

WAC 180-111-040 School district implementation of the emergency waiver of certain graduation requirements.

(1) Before granting any emergency waivers, the school district board or equivalent governing body shall adopt by resolution a plan that describes the school district's process for granting and declining emergency waivers for students. The plan must include:

(a) A process for school district staff to initiate an emergency waiver and a process for students to request an emergency waiver if not initiated by the district;

(b) A school district process if an initial decision is made to decline an emergency waiver for an individual student, for further review and recommendations by a panel with at least one school counselor and educators with expertise in trauma-informed instruction and culturally responsive education, and if appropriate, special education, instruction for multilingual/English language learners, and a migrant graduation specialist or migrant student advocate;

(c) A process for students to appeal within the school district a decision to not grant an emergency waiver; and

(d) Culturally responsive ways, based on the school district's local community, to communicate with students and families about the emergency waiver and the process to request, appeal, or decline the emergency waiver.

(2) Beginning from the date of approval of its emergency waiver application, in accordance with WAC 180-111-030, a school district may waive certain graduation requirements on an individual student basis to eligible students in accordance with this section and subject to any specific limitations for particular graduation cohorts of students or specific emergency declarations specified in this chapter or in the board's approval of a school district emergency waiver application. The emergency waiver may be granted after completing all of the following requirements:

(a) Before use of this emergency waiver for graduation credit requirements, school districts shall consider using their existing authority to waive credits through the following ways:

(i) Local graduation requirements under WAC 180-51-020 may be waived at local discretion without approval of the state board of education.

(ii) Two-credit waiver of flexible credits may be granted for individual student circumstances, in accordance with WAC 180-51-068(13) and 180-51-210(2).

(iii) Students may be excused from physical education in accordance with the applicable requirements in WAC 180-51-067(6), 180-51-068(6), and 180-51-210 (4) (f).

(iv) The noncredit requirement of Washington state history may be waived in accordance with WAC 180-51-067 (4) (b), 180-51-068 (4) (b) (i) and (ii), and 180-51-210 (4) (d) (iv) (A) and (B).

(b) The school district shall review the individual student's completed and planned coursework and determine that the student was reasonably expected to graduate as defined in WAC 180-111-020 and that the student has demonstrated postsecondary preparation as defined in WAC 180-111-020.

(c) The school district shall demonstrate a good faith effort, as defined in WAC 180-111-020, to help the individual student complete coursework, address credit deficiencies, and meet core course and graduation pathway option requirements through other options that align with their high school and beyond plan. The school district

shall document the steps taken to demonstrate this good faith effort in the individual student record.

(d) The school district shall consult with the individual student, and make a reasonable effort to consult with a parent or guardian of the student, and shall make a reasonable effort to provide information about this emergency waiver in the preferred languages of the student, and of the parent or guardian of the student if applicable. The information must include, but is not limited to:

(i) In the consideration of whether emergency waiver(s) are appropriate for an individual student, and if so what emergency waiver(s), the school district shall advise the student to waive only those credit(s) that are least applicable to the student's postsecondary plans as articulated in the student's high school and beyond plan;

(ii) The potential benefits and limitations that could result from receiving the emergency waiver including impacts on postsecondary plans and, if applicable to their high school and beyond plan, the recommendation to contact the student's intended postsecondary institutions or apprenticeship provider regarding potential impacts; and

(iii) The option for the individual student to decline the emergency waiver and for the student to be provided with the opportunity to earn the credits needed or meet their intended pathway option to complete graduation requirements which may include continued enrollment beyond the planned graduation date.

(3) The school district shall ensure equity in administering the emergency waiver. The school district shall disaggregate emergency waiver data by student groups as referenced in RCW 28A.300.042(3) and shall conduct further disaggregation of student groups if data are available to do so. If disproportionality is found, the school district shall take appropriate actions to ensure equitable administration. This consideration must further be designed to identify and mitigate potential disparate impacts of the emergency waiver and to determine if any changes to the school district's approach in administering the emergency waiver, including supports under WAC 180-111-020(4) to help students meet the requirements, are needed before the conclusion of the school year.

(4) The school district shall:

(a) Maintain a record of the following in the individual student record: Actions taken under the good faith effort to help the student meet the graduation requirements, courses (including the term and amount of credit) and requirements waived, and how the student demonstrated postsecondary preparation;

(b) Include a notation of waived credits and graduation pathway on the student's high school transcript in accordance with RCW 28A.230.125;

(c) Keep a record of the number of emergency waivers requested and not granted;

(d) Report on administration of the emergency waiver to the state board of education in a manner determined by the state board of education; and

(e) Report student level emergency waiver data to the office of the superintendent of public instruction in a manner determined by the superintendent of public instruction in consultation with the state board of education.

[Statutory Authority: RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-16-059, § 180-111-040, filed 7/28/21, effective 8/28/21. Statu-

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