

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 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;

(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.]