

**WSR 23-13-130
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 21, 2023, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-21-139.

Title of Rule and Other Identifying Information: Elective credit for paid work experience; sections of chapters 392-410 and 392-121 WAC.

Hearing Location(s): On Tuesday, July 25, 2023, at 11:00 a.m., virtual public hearing via Zoom (call-in option also available). Participation link available on office of superintendent of public instruction (OSPI) rules web page k12.wa.us/policy-funding/ospirulemaking-activity. The hearing will be held as a virtual public hearing, without a physical meeting space. For participation questions, please email kristin.murphy@k12.wa.us.

Date of Intended Adoption: July 28, 2023.

Submit Written Comments to: Becky Wallace, Assistant Superintendent, OSPI, P.O. Box 47200, Olympia, WA 98504, email rebecca.wallace@k12.wa.us, by July 25, 2023.

Assistance for Persons with Disabilities: Contact Kristin Murphy, OSPI rules coordinator, phone 360-725-6133, TTY 360-664-3631, email kristin.murphy@k12.wa.us, by July 18, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rules is to ensure consistent implementation of elective high school credit for work experience. The proposed additions and changes clarify definitions and ensure consistent application of funding calculations and reporting requirements. The proposed rules are intended to ensure that local education agencies increase access to credit for paid work experiences in an equitable way, honoring the value of work.

Reasons Supporting Proposal: OSPI is proposing the changes to support consistent implementation of work-related learning experiences and to align with HB [SHB] 1658 passed by the legislature in 2023.

Statutory Authority for Adoption: RCW 28A.230.100 and new section of chapter 28A.600 RCW as established by SHB 1658 (2023).

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Rebecca Wallace, OSPI, 600 South Washington Street, Olympia, WA; Enforcement: OSPI, 600 South Washington Street, Olympia, WA.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small businesses and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

Scope of exemption for rule proposal:

Is fully exempt.

June 20, 2023

Chris P.S. Reykdal

State Superintendent of Public Instruction

OTS-4316.2

AMENDATORY SECTION (Amending WSR 16-11-104, filed 5/18/16, effective 6/18/16)

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-51, 392-169, 392-134, and 392-410 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - Teaching/learning experiences conducted by school district staff as directed by the administration and the board of directors of the school district, or teaching/learning experiences conducted by charter school staff as directed by the charter school administration and charter school board, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences that are planned and scheduled by the district or charter school for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - Alternative learning experience provided by the school district or charter school in conformance with WAC 392-121-182.

(c) Instruction provided by a contractor - Instruction provided by a contractor in conformance with WAC 392-121-188 or 392-121-1885.

(d) National guard - Participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.300.165 and WAC 392-410-320.

(e) Ancillary service - Any cocurricular service or activity, any health care service or activity, and any other services or activities, for or in which enrolled students are served by appropriate school district or charter school staff. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, and if such service is provided by the district or charter school, certificated contact time pursuant to RCW 28A.225.010 (4) (a) with students who are in a home-based instruction program. The term shall exclude all extracurricular activities and all other courses of study defined in this section. In conformance with WAC 392-134-025, school districts and charter schools report the actual number of student contact hours of ancillary service for part-time, private school, and home-based students to the superintendent of public instruction.

(f) (~~Work-based~~) Worksite learning - Training provided (~~pursuant to~~) in accordance with WAC 392-410-315 and reported as provided in WAC 392-121-124.

(g) Running start - Attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.400, chapter 392-169 WAC.

(h) Transition school - Participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC. Such participation shall be reported by the University of Washington and shall not be reported by a school district or charter school.

(i) Technical college direct funding - Enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the school district agree to have the school district report such enrollment.

(j) Dropout reengagement program - Enrollment in a state approved dropout reengagement program pursuant to RCW 28A.175.100 and chapter 392-700 WAC.

(k) Paid work experience - Training provided in accordance with WAC 392-410-316 and reported as provided in WAC 392-121-139.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4): Education programs provided by a parent which do not meet the requirements of WAC 392-121-182 cannot be claimed for state funding;

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institutions for juvenile delinquents, county and city adult jails, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers except as provided under contract with a school district pursuant to RCW 28A.150.305 and WAC 392-121-188 or 392-121-1885;

(h) Enrollment for residents of the Washington state school for the deaf and the Washington state school for the blind;

(i) Extracurricular activities including but not limited to before and after school activities such as classes, sports and other activities offered outside the regular curriculum or for which credit is not earned; or

(j) Attendance at universities, colleges, community colleges, or technical colleges of students not earning high school credit.

[Statutory Authority: RCW 28A.150.290. WSR 16-11-104, § 392-121-107, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-121-107, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.305. WSR 13-02-004, § 392-121-107, filed 12/19/12, effective 1/19/13. Statutory Authority: RCW 28A.150.290. WSR 09-06-038, § 392-121-107, filed 2/25/09, effective 3/28/09; WSR 07-23-008, § 392-121-107, filed 11/8/07, effective 12/9/07. Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290. WSR 99-08-008 (Order 99-01), § 392-121-107, filed 3/25/99, effective 4/25/99. Statutory Authority: RCW 28A.150.290. WSR 97-22-013 (Order 97-06), § 392-121-107, filed 10/27/97, effective 11/27/97; WSR

95-18-097, § 392-121-107, filed 9/6/95, effective 10/7/95; WSR 95-01-013, § 392-121-107, filed 12/8/94, effective 1/8/95. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-121-107, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. WSR 88-03-013 (Order 88-8), § 392-121-107, filed 1/11/88.]

AMENDATORY SECTION (Amending WSR 16-14-031, filed 6/27/16, effective 7/28/16)

WAC 392-121-124 Full-time equivalent enrollment for ((work based)) worksite learning. For ((work-based)) worksite learning provided ((pursuant to)) in accordance with WAC 392-410-315 or by charter schools, a student's full-time equivalent shall be determined as follows:

(1) For cooperative ((work-based)) worksite learning experience, in accordance with WAC 392-410-315 (1)(g) and instructional worksite learning in accordance with WAC 392-410-315 (1)(f) and 296-125-043(4), divide the student's hours of work experience for the month by ((two hundred;)) 100. For example: ((Forty)) Twenty hours of cooperative work experience equals two tenths of a full-time equivalent ((40 ÷ 200 = 0.20). For instructional work based learning experience, in accordance with WAC 392-410-315 (1)(f) and 296-125-043(4), divide the student's enrolled hours of work experience for the month by one hundred; for example: Twenty hours of instructional work experience equals two tenths of a full-time equivalent)) (20 ÷ 100 = 0.20). Enrollment exclusions in WAC 392-121-108 apply to ((instructional work based)) worksite learning enrolled hours.

(2) Estimated or scheduled hours of cooperative ((work-based)) worksite learning experience may be used in determining a student's full-time equivalent on an enrollment count date: Provided, That the combined monthly hours reported for the school year shall not exceed the student's actual hours of cooperative ((work-based)) worksite learning experience documented on the student's work records and maintained by the school district or charter school for audit purposes.

(3) ((Work-based)) Worksite learning provided as part of a state-approved vocational education ((program)) course qualifies for enhanced vocational funding and may be included in determining a student's vocational full-time equivalent enrollment.

(4) Preparatory ((work-based)) worksite learning provided as part of a state-approved skill center program qualifies for enhanced skill center vocational funding and may be included in determining a student's skill center vocational full-time equivalent enrollment.

(5) No more than ((three hundred sixty)) 360 hours of cooperative ((work-based)) worksite learning may be claimed for funding for each credit a student pursues as reported on the student's transcript. No more than ((one hundred eighty)) 180 hours of instructional ((work based)) worksite learning may be claimed for funding for each credit a student pursues as reported on the student's transcript.

(6) Funding may be claimed only for ((work-based)) worksite learning hours that occur after the ((work-based)) worksite learning plan, ((work-based)) worksite agreement, program orientation and new employee orientation, as defined in WAC 392-410-315, are completed.

[Statutory Authority: RCW 28A.150.305. WSR 16-14-031, § 392-121-124, filed 6/27/16, effective 7/28/16. Statutory Authority: RCW

28A.150.305, 28A.150.290. WSR 16-06-124, § 392-121-124, filed 3/2/16, effective 4/2/16. Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-121-124, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.305. WSR 13-02-004, § 392-121-124, filed 12/19/12, effective 1/19/13. Statutory Authority: RCW 28A.150.290. WSR 07-23-026, § 392-121-124, filed 11/9/07, effective 12/10/07; WSR 04-14-068, § 392-121-124, filed 7/2/04, effective 9/1/04; WSR 98-07-060 (Order 98-03), § 392-121-124, filed 3/17/98, effective 4/17/98.]

NEW SECTION

WAC 392-121-139 Full-time equivalent enrollment for paid work experience for elective credit. For paid work experience for elective credit provided under WAC 392-410-316 or by charter schools, a student's full-time equivalent shall be determined as follows:

(1) For paid work experience, in accordance with WAC 392-410-316, divide the student's actual hours of work experience for the month by 100. For example, 20 hours of paid work experience equals 0.20 (two-tenths) of a full-time equivalent ($20 \div 100 = 0.20$).

(2) Actual hours of paid work experience shall be reported monthly provided no student's total monthly enrollment exceeds the limitations under WAC 392-121-136 and the annual average enrollment under WAC 392-121-123. The student's actual hours of paid work experience must be documented and maintained by the school district or charter school for audit purposes.

(3) No more than 360 hours of paid work experience may be claimed for funding for each credit a student pursues as reported on the student's transcript. A maximum of two elective credits may be earned through paid work experience calculated in accordance with this subsection.

(4) Funding may be claimed only for paid work experience hours that occur as part of a school monitored placement scheduled as part of the student's school day. A minimum per term hour verification is required, and should be completed by an employee of the district possessing a valid Washington state secondary education teaching certificate (under chapter 181-79A or 181-77 WAC).

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OTS-4317.2

AMENDATORY SECTION (Amending WSR 08-12-094, filed 6/4/08, effective 7/5/08)

WAC 392-410-315 Equivalency course of study—Credit for ((work based)) worksite learning. School districts may accept worksite learning in lieu of either required or elective high school credits if such worksite learning meets the standards under subsections (1)

through ~~((+5))~~ (4) of this section. Comprehensive guidelines are available on the OSPI website in the worksite learning manual.

(1) Definitions:

(a) "Work based learning" means ~~((a learning experience that connects knowledge and skills obtained in the classroom to those needed outside the classroom, and comprises a range of activities and instructional strategies designed to assist students in developing or fulfilling their education plans))~~ sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.

(b) "Worksite learning" means a learning experience that occurs at a qualified worksite outside the classroom in fulfillment of a student's educational or career plan through the coordination of a worksite learning certified teacher. Direct instruction and supervision is provided by a qualified worksite supervisor.

(c) "Worksite learning coordinator" means a certified school district employee responsible for coordinating worksite learning experiences. For career and technical education programs, the coordinator must possess a worksite learning certificate ~~((+))~~ in accordance with WAC 181-77-068(+)). For noncareer and technical education programs, the coordinator must successfully demonstrate competencies related to coordination techniques as verified by a professional educator standards board approved program.

(d) "Worksite supervisor" means a qualified adult from the worksite responsible for overseeing the worksite learning experience and acting as liaison between the worksite and school district.

(e) "Worksite learning agreement" means a contract that specifies the terms and conditions under which the worksite learning experience shall occur. It is agreed to and signed by the school district, worksite supervisor, student, and the student's parents/guardians.

(f) "Program orientation" means a meeting conducted by a worksite learning coordinator giving information to a worksite supervisor about the worksite learning program of the school. The orientation clarifies program objectives, establishes support systems, and delineates the responsibilities and rights of the various parties—school/district, worksite, students, and parents/guardians. The worksite learning coordinator qualifies the worksite and the worksite supervisor.

(g) "Employee orientation" means training for the student facilitated by a worksite supervisor or designee (e.g., human resources). This is necessary for students in cooperative worksite learning and instructional worksite learning experiences. The orientation includes worksite safety procedures and practices, workers' rights and responsibilities, issues related to harassment, and employer policies, procedures and expectations. The orientation shall also include a description of the formal accident prevention program of the worksite.

(h) "Instructional worksite learning" means a learning experience that takes place in the community (or school if the experience is comparable to that in a community setting) as part of a specific course content where the student performs tasks in order to gain desired skills, competencies, qualifications or industry certifications through direct instruction.

(i) "Cooperative worksite learning" means a learning experience where a student practices in the community (or school if the experi-

ence is comparable to that in a community setting) the skills and knowledge learned in the classroom. An employer/employee relationship must exist if the work performed by the student results in a net increase in productivity or profitability for the business or organization.

(j) "Qualifying class" means any high school class previously ~~((completed (successfully)))~~ passed or concurrently taken that directly connects the knowledge and skills learned in the class to opportunities provided by the worksite learning experience. For career and technical education funding, "qualifying classes" mean classes approved for career and technical education in the district offering worksite learning credit.

(2) The student shall be placed in a worksite that is appropriate to his or her previous learning experience and educational goals which shall be formalized through a worksite learning agreement and worksite learning plan. The worksite learning experience shall be connected to the student's high school and beyond plan ~~((WAC 180-51-061))~~ in accordance with WAC 180-51-220. The student must have taken or be currently enrolled in a qualifying class.

(a) The worksite learning plan shall articulate the connection between the education plan of the student and the worksite learning experience.

(b) Evaluation of learning progress related to the worksite learning plan shall occur during the worksite learning experience.

~~((c) Evaluation of learning progress related to the worksite learning plan shall occur during the work based learning experience.))~~

(i) Learning objectives shall be evaluated and updated on a regular basis as outlined in the worksite learning agreement.

(ii) Documentation of progress shall be on file in the district as outlined in the worksite learning agreement.

(3) The worksite learning experience shall be supervised by the school. A worksite learning coordinator shall be responsible for:

(a) Aligning the worksite learning experience to the education plan of the student;

(b) Identifying and developing worksite learning sites, establishing worksite learning agreements and worksite learning plans, orienting and coordinating with a worksite supervisor on the worksite, and assessing and reporting student progress;

(c) Ensuring that a worksite supervisor:

(i) Has received an orientation on the worksite learning program of the school prior to placement of the student on the worksite;

(ii) Has provided the student with a new-employee orientation upon placement;

(iii) Applies legal requirements of the employment of minors in accordance with chapters 296-125 and 296-131 WAC, particularly on issues of occupational health and safety, discrimination, harassment, worker/employer rights and responsibilities, and work rules for minors;

(d) Possessing a valid Washington state secondary teaching certificate ~~((+))~~ in accordance with chapter 181-79A or 181-77 WAC ~~((+))~~;

(e) Successfully demonstrating competencies related to coordination techniques as verified by a professional educator standards board approved program; and

(f) Supervising the experience and communicating with the worksite supervisor when not on-site.

(4) A 1.0 credit may be granted for no less than ~~((one hundred eighty))~~ 180 hours for instructional worksite learning experience, and

not less than (~~three hundred sixty~~) 360 hours of cooperative work-site learning experience, or one credit may be granted on a competency basis as provided under WAC 180-51-050 (1)(b).

(a) A student participating in an instructional worksite learning experience shall receive instruction supervised by the school. The worksite learning coordinator oversees the experience but does not need to be on-site with the student during the entire experience unless specific accommodations and a plan to address those accommodations are on file with the district requiring direct supervision of the student at the worksite. The student shall be (~~sixteen~~) 16 years of age or older unless under direct supervision of a school district employee.

Career and technical education approved instructional worksite learning shall be coordinated by a certificated worksite learning coordinator who is also certificated in the program area where credit is offered.

(b) A student participating in a cooperative worksite learning experience shall be legally employed if the work being performed by the student results in a net increase in productivity or profitability for the business or organization. The student shall be (~~sixteen~~) 16 years of age or older.

(i) Career and technical education approved cooperative worksite learning shall be coordinated by a certificated worksite learning coordinator.

(ii) The cooperative worksite learning experience shall be a direct extension of a qualifying class.

~~((5) The superintendent of public instruction shall report biennially at the state board's fall meeting on the use of the worksite learning credit option authorized in this section.)~~

(iii) For cooperative worksite learning, the learning experience must be reported using the specific worksite placement state course code and course designation code per OSPI guidance.

[Statutory Authority: RCW 28A.305.130. WSR 08-12-094, § 392-410-315, filed 6/4/08, effective 7/5/08; WSR 08-04-074, § 392-410-315, filed 2/4/08, effective 3/6/08. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-410-315, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.130 (8), (9), and 28A.230.100. WSR 03-04-054, § 180-50-315, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.04.120. WSR 00-19-106, § 180-50-315, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.04.120 (6) and (8) and 28A.05.060. WSR 85-12-037 (Order 13-85), § 180-50-315, filed 6/3/85. Statutory Authority: RCW 28A.04.120 (6) and (8). WSR 84-21-004 (Order 12-84), § 180-50-315, filed 10/4/84.]

NEW SECTION

WAC 392-410-316 Equivalency course of study—Elective credit for paid work experience. (1) The board of directors of a district offering a high school diploma and providing students with the opportunity to learn and master the state financial education learning standards adopted in RCW 28A.300.469, shall adopt written policies providing for

the granting of elective high school graduation credit for paid work experience. Credit is earned when the following conditions are met:

(a) The student is legally eligible for paid employment and is at least 16 years old.

(b) A 1.0 credit is granted for no less than 360 hours of paid work, a .5 credit may be granted for no less than 180 hours of paid work.

(c) The student's High School and Beyond Plan is updated to reflect the paid work experience.

(d) The paid work experience is approved in advance and in writing by the school counselor, principal, or principal designee. Approval is contingent upon submission of the following information:

(i) Identification of the work-based sponsor (employer) who will serve as the point of contact and supervise the student during employment.

(ii) A student narrative that describes how the paid work experience will develop knowledge and skills for basic education; an understanding of work and finance; and how performance, effort, and decisions affect future career and educational opportunities as provided in RCW 28A.150.210(4).

(iii) A plan to include how the student will demonstrate or be assessed on:

(A) Grade-level proficiency of the state financial education learning standards for employment, income, or financial decisions adopted in RCW 28A.300.469; and

(B) Growth in proficiency in meeting the state financial education learning standards that occurred between pre-work and post-work experiences.

(e) Paid hour verification is completed by the school district no less than once per term.

(f) Students may earn credit under this section for work experiences scheduled as part of their school day, experiences that occur outside of the regular school calendar, or through WAC 180-51-050 and 180-51-051.

(g) The learning experience must be reported using the specific state course code and course designation code per OSPI guidance.

(2) A maximum of two elective credits may be earned through paid work experience reflected in this section.

(3) This section does not impact the legal requirements of the employment of minors in accordance with chapters 296-125 and 296-131 WAC, particularly on issues of occupational health and safety, discrimination, harassment, worker/employer rights and responsibilities, and work rules for minors.

(4) This subsection does not modify a district's ability to adopt policies to increase student access to credit for worksite learning that includes cooperative worksite learning for nonelective credit as referenced in WAC 392-410-315; or through mastery-based education as referenced in WAC 180-51-051.

(5) Paid work experience scheduled as part of the student's school day may be claimed for apportionment in alignment with WAC 392-121-140.

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AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

WAC 392-410-340 Equivalency credit for alternative learning experiences, nonhigh school courses, electronically mediated courses, work experience, and challenges. The board of directors of a district offering a high school diploma shall adopt written policies providing for the granting of high school graduation credit for alternative learning experiences, nonhigh school courses, work experience, and challenges. High school credits may be given for, but not limited to, the following:

(1) Planned learning experiences conducted away from the school under the supervision or with the approval of the school and linked to one or more of the state learning goals and related essential academic learning requirements;

(2) Work experience on the basis that ((four hundred five)) 360 hours of work experience equals one credit;

(3) National Guard high school career training and National Guard youth challenge;

(4) Postsecondary courses in accredited colleges and universities. In the case of courses taken under the statutory running start option under RCW 28A.600.300 through 28A.600.400, the district shall award high school credit pursuant to RCW 28A.230.090(6);

(5) Courses in accredited or approved technical colleges;

(6) Correspondence courses from accredited colleges and universities or schools approved by the National University Education Association or the Distance Education and Training Council;

(7) Electronically mediated courses meeting standards which shall be adopted by written policy by the school district, or standards adopted by the Northwest Association of Schools and Colleges, or the Distance Education and Training Council, or the Commission for International and Trans-regional Accreditation;

(8) Other courses offered by any school or institution if specifically approved for credit by the district; and

(9) Credit based on competency testing, in lieu of enrollment or taking specific courses, may be granted by the district.

[Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-410-340, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.230.090. WSR 05-23-058, § 180-51-110, filed 11/10/05, effective 12/11/05; WSR 00-19-108, § 180-51-110, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.05.060. WSR 85-12-041 (Order 12-85), § 180-51-110, filed 6/5/85. Statutory Authority: Chapter 28A.05 RCW. WSR 84-11-049 (Order 7-84), § 180-51-110, filed 5/17/84.]