

**WAC 392-501-705 Eligibility and application requirements.** (1) A student, based on the decision of the student's IEP team, who participated in eleventh or twelfth grade Washington access to instruction and measurement (WA-AIM) using the engagement rubric process, will have his or her assessment graduation requirement for the content area automatically waived by the superintendent of public instruction. Assessment participation with the engagement rubric is appropriate if in the determination of the IEP team a student's cognitive development is identified at the awareness level. The automatic waiver can cover one or all state assessed content areas of study. Students with cognitive development at the awareness level exhibit behaviors that include, but are not limited to, the following:

(a) Having limited intentionality and being unable to communicate using presymbolic strategies.

(b) Reactions to environmental stimuli are limited to crying, opening eyes, movement, etc.

(c) Behavior not under the student's control but reflects a general physical state (e.g., hungry, wet, sleepy).

(d) Being conscious (awake) during limited times each day.

(e) Requiring parents, teachers, or other adults to interpret the child's state from behaviors such as sounds, body movements, and facial expressions.

(f) Other criteria as defined by the superintendent of public instruction's guidelines posted to the agency web site.

(2) For the automatic waiver to be processed, the student must have the following documented in his or her records:

(a) The student is in high school and is designated as being in the 11th or 12th grade.

(b) The individualized education program (IEP) team as identified under WAC 392-172A-03095, through an evaluation of the student's behaviors and educational history, determines that the student is functioning at the awareness level (as defined in subsection (1) of this section).

(c) The superintendent of public instruction shall record a status of "waived" in the state graduation database.

(d) The school shall complete all necessary school and district documentation, including but not limited to, IEP documentation.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-705, filed 9/30/16, effective 10/31/16. Statutory Authority: RCW 28A.665.061 [28A.655.061], 28A.155.045. WSR 10-01-054, § 392-501-705, filed 12/9/09, effective 1/9/10.]