

WSR 24-09-057

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed April 15, 2024, 2:01 p.m., effective May 16, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In response to the COVID-19 pandemic, the state board of education (SBE) adopted emergency rules for an emergency waiver program that permitted districts and other local educational agencies to waive graduation requirements for individual students. The purpose of the waiver program was to provide a last resort option to allow students whose education had been disrupted by the pandemic to graduate. SBE later adopted permanent rules and extended the waiver to allow for qualifying students graduating in 2022-23 to waive two credit graduation requirements and the pathway requirement, and for students graduating in 2023-24 to waive one credit graduation requirement. The purpose of current rule making is to modify the emergency waiver for students graduating in the 2023-24 school year to allow a waiver of the graduation pathway requirement with certain limitations. This change responds to public comments received by SBE from parents, students, and educators that student learning and the opportunity to access graduation pathway requirement options continued to be disrupted due to the COVID-19 pandemic for students planning to graduate in 2023-24.

Citation of Rules Affected by this Order: Amending WAC 180-111-050.

Statutory Authority for Adoption: RCW 28A.230.090, 28A.150.220(7).

Adopted under notice filed as WSR 24-03-134 on January 23, 2024.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to clarify the rules consistent with the intent of the proposed rules. Public comment and testimony indicated that some people were confused by wording of the proposed rules. The changes were intended to clarify the applicability of the waiver for students who may need both a credit and a pathway waived.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 11, 2024.

Randy Spaulding
Executive Director

OTS-5135.2

AMENDATORY SECTION (Amending WSR 22-12-025, filed 5/23/22, effective 6/23/22)

WAC 180-111-050 Emergency waiver of certain graduation requirements in response to novel coronavirus. This section is for the novel coronavirus emergency, in response to the gubernatorial declaration of emergency on February 29, 2020. It applies to the classes of 2020 through 2024 beginning in the 2020-21 school year. Beginning from the date of approval of a school district's emergency waiver application, in accordance with WAC 180-111-040:

(1) Waived credit graduation requirements are limited to the student's classes impacted by the novel coronavirus disruption. The school district shall prioritize student completion of core coursework and coursework related to the student's high school and beyond plan under RCW 28A.230.090. School districts may waive credits for eligible students in the classes of 2020 to 2024. In addition to existing waiver authorities as described in WAC 180-111-040 (2)(a):

(a) For the classes of 2020 to 2023, school districts may waive up to two additional credits under this emergency waiver, provided that students graduate with no fewer than a total of 20 credits.

(b) For the class of 2024, school districts may waive up to one additional credit under this emergency waiver, provided that students graduate with no fewer than a total of 21 credits.

(2) For the class of 2020, 2021, 2022, and 2023: The emergency waiver may be applied to core credits or flexible credits, provided that no more than one credit in each core subject area is waived. The terms "core" and "flexible credits" used in this section are defined in WAC 180-51-210.

(3) For the class of 2024: The emergency waiver may be applied to core or flexible credits.

(4) A student's graduation pathway requirement, as outlined in WAC 180-51-230, may be waived for eligible students in the classes of 2020 to (~~2023~~) 2024 after a school district has made a good faith effort to help the student meet their pathway requirement, as defined in WAC 180-111-020. For students graduating in 2024, the district may waive the graduation pathway requirement with the following limitations:

(a) If a student receives an emergency waiver of up to one mathematics credit, the student must meet a mathematics pathway option; and

(b) If a student receives an emergency waiver of up to one English credit, the student must meet an English pathway option.

(5) The graduation pathway requirement may also be waived for a student so that the student may earn a diploma before their planned graduation year, provided that:

(a) The student may not be granted an emergency waiver of credit requirements; and

(b) The student must meet all other state graduation requirements including credit requirements under WAC 180-51-210.

(6) This emergency waiver may apply to individual students participating in the international baccalaureate diploma programme as defined in RCW 28A.230.122 to enable these students to earn a Washington high school diploma.

(7) Schools operating under the waiver defined in WAC 180-18-055 may waive graduation requirements in a manner consistent with this section.