Washington Interscholastic Activities Association
- community-based organizations with relevant expertise
- and more...

Again, the experts, specialists, or practitioners that WSSDA engages with to develop a model policy (in addition to experts in school law) depends on what the model policy is about.

See the flowchart on the following page to see how model policy is created.

More Than Labels: A Guide for Better Policy Work

By updating the way it classifies model policies, WSSDA is giving school boards a tool for deciding where to focus their time and energy. These categories don't dictate local action, but they can help boards make informed, timely decisions. With expert-informed guidance and flexibility built in, WSSDA's model policies support each board's unique path to effective governance.

Learn more about WSSDA at wssda.org

How WSSDA Model Policy is Created

First things first: Who or what defines WSSDA's role in creating model policy?

RCW 28A.345.010 states that "The public necessity for the coordination of programs and procedures pertaining to policymaking ... furtherance of such coordination there is hereby created for said purpose an agency of the state to be known as the Washington state school directors' association, hereinafter designated as the school directors' association."

WAC 430.01.050 states that "WSSDA is an agency charged with the coordination of programs and procedures about policymaking and control and management among the school districts of Washington state."

