

Chapter 392-501 WAC

ACADEMIC ACHIEVEMENT, ACCOUNTABILITY AND ASSESSMENT

WAC

392-501-001 Authority.
392-501-002 Purpose.

SAT, ACT, IB AND AP COMPARISON OPTION

392-501-102 General description.
392-501-103 Eligibility.
392-501-104 Required scores.
392-501-105 Application process.
392-501-106 Notification requirements.
392-501-108 Appeal of the superintendent's decision.

GRADES COMPARISON OPTION

392-501-200 General description.
392-501-201 Eligibility.
392-501-202 Process for determining the comparison cohort and calculating the GPAs.
392-501-204 Application timeline and approval criteria.
392-501-206 Notification requirements.
392-501-208 Appeal of the superintendent's decision.

COLLECTION OF EVIDENCE

392-501-300 General description.
392-501-310 Eligibility.
392-501-320 Application process.
392-501-330 Guidelines and protocols.
392-501-340 Sufficiency process for all content areas.
392-501-350 Scoring process for all content areas.
392-501-360 Standard setting for all content areas for the collection of evidence.
392-501-370 Reporting process for all content areas for the collection of evidence.
392-501-380 Collection of evidence adherence to national standards.

WAIVERS FOR STUDENTS WHO TRANSFER INTO A WASHINGTON PUBLIC SCHOOL

392-501-500 General description.
392-501-502 Waivers for transfer students from other states who enroll in eleventh or twelfth grade.
392-501-504 Application and approval process.
392-501-506 Notification requirements.
392-501-508 Appeal of the superintendent's decision.
392-501-510 Access to alternative assessment.

APPEAL PROCESS FOR STUDENTS WITH SPECIAL, UNAVOIDABLE CIRCUMSTANCES

392-501-600 General description.
392-501-601 Eligibility and application requirements.
392-501-602 Special, unavoidable circumstance appeal review board and approval criteria.
392-501-604 Notification requirements.
392-501-606 Appeal of the superintendent's decision.
392-501-700 General description.
392-501-705 Eligibility and application requirements.

GENERAL

392-501-707 Authority.
392-501-710 Purpose.
392-501-715 Definitions.

PERSISTENTLY LOWEST-ACHIEVING SCHOOLS

392-501-720 Process and criteria for identifying challenged schools in need of improvement.

REQUIRED ACTION SCHOOL DISTRICTS

392-501-730 Process and criteria for recommending to the state board of education school districts for required action.

EXIT CRITERIA

392-501-740 Exit criteria for required action designation.

WAC 392-501-001 Authority. The authority for this chapter is RCW 28A.655.065 and 28A.655.061, which direct the superintendent of public instruction to:

(1) Develop and implement eligibility requirements and guidelines for objective alternative assessments for students to demonstrate achievement of state standards in content areas in which the student has not yet met the standard on Washington's high school assessment; and

(2) Develop guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who:

(a) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma; and

(b) Have special, unavoidable circumstances.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-001, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-001, filed 6/13/07, effective 7/22/07.]

WAC 392-501-002 Purpose. The purpose of this chapter is to provide the guidelines, eligibility criteria, procedures, and other information needed to:

(1) Utilize the objective alternative assessments authorized in RCW 28A.655.065 and 28A.655.061;

(2) Apply for waivers for transfer students; and

(3) Apply for appeals for students with special, unavoidable circumstances.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-002, filed 6/13/07, effective 7/22/07.]

SAT, ACT, IB AND AP COMPARISON OPTION

WAC 392-501-102 General description. The SAT, ACT, IB and AP comparison option is an objective alternative assessment authorized in RCW 28A.655.061 (10)(b) that allows a student to use a score from the following tests to demonstrate that the student has met or exceeded the state standard for English language arts, science or mathematics on:

(1) The English language arts, science or mathematics component as designated by superintendent, of the SAT (science not applicable) or ACT; or

(2) International Baccalaureate or advanced placement examinations listed in WAC 392-501-104(2).

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-102, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-102, filed 6/13/07, effective 7/22/07.]

WAC 392-501-103 Eligibility. (1) A student is eligible for the SAT, ACT, IB and AP comparison option if the student has taken the applicable component of Washington's high school assessment at least once and has not met the standard for which the student is applying to use this option. To meet these criteria, a student must have a recorded valid attempt of the general high school assessment.

(2) A student may use a score earned on the SAT, ACT, IB or advanced placement examination taken prior to or after one valid attempt of the general high school assessment.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-103, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-103, filed 6/13/07, effective 7/22/07.]

WAC 392-501-104 Required scores. (1) As required in RCW 28A.655.061 (10)(b), the state board of education shall identify the score students must achieve on the English language arts, science and mathematics components of the SAT (science not applicable) and ACT.

(2) A student who scores at least a three on the grading scale of one to five on the following advanced placement examinations shall meet the applicable high school standard:

(a) For meeting the mathematics standard, the calculus or statistics advanced placement examination;

(b) For meeting the English language arts standard, the English language and composition advanced placement examination and one of the following additional examinations: English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics.

(c) For meeting the science standard, biology, chemistry, physics or environmental science.

(3) A student who scores at least a four at the higher level on the following International Baccalaureate tests shall meet the applicable high school standard:

(a) For meeting the mathematics standard, the mathematics or further mathematics tests;

(b) For meeting the English language arts standard, the Language A: Literature; Language A: Language and literature, business and management, economics, geography, history, information technology is a global society, philosophy, psychology or social and cultural anthropology.

(c) For meeting the science standard, biology, chemistry, or physics.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-104, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-104, filed 6/13/07, effective 7/22/07.]

WAC 392-501-105 Application process. (1) The superintendent of public instruction shall develop and make available to school district personnel an online application to capture SAT, ACT, IB and/or AP comparison applications for documenting that a student has met the eligibility requirements in WAC 392-501-103 and achieved the scores required in WAC 392-501-104.

(2) If the student is eligible, the student shall work with school personnel to collect the SAT, ACT, IB and/or AP score reports to submit through the state provided graduation alternatives online application.

(3) If the school principal or designee agrees that the eligibility criteria have been met, the principal or designee shall submit a copy of the student's official SAT, ACT, IB or AP score report via the graduation alternatives application for district assessment coordinator approval.

(4) If the district assessment coordinator, or their designee, agrees that the eligibility criteria have been met, the district assessment coordinator or designee shall approve the form (with accompanying score report(s)) present in the graduation alternatives online application for submission to the office of superintendent of public instruction.

(5) Upon approval of the submission, the school principal or designee shall notify the student of the approval. OSPI shall document in the state's assessment records that the student met the applicable high school standard.

(6) Superintendent will conduct regular audits of district submissions to ensure accuracy and consistency in reported student status. Where irregularities are found, superintendent will notify the district for corrective action.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-105, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-105, filed 6/13/07, effective 7/22/07.]

WAC 392-501-106 Notification requirements. The school principal or a designee shall notify students and their parents or guardians when students are in the eleventh and twelfth grade years of the availability of the SAT, ACT, IB and AP comparison option.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-106, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-106, filed 6/13/07, effective 7/22/07.]

WAC 392-501-108 Appeal of the superintendent's decision. Decisions made by the superintendent of public instruction under WAC 392-501-105 may be appealed as provided for in RCW 34.05.514.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-108, filed 6/13/07, effective 7/22/07.]

GRADES COMPARISON OPTION

WAC 392-501-200 General description. The grades comparison option is an objective alternative assessment authorized in RCW 28A.655.065 (3) and (4) that compares the applicant's grades in applicable courses with the grades of students who took the same courses and met or exceeded the assessment standard. This option may be used for meeting the high school English language arts, science and/or mathematics assessment requirement.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-200, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-200, filed 6/13/07, effective 7/22/07.]

WAC 392-501-201 Eligibility. A student is eligible for the GPA comparison option if the student meets the following conditions:

(1) The student has taken the applicable component of the state high school assessment at least once and has not met the standard for which the student is applying to use this option. To meet these criteria, a student must have a recorded valid attempt of the general high school assessment.

(2) The student is in the twelfth grade.

(3) The student has a cumulative grade point average of 3.2 or higher when the application is submitted.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-201, filed 9/30/16, effective 10/31/16. Statutory Authority: RCW 28A.300.040 and 2010 c 244. WSR 11-19-042, § 392-501-201, filed 9/13/11, effective 10/14/11. Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-201, filed 6/13/07, effective 7/22/07.]

WAC 392-501-202 Process for determining the comparison cohort and calculating the GPAs. (1) For the purpose of this section, "applicant" means an eligible student applying for the grades comparison option.

(2) A school district representative or designee shall utilize the grade comparison tool(s) provided by the office of superintendent of public instruction to calculate the grade comparison of the applicant against those identified as the cohort.

(3) To complete the grades comparison option for eligible students, the grades comparison tool will:

(a) Identify the group of students in the same school as the applicant who took the same mathematics, science or English language arts high school courses, whichever is applicable, in the same school year as the applicant. This group includes all of the students in the school who took courses with the same course title and course number (e.g., Algebra 1, Sophomore English) as the applicant, in the same school year, regardless of the grade level of the student. When selecting courses to be used, the following guidelines shall be followed:

(i) The credits generated by the courses must equal two annual high school credits and must include the most recent courses taken in which a comparison cohort of six or more students can be identified.

(ii) In order for applicants using the cohort comparison to meet the mathematics standard, the courses must be eligible for a mathematics graduation credit.

(iii) In order for applicants using the cohort comparison to meet the English language arts standard, the courses must be eligible for an English/Language arts graduation credit.

(iv) In order for applicants using the cohort comparison to meet the science standard, the courses must be eligible for a science graduation credit.

(b) From the group of students identified in (a) of this subsection, the grades comparison tool shall identify the "comparison cohort," which includes all students who met or slightly exceeded the state standard on the high school assessment. For purposes of determining "who met or slightly exceeded the state standard," scores in Level 3 shall be used:

(i) Mathematics: 2583 - 2681;

(ii) English language arts: 2583 - 2681; and

(iii) Science: 400 - 422.

(c) If there are fewer than six students in the comparison cohort, the cohort will be expanded to also include students in Level 4. If there are still fewer than six students in the comparison cohort, the applicant is not eligible to use the grades comparison option.

(d) The grades comparison tool shall compute the grade point average for the selected courses for the applicant and

(9/30/16)

for each student in the comparison cohort. The following grade - number conversions shall be used:

A	= 4.0
A-	= 3.7
B+	= 3.3
B	= 3.0
B-	= 2.7
C+	= 2.3
C	= 2.0
C-	= 1.7
D+	= 1.3
D	= 1.0
E or F	= 0.0
Credit/No Credit	May not be used
Pass/Fail	May not be used

(e) The grades comparison tool shall then calculate the mean comparison cohort grade point average of all the students in the comparison cohort.

(f) The grades comparison tool shall then compare the applicant's grade point average in the relevant high school courses to the mean comparison cohort grade point average of the students in the comparison cohort.

(g) If the applicant's grade point average is below the mean comparison cohort grade point average, the student is not eligible to file the grades comparison form and no further action is required.

(h) If the applicant's grade point average is equal to or higher than the mean comparison cohort grade point average, the school district representative or designee shall submit the form with the results of the calculation via the graduation alternatives application for approval by their district assessment coordinator.

(i) If the district assessment coordinator, or their designee, agrees that the eligibility criteria have been met, the district assessment coordinator or designee shall approve the form(s), with the results of the calculation, in the graduation alternatives application for submission to the office of the superintendent of public instruction for approval.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-202, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-202, filed 6/13/07, effective 7/22/07.]

WAC 392-501-204 Application timeline and approval criteria. (1) The district assessment coordinator shall approve the grades comparison form if:

(a) The student eligibility requirements are met; and

(b) The applicant's grade point average is equal to or greater than the mean grade point average of the comparison cohort.

(2) Upon approval of the submission, the school principal or designee shall notify the student of the approval, OSPI will document in the student's state assessment record that the student met the applicable high school assessment standard and the applicant will be deemed to have met the applicable

content standard for purposes of obtaining a certificate of academic achievement or individual achievement.

(3) The superintendent of public instruction will conduct regular audits of district submissions to ensure accuracy and consistency in reported student status. Where irregularities are found, superintendent will notify the district for corrective action.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-204, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-204, filed 6/13/07, effective 7/22/07.]

WAC 392-501-206 Notification requirements. The school principal or a designee shall notify students and their parents or guardians when students are in the eleventh and twelfth grade years of the availability of the grades comparison option.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-206, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-206, filed 6/13/07, effective 7/22/07.]

WAC 392-501-208 Appeal of the superintendent's decision. Decisions made by the superintendent of public instruction under WAC 392-501-204 may be appealed as provided for in RCW 34.05.514.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-208, filed 6/13/07, effective 7/22/07.]

COLLECTION OF EVIDENCE

WAC 392-501-300 General description. A collection of evidence (COE) is a high school graduation alternative assessment authorized under RCW 28A.655.065 that evaluates a set of work samples in a specific content area (English language arts, science (biology/life science) and mathematics) based on classroom work prepared by a student. Students may prepare a COE for one or more content areas.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-300, filed 9/30/16, effective 10/31/16; WSR 08-10-015, § 392-501-300, filed 4/25/08, effective 5/26/08.]

WAC 392-501-310 Eligibility. A student who has taken the state high school assessment at least once and has not met standard in one or more of the content areas is eligible to submit a collection of evidence for each content area in which they have not met standard if: The student has a recorded valid attempt of the general high school assessment.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-310, filed 9/30/16, effective 10/31/16. Statutory Authority: RCW 28A.300.040 and 2010 c 244. WSR 11-19-042, § 392-501-310, filed 9/13/11, effective 10/14/11. Statutory Authority: RCW 28A.655.061, 28A.665.065. WSR 08-10-015, § 392-501-310, filed 4/25/08, effective 5/26/08.]

WAC 392-501-320 Application process. (1) The superintendent of public instruction shall make available to students and school district personnel a COE submission procedure for documenting that a student has met the eligibility requirements as set forth in WAC 392-501-310.

(2) It is the responsibility of the school district to determine whether the student is eligible for the COE option. If the student is eligible, the school district is required to inform the student of the COE alternative assessment option.

(3) If the student is eligible, the student, with the assistance of school district personnel, shall submit a collection of evidence to the superintendent of public instruction via the COE scoring center.

(4) The superintendent of public instruction will publish an annual calendar established before each school year setting forth the timelines for the twice yearly submission, scoring, and student and district reporting of the COE.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-320, filed 9/30/16, effective 10/31/16; WSR 08-10-015, § 392-501-320, filed 4/25/08, effective 5/26/08.]

WAC 392-501-330 Guidelines and protocols. (1) Specific guidelines for types and numbers of work samples for English language arts, science and mathematics will be published and made available to students, guardians, schools, and districts. The guidelines will be published on the office of the superintendent of public instruction (OSPI) web site at <http://www.k12.wa.us/assessment/GraduationAlternatives/CollectionofEvidence.aspx> as approved by the state board of education in an open and public process.

(2) Protocols for submission of work samples will be published on the OSPI web site at <http://www.k12.wa.us/assessment/GraduationAlternatives/CollectionofEvidence.aspx> as approved by the state board of education in an open and public process.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-330, filed 9/30/16, effective 10/31/16; WSR 08-10-015, § 392-501-330, filed 4/25/08, effective 5/26/08.]

WAC 392-501-340 Sufficiency process for all content areas. The following process will be utilized in determining sufficiency for a collection of evidence for one or more of the content areas submitted by a student. Upon receipt by OSPI, a collection of evidence will be reviewed to determine whether the protocols for submission have been met. OSPI will notify a school district of any missing materials. If the school district does not provide the missing materials within the time frame communicated, the collection of evidence will be returned without a score.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-340, filed 9/30/16, effective 10/31/16; WSR 08-10-015, § 392-501-340, filed 4/25/08, effective 5/26/08.]

WAC 392-501-350 Scoring process for all content areas. The following process will be utilized to determine a score for a submitted collection.

(1) Collections shall be scored at the state level by professional scorers screened, selected, and trained by OSPI. To be selected as a scorer, a person must have a bachelor's degree.

(2) A submitted collection of evidence shall be scored in a rigorous process that aligns with state content standards and comparable Washington state high school assessment performance.

(3) Uniform scoring criteria will be published on the OSPI web site at <http://www.k12.wa.us/assessment/GraduationAlternatives/CollectionofEvidence.aspx> as approved by the state board of education in an open and public process.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-350, filed 9/30/16, effective 10/31/16; WSR 08-10-015, § 392-501-350, filed 4/25/08, effective 5/26/08.]

WAC 392-501-360 Standard setting for all content areas for the collection of evidence. (1) The superintendent of public instruction will recommend cut scores for each content area to the state board of education for graduation purposes.

(2) The state board of education shall have the responsibility of accepting or not accepting the recommended cut scores generated from the superintendent of public instruction's standard setting process, using an open and public process.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-360, filed 9/30/16, effective 10/31/16; WSR 08-10-015, § 392-501-360, filed 4/25/08, effective 5/26/08.]

WAC 392-501-370 Reporting process for all content areas for the collection of evidence. Each student who prepared a collection of evidence will receive a report of his or her results within ninety days following scoring. The report will provide a detailed description of the level of performance on the state content standards found in the student collection. The report will state whether or not the student has met standard in the content area. The results shall be used for state high school graduation purposes.

[Statutory Authority: RCW 28A.655.061, 28A.665.065. WSR 08-10-015, § 392-501-370, filed 4/25/08, effective 5/26/08.]

WAC 392-501-380 Collection of evidence adherence to national standards. National Standards for Educational and Psychological Testing (AERA, NCME, APA, 1999) will be applied in all stages of the development and implementation of the collection of evidence in order to ensure reliability and validity of the COE as an alternative assessment. The National Technical Advisory Committee for the superintendent of public instruction shall also provide ongoing technical assistance for the COE.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-380, filed 9/30/16, effective 10/31/16; WSR 08-10-015, § 392-501-380, filed 4/25/08, effective 5/26/08.]

WAIVERS FOR STUDENTS WHO TRANSFER INTO A WASHINGTON PUBLIC SCHOOL

WAC 392-501-500 General description. RCW 28A.655.065 directs the superintendent of public instruction to develop guidelines and appeal processes for waiving specific requirements pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-500, filed 6/13/07, effective 7/22/07.]

WAC 392-501-502 Waivers for transfer students from other states who enroll in eleventh or twelfth grade. (1) The requirement that a student obtain a certificate of academic achievement or a certificate of individual achievement

to graduate shall be waived for students who transfer to a Washington public school from another state in the twelfth grade year if the student provides documentation that he or she has met standards in another state on a high school assessment, general or alternate. The assessment in the other state must be used for purposes of the high school assessment required in the federal Elementary and Secondary Education Act or be used for purposes of a high school graduation exit examination. Waivers shall be granted as follows:

(a) If the student met standards on the mathematics, science, and English language arts assessments in the other state, the applicable certificate shall be waived.

(b) If a student did not meet the standard on the mathematics assessment in the other state, then the student must meet the mathematics standard on the applicable Washington assessment for the certificate to be waived.

(c) If the student did not meet the standard on the English language arts assessment, then the student must meet the English language arts standard on the applicable Washington assessment for the certificate to be waived.

(d) If the student did not meet the standard on the science assessment, then the student must meet the science standard on the applicable Washington assessment for the certificate to be waived.

(e) If student was administered the consortium-generated assessment for mathematics and/or English language arts also administered by Washington, and did not meet the standards for graduation established by Washington, but did meet the standards for his or her former state, the student may apply for the associated waiver. In the event the student met or exceeded Washington's requirements with the administration in the former state, the student will be granted a certificate.

(2)(a) For eleventh grade transfer students, before using the process detailed in subsection (1) of this section, the student must be administered the Washington assessments for mathematics and English language arts. If the student does not meet standard on either the mathematics and/or English language arts assessment, the student may then apply his or her previous state assessment scores in pursuit of waiving the certificate requirement.

(b) Until the new next generation science standards assessment is administered in Washington eleventh grade students may apply for waiver from the science portion of the certificate per the process in subsection (1) of this section without administration of a Washington science assessment. The graduation alternative system will not allow student access to the science waiver until the student is in twelfth grade.

(3) The student waiver application must document passage of the assessment by one of the following options:

(a) The out-of-state school from which the student transferred must transmit to the student's new school a score report from the former school or school district where the student took the high school general assessment or alternate assessment. The score report must contain the student's assessment results (i.e., specific scores) by content area and whether or not the student met the state required standards. If the score report does not include whether or not the student met the standards, then the former school or school district must provide information documenting that the standards were met. If the out-of-state school transmitted the score report when the

student enrolled in the Washington school system, then the report need not be transmitted again; or

(b) The out-of-state school from which the student transferred must transmit to the student's new school, if it has not done so already, the student's transcript documenting the student's assessment results (i.e., specific scores). The transcript must contain the student's assessment results by content area and whether or not the student met the state required standards. If the transcript does not include whether or not the student met the standards, then the former school or school district must provide information documenting that the standards were met.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-502, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-502, filed 6/13/07, effective 7/22/07.]

WAC 392-501-504 Application and approval process. (1) To obtain a waiver, a waiver form must be submitted by the district to the superintendent of public instruction. The principal of the school or designee shall review the information and transmit through the district office the waiver [waiver] form and a copy of the student's assessment score report or transcript, if listing the state test scores, to the superintendent of public instruction via the graduation alternatives online application.

(2) Upon approval: The student's transcript shall indicate that the applicable certificate was waived.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-504, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-504, filed 6/13/07, effective 7/22/07.]

WAC 392-501-506 Notification requirements. The principal or a designee shall inform students and parents or guardians who transferred from another state in their eleventh or twelfth grade year of the availability of obtaining a waiver of the certificate requirements.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-506, filed 6/13/07, effective 7/22/07.]

WAC 392-501-508 Appeal of the superintendent's decision. Decisions made by the superintendent of public instruction under WAC 392-501-504 may be appealed as provided for in RCW 34.05.514.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-508, filed 6/13/07, effective 7/22/07.]

WAC 392-501-510 Access to alternative assessment.

(1) Students who transfer into a public school from out-of-state, from out-of-country or into a public school from within the state from a nonpublic school setting in the twelfth grade year may utilize an objective alternative assessment for purposes of meeting the high school standards as provided in RCW 28A.655.061 and 28A.655.065 without taking the state high school assessment.

(2) Students who transfer into a public school from out-of-state, from out-of-country or into a public school from within the state from a nonpublic school setting for their 11th grade year may utilize an objective alternative assessment for meeting the high school standards in science as provided in RCW 28A.655.061 and 28A.655.065 without taking the state high school assessment.

[Ch. 392-501 WAC p. 6]

(3) Students who were exempted from the high school assessment in 11th grade due to their status as a new student with non-English proficiency, may utilize an objective alternative assessment after their 11th grade year, in the content areas originally exempted, for purposes of meeting the high school standards as provided in RCW 28A.655.061 and 28A.655.065 without taking the state high school assessment.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-510, filed 9/30/16, effective 10/31/16; WSR 10-01-055, § 392-501-510, filed 12/9/09, effective 1/9/10; WSR 07-13-035, § 392-501-510, filed 6/13/07, effective 7/22/07.]

APPEAL PROCESS FOR STUDENTS WITH SPECIAL, UNAVOIDABLE CIRCUMSTANCES

WAC 392-501-600 General description. RCW 28A.655.065 directs the superintendent of public instruction to develop guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and RCW 28A.155.045 pertaining to the certificate of individual achievement for students who have special, unavoidable circumstances.

[Statutory Authority: RCW 28A.655.065 [28A.655.065], 28A.655.061 [28A.655.061], 28A.155.045. WSR 10-01-053, § 392-501-600, filed 12/9/09, effective 1/9/10. Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-600, filed 6/13/07, effective 7/22/07.]

WAC 392-501-601 Eligibility and application requirements. (1) A student, or a student's parent or guardian may file an appeal to the superintendent of public instruction if the student has special, unavoidable circumstances that prevented the student, during the student's twelfth grade year (eleventh grade year under a specific circumstance where an educator has caused a testing irregularity), from participating in a testing opportunity that would allow demonstration of his or her skills and knowledge, whether the general state high school assessment, any of the objective alternative assessments authorized in RCW 28A.655.061 or 28A.655.065, or the alternate assessment or associated alternative assessments applicable to students eligible for special education services. Appeals to the superintendent shall include a detailed description of the special, unavoidable circumstance that denied the student access to the testing opportunity, and will document a trend of continued improvement towards meeting standard (e.g., test scores, course grades, etc.) that demonstrates had the student participated in the state assessment, there was a reasonable probability the student would have met standard;

(2) Special, unavoidable circumstances shall include the following:

(a) Not being able to take or complete an assessment because of:

(i) The death of a parent, guardian, sibling or grandparent;

(ii) An unexpected and/or severe medical condition. The condition must be documented by a medical professional and included with the application, within the constraints of the Health Insurance Portability and Accountability Act (HIPAA); or

(iii) Another unavoidable event of a similarly compelling magnitude that district administrators determine pre-

vented the student from sitting for or completing the assessment.

(b) A major irregularity in the administration of the assessment;

(c) Loss of the assessment material;

(d) Failure to receive an accommodation during administration of the assessment that was documented in the student's individualized education program that is required in the federal Individuals with Disabilities Education Act, as amended, or in a plan required under Section 504 of the Rehabilitation Act of 1973;

(e) For students enrolled in the state transitional bilingual instructional program, failure to receive an accommodation during the administration of the assessment that was scheduled to be provided by the school district;

(f)(i) Students who transfer from an out-of-state, out-of-country, or nonpublic (including home-school environment) school to a Washington public school in the twelfth grade year after the end of the first term or February 15th whichever is first.

(ii) Application evidence must support a student's attempt of all available and feasible assessment opportunities and/or alternatives provided by Washington state before the application will be judged eligible for panel review.

(3) A school district superintendent may file an appeal to the superintendent of public instruction if the student has special, unavoidable circumstances that prevented the student, during the student's eleventh grade year, from successfully demonstrating his or her skills and knowledge on the state high school assessment, on an objective alternative assessment authorized in RCW 28A.655.061 or 28A.655.065, or alternate assessment or associated alternative assessments available to students eligible for special education services. For purposes of this subsection, a special, unavoidable circumstance is a major irregularity in the administration of the assessment that meets the following criteria:

(a) The major irregularity was caused by school district personnel;

(b) The student was not at fault for the irregularity; and

(c) The school district has taken documented disciplinary action against the school district personnel.

(4) To file an appeal, the student or the student's parent or guardian, with appropriate assistance from school staff, must complete and submit to the principal of the student's school an appeal application on a form developed by the superintendent of public instruction.

(5) The application shall require that the following materials be submitted: All available score reports from prior standardized assessments taken by the student during his or her high school years, the medical condition report (if applicable), IEP, 504 or transitional bilingual education program documentation pertinent to decisions about student access to available assessment type and/or testing accommodations (if applicable), enrollment/transfer information (if applicable), and the student's transcript. The principal of the school shall review the application and accompanying material and certify that, to the best of his or her knowledge, the information in the application is accurate and complete.

(6) Once the principal certifies that the application and accompanying material is accurate and complete, the principal shall transmit the application to the school district's

assessment coordinator who will conduct an independent review for completeness prior to transmitting the application to the state superintendent of public instruction.

(7) Applications are to be received by the superintendent of public instruction on or before May 1st or October 1st for processing and determinations.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-601, filed 9/30/16, effective 10/31/16; WSR 15-04-083, § 392-501-601, filed 2/2/15, effective 3/5/15. Statutory Authority: RCW 28A.665.065 [28A.655.065], 28A.665.061 [28A.655.061], 28A.155.045. WSR 10-01-053, § 392-501-601, filed 12/9/09, effective 1/9/10. Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-601, filed 6/13/07, effective 7/22/07.]

WAC 392-501-602 Special, unavoidable circumstance appeal review board and approval criteria. (1) The special, unavoidable circumstance appeal review board shall be created to review and make recommendations to the superintendent of public instruction on all special, unavoidable circumstance appeal applications.

(2) The superintendent of public instruction shall appoint seven members total to the board, five voting members and two alternates (for cases of unanticipated absenteeism or potential conflict of interest on the part of a regular voting member). The board, where membership and panel experience allows, shall be chaired by a current or former high school principal and shall consist of current or former district administrators, teachers, school department heads, and/or school district assessment directors with experience and expertise with the Washington learning standards. Each member shall be appointed for a three-year term, provided that the initial terms may be staggered as the superintendent deems appropriate. As needed, the superintendent may elect to reappoint previous members if new candidates are not available to assume review board positions.

(3) The special, unavoidable circumstance appeals review board shall review applicable special, unavoidable circumstance appeal applications submitted to it by the superintendent of public instruction. The board shall:

(a) Review the written information submitted to determine whether sufficient evidence was presented that the student has the required knowledge and skills; and

(b) Make a recommendation to the superintendent, based on the criteria in subsection (6) of this section, regarding whether or not the appeal should be granted.

(4) Staff from the office of superintendent of public instruction (OSPI) shall coordinate and assist the work of the board. In this capacity, staff from OSPI shall prepare a preliminary analysis of each application and accompanying information that evaluates the extent in which the criteria in subsection (6) of this section have been met.

(5) If the board determines that additional information on a particular student is needed in order to fulfill its duties, the chair of the board shall contact the OSPI staff to request the information.

(6) The board shall recommend to the superintendent of public instruction that the appeal be granted if it finds that:

(a) The student, due to special, unavoidable circumstances as defined in WAC 392-501-601(2), was not able to successfully demonstrate his or her skills on a state high school assessment or on an objective alternative assessment;

(b) No other recourse or remedy exists to address the special, unavoidable circumstance prior to the student's expected graduation date;

(c) After considering the criteria below, in the board's best judgment, the student more likely than not possesses the skills and knowledge required to meet the state standard. The board shall consider the following criteria:

- (i) Trends indicated by prior state high school assessment or alternative assessment results;
- (ii) How near the student has been in achieving the standard;
- (iii) Scores on other assessments, as available;
- (iv) Participation and successful completion of remediation courses and other academic assistance opportunities;
- (v) Cumulative grade point average;
- (vi) Whether the student has taken advanced placement, honors, or other higher-level courses; and
- (vii) Other available information deemed relevant by the board.

(7) Based upon the recommendation of the special, unavoidable circumstance appeals board and any other information that the superintendent deems relevant, the superintendent of public instruction shall decide, based on the criteria established in subsection (6) of this section, whether to:

- (a) Grant the appeal and waive the requirement that a student earn a certificate to graduate;
- (b) Deny the appeal and not waive the certificate; or
- (c) Remand the appeal back to the appeals board for further information or deliberation.

(8) The superintendent of public instruction shall act upon the student's application and notify the student, the student's school principal or designee, and the school district assessment coordinator whether the application was approved or denied within thirty days of receiving the recommendation from the certificate appeals review board. The timeline for acting on the application recommendation may be extended if additional information is required from the student or the school district.

(9) If approved, the student's transcript shall indicate that the applicable content area assessment was waived.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-602, filed 9/30/16, effective 10/31/16; WSR 15-04-083, § 392-501-602, filed 2/2/15, effective 3/5/15. Statutory Authority: RCW 28A.665.065 [28A.655.065], 28A.665.061 [28A.655.061], 28A.155.045. WSR 10-01-053, § 392-501-602, filed 12/9/09, effective 1/9/10. Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-602, filed 6/13/07, effective 7/22/07.]

WAC 392-501-604 Notification requirements. The school principal or a designee shall, as applicable, notify students and parents or guardians when student is in their twelfth grade year of the availability of special, unavoidable circumstance appeals.

[Statutory Authority: RCW 28A.655.065 and 28A.655.061. WSR 16-20-055, § 392-501-604, filed 9/30/16, effective 10/31/16; WSR 07-13-035, § 392-501-604, filed 6/13/07, effective 7/22/07.]

WAC 392-501-606 Appeal of the superintendent's decision. Decisions made by the superintendent of public instruction under WAC 392-501-602 may be appealed as provided for in RCW 34.05.514.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-606, filed 6/13/07, effective 7/22/07.]

WAC 392-501-700 General description. RCW 28A.155.045 authorizes the superintendent of public instruction to develop guidelines for waiving specific requirements in RCW 28A.655.061 pertaining to the graduation requirements and the state assessment system, and to determine appropriate assessment alternatives through which to assess identified students.

[Statutory Authority: RCW 28A.665.061 [28A.655.061], 28A.155.045. WSR 10-01-054, § 392-501-700, filed 12/9/09, effective 1/9/10.]

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.]

GENERAL

WAC 392-501-707 Authority. The authority for these rules is RCW 28A.657.020, 28A.657.030, and 28A.657.100, which require the superintendent of public instruction to annually:

- (1) Identify challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state;
- (2) Recommend school districts for designation as required action districts to the state board of education; and
- (3) Make recommendations to the state board of education regarding the release of school districts from being designated as a required action district.

[Statutory Authority: RCW 28A.657.020, WSR 14-06-011, § 392-501-707, filed 2/20/14, effective 3/23/14. Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. WSR 10-24-057, § 392-501-707, filed 11/29/10, effective 12/1/10.]

WAC 392-501-710 Purpose. The purpose of this chapter is to:

- (1) Adopt criteria for identifying challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state;
- (2) Establish criteria for recommending to the state board of education school districts for required action; and
- (3) Establish exit criteria for districts that receive a required action designation.

[Statutory Authority: RCW 28A.657.020, WSR 14-06-011, § 392-501-710, filed 2/20/14, effective 3/23/14. Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. WSR 10-24-057, § 392-501-710, filed 11/29/10, effective 12/1/10.]

WAC 392-501-715 Definitions. For the purposes of this chapter, the following definitions apply:

- (1) "Challenged schools in need of improvement" are the lowest-achieving schools within the state. Challenged schools in need of improvement include priority schools and focus schools.
- (2) "Schools" are the public schools of the state, including schools that are eligible to use Title I funds for school wide programs, schools that participate in Title I by using Title I funds for school wide programs, schools that are not eligible to use Title I funds, and charter schools.
- (3) "Title I" is Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended.
- (4) "Washington achievement index" is a system developed by the state board of education pursuant to RCW 28A.657.110 to identify schools and school districts for recognition, continuous improvement, and for additional state support. The Washington achievement index includes an "all students group" category, a "targeted subgroups" category and student subgroup categories including American Indian, Asian, Black/African American, Hispanic, Pacific Islander, White, two or more races, low income, students with disabilities, English language learners.

[Statutory Authority: RCW 28A.657.020, WSR 14-06-011, § 392-501-715, filed 2/20/14, effective 3/23/14.]

(9/30/16)

PERSISTENTLY LOWEST-ACHIEVING SCHOOLS

WAC 392-501-720 Process and criteria for identifying challenged schools in need of improvement. By February 1st of every year, the superintendent of public instruction will identify challenged schools in need of improvement using the following criteria:

(1) Priority schools are the persistently lowest-achieving schools in the state. Priority schools are:

(a) Schools in the priority-lowest five percent tier of the Washington achievement index for the all students group in reading, writing, science, mathematics and beginning in the 2014-2015 school year, English language arts, combined for the past three consecutive years based on the composite index score; or

(b) High schools that grant diplomas with a five-year adjusted cohort graduation rate that is less than sixty percent based on the past three consecutive years.

(2) Focus schools are:

(a) Schools that are in the underperforming tier of the Washington achievement index in one or more student subgroup categories in reading, writing, science, mathematics and beginning in the 2014-2015 school year, English language arts, combined for the past three consecutive years based on the composite index score; or

(b) High schools that grant diplomas with a five-year adjusted cohort graduation rate that is less than sixty percent among one or more of student subgroup categories for the past three consecutive years.

[Statutory Authority: RCW 28A.657.020, WSR 14-06-011, § 392-501-720, filed 2/20/14, effective 3/23/14. Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. WSR 10-24-057, § 392-501-720, filed 11/29/10, effective 12/1/10.]

REQUIRED ACTION SCHOOL DISTRICTS

WAC 392-501-730 Process and criteria for recommending to the state board of education school districts for required action. By January 15, 2011, and annually thereafter, the superintendent of public instruction shall recommend to the state board of education school districts for designation as required action districts.

(1) The criteria for recommending designation shall be as follows:

(a) The school district has one or more schools on the persistently lowest-achieving list;

(b) For recommendations in January 2011 only, the school district did not apply for a school improvement grant in the 2009-10 school year application period;

(c) Student achievement in the school or schools on the persistently lowest-achieving list within the school district has improved at a rate less than the state average in reading and mathematics in the most recent past three years for which data are available as measured by state assessment scores;

(d) Schools on the persistently lowest-achieving school list within school districts that are identified in (a) through (c) of this subsection shall be ranked in priority order based on:

(i) The lowest levels of achievement in the all students group in reading and mathematics combined for the past three consecutive years; and

[Ch. 392-501 WAC p. 9]

(ii) The schools with the lowest rate of improvement in reading and mathematics combined for the past three years.

(e) Using the priority ranking in (d) of this subsection, the superintendent shall recommend school districts that have a school or schools that have the lowest levels of achievement and lowest rates of improvement. The number of school districts that shall be recommended shall be based on the availability of federal funds and the amount of funding needed for each identified school. For the 2011 recommendations, no more than half of the federal fund appropriation for school improvement grants shall be utilized for required action districts. All other federal funds will be allocated consistent with the federal school improvement guidelines competitive process.

(2) Notwithstanding subsection (1) of this section, school districts that applied for and received a school improvement grant in the 2009-10 school year application period shall not be eligible for being designated as a required action district until recommendations are made to the state board of education in January 2014, unless the school district does not implement a federal intervention model at each school that received a grant.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. WSR 10-24-057, § 392-501-730, filed 11/29/10, effective 12/1/10.]

EXIT CRITERIA

WAC 392-501-740 Exit criteria for required action designation. The superintendent of public instruction shall recommend to the state board of education that a school district be released from being designated as a required action district after the district implements a required action plan for a period of three years if:

(1) The district no longer has a school on the persistently lowest-achieving list; and

(2) The school or schools that were on the persistently lowest-achieving list have a positive improvement trend in reading and mathematics on state assessments in the "all students" category based on the most recent three-year average.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. WSR 10-24-057, § 392-501-740, filed 11/29/10, effective 12/1/10.]