Chapter 392-501 WAC

ACADEMIC ACHIEVEMENT, ACCOUNTABILITY AND ASSESSMENT

WAC

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

PSAT, SAT, ACT, 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.

WASL/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 process 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.

PERSISTENTLY LOWEST-ACHIEVING SCHOOLS

392-501-720 Process and criteria for identifying persistently lowest-achieving schools.

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 the high school Washington assessment of student learning (WASL); 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.655.061 and 28A.655.065. 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. 07-13-035, § 392-501-002, filed 6/13/07, effective 7/22/07.]

PSAT, SAT, ACT, AND AP COMPARISON OPTION

WAC 392-501-102 General description. The PSAT, SAT, ACT 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 reading, writing, or mathematics on:

(1) The mathematics component of the PSAT;

(2) The reading or English, writing, or mathematics component of the SAT or ACT; or

(3) Advanced placement examinations listed in WAC 392-501-104(2).

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 PSAT, SAT, ACT and AP comparison option if the student has taken the applicable component of the Washington assessment of student learning (WASL) 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 sat for and generated a scale score during the administration of the WASL.

(2) To be eligible for the PSAT mathematics option, the student must have taken the PSAT prior to September 1, 2008.

(3) A student may use a score earned on the PSAT, SAT, ACT or an advanced placement examination prior to or after taking the WASL once.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 mathematics portion of the PSAT and the reading or English, writing, and mathematics components of the SAT 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 writing standard, the English language and composition advanced placement examination; or

(c) For meeting the reading standard, the English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics advanced placement examination.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 students and school district personnel a PSAT, SAT, and ACT mathematics comparison application 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 complete an application and submit the application to the school principal or designee.

(3) If the school principal or designee agrees that the eligibility criteria have been met, the principal or designee shall transmit a facsimile or mail a copy of the application and the copy of the student's official PSAT, SAT, ACT, or AP score report that was sent to the school and to the office of superintendent of public instruction (OSPI).

(4) After the superintendent, or his or her designee, has received and verified the application to be complete and consistent with the requirements of this chapter, staff from the office of superintendent of public instruction shall notify the school principal or designee and the school district assessment coordinator once the application is verified. The school principal or designee shall notify the student of the verification. OSPI staff shall document in the student's state assessment record that the student met the applicable high school standard.

(5) The superintendent of public instruction shall act upon the student's application within thirty days of receiving the application.

(6) School staff shall include a copy of the application, the student's score report, and the verification in the student's cumulative folder.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 PSAT, SAT, ACT and AP comparison option.

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

WASL/GRADES COMPARISON OPTION

WAC 392-501-200 General description. The WASL/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 standard. This option may be used for meeting the high school reading, writing, and/or mathematics standard.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 sat for and generated a valid scale score during the administration of the state 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 filed.

[Statutory Authority: RCW 28A.300.040 and 2010 c 244. 11-19-042, § 392-501-201, filed 9/13/11, effective 10/14/11. Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 WASL/grades comparison option.

(2) A school district representative or designee shall determine the comparison cohort and complete the calculation in this subsection for all eligible students who apply to use this option.

(3) To complete the WASL/grades comparison option for eligible students, the school district representative or designee shall complete the following steps:

(a) Identify the group of students in the same school as the applicant who took the same mathematics or English high school courses, which ever 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 reading or writing standard, the courses must be eligible for an English/Language arts graduation credit.

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

(i) Mathematics: 400 - 433;

(ii) Reading: 400 - 426; and

(iii) Writing: 17 - 20.

(c) If there are fewer than six students in the comparison cohort, the cohort may 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 WASL/grades comparison option.

(d) The school district representative or designee shall compute the grade point average for the selected courses for the applicant and 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 school district representative or designee shall then calculate the mean comparison cohort grade point average of all the students in the comparison cohort.

(f) The school district representative or designee 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 application 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 principal or a designee shall transmit the application with the results of the calculation to the office of the superintendent of public instruction for approval.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 superintendent of public instruction shall approve the application if:

(a) The student eligibility requirements are met;

(b) The process for identifying the comparison cohort and for calculating the grade point averages and the mean grade point average was followed; and

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

(2) If the application is approved, 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 must act upon the student's application and notify the applicant's school principal or designee and the school district assessment coordinator whether the application was approved or denied within thirty days of receiving the application. The school principal or designee shall notify the student.

(4) School staff shall include a copy of the application and approval notification in the student's cumulative folder.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 WASL/grades comparison option.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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. 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 option authorized under RCW 28A.655.065 that evaluates a set of work samples in a specific content area (mathematics, reading, and/or writing) based on classroom

work prepared by a student. Students may prepare a COE for one or more content areas.

[Statutory Authority: RCW 28A.655.061, 28A.665.065. 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 for each content area in which they have not met standard as an alternative assessment if: The student has sat for and generated a valid scale score during the administration of the state high school assessment.

[Statutory Authority: RCW 28A.300.040 and 2010 c 244. 11-19-042, § 392-501-310, filed 9/13/11, effective 10/14/11. Statutory Authority: RCW 28A.655.061, 28A.665.065. 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 application 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 an application to the superintendent of public instruction via the Washington assessment management system (WAMS).

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

[Statutory Authority: RCW 28A.655.061, 28A.665.065. 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 mathematics, reading, or writing 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/default as approved by the state board of education in an open and public process.

(2) Protocols for submission of work samples will include a Student Information Form, a Work Sample Documentation Form, and Work Sample Sign-Off Forms. Protocols for submission of work samples will be published on the OSPI web site at http://www.k12.wa.us/assessment/default as approved by the state board of education in an open and public process.

[Statutory Authority: RCW 28A.655.061, 28A.665.065. 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 paperwork or signatures. If the school district does not provide the missing paperwork or signatures within the time frame provided, the collection of evidence will be returned without a score.

[Statutory Authority: RCW 28A.655.061, 28A.665.065. 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 for one or more of the content areas.

(1) Collections shall be scored at the state level by a panel of educators screened, selected, and trained by OSPI. To be selected as a scorer, a person must be a certificated educator in the content area, provide teacher leadership at the building and/or district level, and work with high school students in the content area in which they teach.

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

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

[Statutory Authority: RCW 28A.655.061, 28A.665.065. 08-10-015, § 392-501-350, filed 4/25/08, effective 5/26/08.]

WAC 392-501-360 Standard setting process for all content areas for the collection of evidence. (1) A neutral committee of educators, business people, and students will be trained on the state content standards in mathematics, reading, and writing. They will be led by an expert facilitator trained in standard setting processes. The facilitator assists the standard setting committees in order to determine the cut score which all collections must attain in order to meet standard in one or more of the content areas.

(2) The standard setting committee will recommend a cut score for each content area to the state board of education for graduation purposes.

(3) The state board of education shall have the responsibility of accepting or not accepting the standard setting results, using an open and public process.

[Statutory Authority: RCW 28A.655.061, 28A.665.065. 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. 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 alternative assessment option. The National Technical Advisory Committee for the superintendent of public instruction shall also provide ongoing technical assistance for the COE.

[Statutory Authority: RCW 28A.655.061, 28A.665.065. 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. 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 eleventh or twelfth grade year if the student provides documentation that he or she has met standards in another state on a high school assessment or for students eligible to receive special education services, on an alternate assessment. 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 both the mathematics and reading or 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 standard on the applicable Washington assessment for the certificate to be waived.

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

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

(e) If the other state did not have a writing assessment, then the student must have met the standard on the English language arts assessment or other assessment used to meet the English/language arts assessment or other assessment used to meet the English/language arts requirement in the federal Elementary and Secondary Education Act for the certificate to be waived.

(2) The student 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 directly to the student's school a score report from the school or school district where the student took the high school assessment or alternate assessment. The score report must contain the student's assessment results 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 directly transmitted the score report when the student enrolled in the Washington school system, then the student need not provide the report again; or

(b) The out-of-state school from which the student transferred must transmit directly to the student's school, if it has not done so already, the student's transcript documenting the student's assessment results. 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.655.061 and 28A.655.065. 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, the student or the student's parent or guardian must complete and submit to the student's principal or designee a waiver application developed by the superintendent of public instruction. The principal of the school or designee shall review the information and transmit the application and a copy of the student's assessment score report or transcript to the superintendent of public instruction for approval.

(2) Applications must be received by the superintendent of public instruction by April 1 of the student's twelfth grade year to provide time for processing prior to graduation.

(3) The superintendent of public instruction must act upon the student's application and notify the applicant's school principal or designee, and the school district assessment coordinator whether the application was approved or denied within thirty days of receiving the application. The school principal or designee shall notify the student.

(4) If approved, the student's transcript shall indicate that the applicable certificate was waived.

(5) School staff shall include a copy of the application, the student's score report or transcript, and the approval notification in the student's cumulative folder.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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. 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. 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 or from out-of-country in the eleventh or 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 for their 11th or 12th grade year into a public school from within the state from a nonpublic school setting may utilize an objective alternative assessment for meeting the high school standards as provided in RCW 28A.655.061 and 28A.655.065 without taking the state high school assessment.

(3) Students who were exempted from the high school assessment in 10th grade due to their status as a new student with non-English proficiency, may utilize an objective alternative assessment after their 10th 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.655.061 and 28A.665.065 [28A.655.065]. 10-01-055, § 392-501-510, filed 12/9/09, effective 1/9/10; 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.665.065 [28A.655.065], 28A.665.061 [28A.655.061], 28A.155.045. 10-01-053, § 392-501-600, filed 12/9/09, effective 1/9/10. Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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, from successfully demonstrating his or her skills and knowledge on the Washington assessment of student learning (WASL), on an objective alternative assessment authorized in RCW 28A.655.061 or 28A.655.065, or on a Washington alternate assessment available to students eligible for special education services.

(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 severe medical condition. The condition must be documented by a medical professional and included with the application; or

(iii) Another unavoidable event of a similarly compelling magnitude that reasonably prevented 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; or

(f) Students who transfer from an out-of-state or out-of-country school to a Washington public school in the twelfth grade year after March 1.

(3) 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.

(4) The application shall require that the following 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), 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.

(5) 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.

(6) Applications must be received by the superintendent of public instruction on or before May 1 or October 1.

[Statutory Authority: RCW 28A.665.065 [28A.655.065], 28A.665.061 [28A.655.061], 28A.155.045. 10-01-053, § 392-501-601, filed 12/9/09, effective 1/9/10. Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 shall be chaired by a current or former high school principal and shall consist of current or former teachers, department heads, and/or school district assessment directors with experience and expertise in the Washington essential academic learning requirements. Each member shall be appointed for a three-year term, provided that the initial terms may be staggered as the superintendent deems appropriate.

(3) The high school graduation certificate 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 the superintendent 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 the 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 the WASL, on an objective alternative assessment, or on a Washington alternate assessment available to students eligible for special education services;

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

(c) The student has met, or is on track to meet, all other state and local graduation requirements; and

(d) 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 WASL or alternate 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 high school graduation 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 the deadline for receiving the recommendation from the certificate appeals review board. This deadline for acting on the application 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 certificate was waived.

(10) School staff shall include a copy of the application, supporting information, and the superintendent's decision in the student's cumulative folder.

[Statutory Authority: RCW 28A.665.065 [28A.655.065], 28A.665.061 [28A.655.061], 28A.155.045. 10-01-053, § 392-501-602, filed 12/9/09, effective 1/9/10. Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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 notify students in their eleventh and twelfth grade years of the availability of special, unavoidable circumstance appeals.

[Statutory Authority: RCW 28A.655.061 and 28A.655.065. 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. 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. 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, or a student's parent or guardian, may initiate a waiver request to the superintendent of public instruction if a student's cognitive development is identified at the awareness level. The waiver request can cover one or all state assessed content areas of study. Stu-

dents 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 a student requesting a waiver under this section, 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).

(3) Filing a waiver request requires the use of a specific form developed by the superintendent of public instruction. Completing the waiver request requires:

(a) The special education teacher responsible for the IEP of the student to complete and sign the awareness waiver application and document the student's nonparticipation in the state assessment system in the student's IEP.

(b) The waiver application is submitted to the district's special education director for review, verification, and signature.

(c) Upon verification, the district special education director files the waiver application form with the district assessment coordinator.

(d) The district assessment coordinator reviews, signs, and transmits the waiver application to the superintendent of public instruction per instruction listed on the form.

(e) Staff from the office of superintendent of public instruction shall record a status of "waived" in the state data base, then transmit a confirmation e-mail to the student's high school principal and the district assessment coordinator.

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

[Statutory Authority: RCW 28A.665.061 [28A.655.061], 28A.155.045. 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 identify persistently lowest-achieving schools, to recommend school districts for designation as required action districts to the state board of education, and to 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, 28A.657.030, and 28A.657.100. 10-24-057, § 392-501-707, filed 11/29/10, effective 12/1/10.]

WAC 392-501-710 Purpose. The purposes of this chapter are to:

(1) Adopt criteria for identifying persistently lowest-achieving schools;

(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, 28A.657.030, and 28A.657.100. 10-24-057, § 392-501-710, filed 11/29/10, effective 12/1/10.]

PERSISTENTLY LOWEST-ACHIEVING SCHOOLS

WAC 392-501-720 Process and criteria for identifying persistently lowest-achieving schools. By December 1, 2010, and annually thereafter, the superintendent of public instruction shall identify persistently lowest-achieving Title I and Title I eligible schools based on the following criteria:

(1) A Title I school that has been identified as being in improvement, corrective action or restructuring in accordance with the 2001 reauthorization of the federal Elementary and Secondary Education Act that:

(a) Is among the lowest-achieving five percent in the all students group in reading and mathematics combined for the past three consecutive years; or

(b) Is a high school that has a weighted-average graduation rate that is less than sixty percent based on the past three years of data.

(2) A secondary school that is eligible for, but does not receive, Title I funds that:

(a) Is among the lowest-achieving five percent of secondary schools in the all students group in reading and mathematics combined for the past three consecutive years; or

(b) Is a high school that has a weighted-average graduation rate that is less than sixty percent based on the past three years of data.

(3) However, the superintendent of public instruction may exclude specific schools from the list based on a case-by-case analysis. The case-by-case analysis shall consider the percentage of overage and under-credited students, whether including the school on the list would be invalid or unreliable due to the small number of students on whom the identification would be based, and on other reasonable contextual conditions that would make it inappropriate for the school to be included on the list.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. 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

(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. 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. 10-24-057, § 392-501-740, filed 11/29/10, effective 12/1/10.]