

WSR 21-01-077

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed December 10, 2020, 10:01 a.m., effective January 10, 2021]

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

Purpose: The state board of education (SBOE) has adopted amendments to chapters 180-51, 180-90, and 180-111 WAC to make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, and make other changes identified during the review of the WAC chapter. SBOE is responding to emergent COVID-19 issues in the education system with clarifications on flexibility in chapter 180-51 WAC and with turning emergency rule making into permanent rule making on chapters 180-90 and 180-111 WAC. These rules clarify existing flexibilities and make emergency rule into permanent rule as necessary.

The changes to chapter 180-90 WAC allow private schools to use online-only education if state or local health requirements prevent in-person education or if the school deems it unsafe to open.

The changes to chapter 180-111 WAC put the emergency waiver program for graduation requirements and private school time requirements into permanent rule. The emergency waiver program was administered using emergency rule.

SBOE is also proposing clarifications to chapter 180-51 WAC to allow for flexibility in meeting graduation requirements so that local education agencies may use these flexibilities to respond to the emergency situation. The changes to chapter 180-51 WAC address the following:

- Flexibility for the Washington state history noncredit requirement.
- Clarification on districts' authority to provide mastery-based crediting opportunities.

Citation of Rules Affected by this Order: New WAC 180-111-010, 180-111-020, 180-111-030, 180-111-040, 180-111-050 and 180-51-051; and amending WAC 180-90-141, 180-90-160, 180-51-015, 180-51-050, 180-51-056, 180-51-067, 180-51-068, 180-51-095, and 180-51-210.

Statutory Authority for Adoption: Sections 10 through 12, chapter 7, Laws of 2020 (EHB 2965); RCW 28A.195.010, 28A.230.090, 28A.150.220(7).

Adopted under notice filed as WSR 20-15-151 on July 22, 2020.

Changes Other than Editing from Proposed to Adopted Version: Based on stakeholder feedback received during the public comment period, the board removed proposed amendments to chapter 180-51 WAC that were intended to clarify existing WAC that permits a single course to meet more than one graduation requirement.

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 5, Amended 1, 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 6, Amended 9, 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: September 17, 2020.

Randy Spaulding
Executive Director

OTS-2463.4

AMENDATORY SECTION (Amending WSR 84-11-049, filed 5/17/84)

WAC 180-51-015 Application of chapter to charter and tribal compact schools, approved private schools, and community colleges. High school diplomas granted by a charter school established under chapter 28A.710 RCW, tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW, approved private schools under chapter 28A.195 RCW and by community colleges under RCW 28B.50.535 shall meet the requirements of this chapter. References in this chapter to the board of directors of a school district shall apply to the governing board of the charter school, tribal compact school, approved private school or the community college district affected. References within this chapter to school district shall refer to the charter school, tribal compact school, approved private school or community college district. References within this chapter to high school shall refer to each charter school, tribal compact school, approved private school or ((each)) community college.

[Statutory Authority: Chapter 28A.05 RCW. WSR 84-11-049 (Order 7-84), § 180-51-015, filed 5/17/84.]

AMENDATORY SECTION (Amending WSR 20-01-101, filed 12/13/19, effective 1/13/20)

WAC 180-51-050 High school credit—Definition. As used in this chapter the term "high school credit" shall mean:

- (1) Grades nine through twelve or the equivalent of a four-year high school program, or as otherwise provided in RCW 28A.230.090(4):
 - (a) Successful completion, as defined by written district policy, of courses taught to the state's learning standards. If there are no state-adopted learning standards for a subject, the local governing board, or its designee, shall determine learning standards for the successful completion of that subject; or
 - (b) Satisfactory demonstration by a student of proficiency/competency/mastery, as defined by written district policy, of the state's learning standards.
- (2) College and university course work. At the college or university level, five quarter or three semester hours shall equal one high school credit: Provided, that for the purpose of this subsection, "college and university course work" means course work that generally is designated 100 level or above by the college or university.

(3) Community/technical college high school completion program - Diploma awarded by community/technical colleges. Five quarter or three semester hours of community/technical college high school completion course work shall equal one high school credit: Provided, that for purposes of awarding equivalency credit under this subsection, college and university high school completion course work includes course work that is designated below the 100 level by the college and the course work is developmental education at grade levels nine through twelve or the equivalent of a four-year high school program. (See also WAC 180-51-053)

(4) Community/technical college high school completion program - Diploma awarded by school district. A minimum of one-half and a maximum of one high school credit may be awarded for every five quarter or three semester hours of community/technical college high school completion course work: Provided, that for purposes of awarding equivalency credit under this subsection, college and university high school completion course work includes course work that is designated below the 100 level by the college and the course work is developmental education at grade levels nine through twelve or the equivalent of a four-year high school program. (See also WAC 180-51-053)

(5) Each high school district board of directors shall adopt a written policy for determining the awarding of equivalency credit authorized under subsection (4) of this section. The policy shall apply uniformly to all high schools in the district.

(6) Each high school district board of directors shall adopt a written policy regarding the recognition and acceptance of earned credits. The policy shall apply to all high schools in the district. The policy may include reliance on the professional judgment of the building principal or designee in determining whether or not a credit meets the district's standards for recognition and acceptance of a credit. The policy shall include an appeal procedure to the district if it includes reliance on the professional judgment of the building principal or designee.

(7) A student must first obtain a written release from their school district to enroll in a high school completion program under subsection (3) of this section if the student has not reached age eighteen or whose class has not graduated.

[Statutory Authority: RCW 28A.230.090. WSR 20-01-101, § 180-51-050, filed 12/13/19, effective 1/13/20; WSR 12-03-052, § 180-51-050, filed 1/11/12, effective 2/11/12. Statutory Authority: Chapter 28A.230 RCW. WSR 05-19-105, § 180-51-050, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 28A.230 RCW and RCW 28B.50.915. WSR 04-20-093, § 180-51-050, filed 10/5/04, effective 11/5/04. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). WSR 04-04-093, § 180-51-050, filed 2/3/04, effective 3/5/04. Statutory Authority: RCW 28A.230.090. WSR 00-23-032, § 180-51-050, filed 11/8/00, effective 12/9/00; WSR 99-10-093, § 180-51-050, filed 5/4/99, effective 6/4/99. Statutory Authority: RCW 28A.230.090 and 28A.305.130. WSR 97-08-020, § 180-51-050, filed 3/25/97, effective 4/25/97; WSR 96-09-027, § 180-51-050, filed 4/9/96, effective 5/10/96. Statutory Authority: RCW 28A.230.090, 28A.305.130 and 1994 c 222. WSR 95-16-063, § 180-51-050, filed 7/27/95, effective 8/27/95. Statutory Authority: RCW 28A.230.090(1) and 28A.305.130 (8) and (9). WSR 94-13-017, § 180-51-050, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.230.090. WSR 94-03-100 (Order 1-94), § 180-51-050, filed 1/19/94, effective 9/1/94. Statutory Authority: RCW 28A.05.060. WSR 85-12-041

(Order 12-85), § 180-51-050, filed 6/5/85. Statutory Authority: Chapter 28A.05 RCW. WSR 84-11-049 (Order 7-84), § 180-51-050, filed 5/17/84.]

NEW SECTION

WAC 180-51-051 Procedure for granting students mastery-based credit. (1) Definitions. The definitions in this section apply throughout this chapter.

(a) Per WAC 180-51-015, references to "district" within this section means a school district, a charter school established under chapter 28A.710 RCW, a tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW, and community and technical colleges per WAC 180-51-015.

(b) Per E2SHB 1599 (section 301, chapter 252, Laws of 2019), "mastery-based learning" means:

- (i) Students advance upon demonstrated mastery of content;
- (ii) Competencies include explicit, measurable, transferable learning objectives that empower students;
- (iii) Assessments are meaningful and a positive learning experience for students;
- (iv) Students receive rapid, differentiated support based on their individual learning needs; and
- (v) Learning outcomes emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.

(2) Per WAC 180-51-050, a district may award credit to a student who demonstrates mastery on the state learning standards. If no state standard is available for a subject the district may award credit based on mastery of locally adopted standards.

(3) A district's written policy for awarding mastery-based credit must include:

(a) A provision that details how the district will ensure cultural responsiveness and equity in awarding of mastery-based credit. Each district shall maintain disaggregated student data and periodically review which subgroups of students are receiving mastery-based credit. If the district finds disproportionality among student groups receiving mastery-based credit, the district should be prepared to take appropriate actions to ensure equitable access to mastery-based credit opportunities.

(b) Which subjects or courses are eligible for mastery-based credit.

(c) Other methods allowable for a student to demonstrate proficiency and qualify for mastery credit, beyond what is established in subsection (4)(b) of this section for locally developed assessment options.

(4) Student demonstration of mastery: Student demonstration of mastery of the state's learning standards is not limited to standardized assessment results. Nothing in this section prohibits LEAs from developing additional methods to allow students to show proficiency and earn mastery-based credit, beyond what is included in this section. Districts who adopt a written policy for awarding mastery-based credit may make the following methods of earning mastery-based credit available to their students:

- (a) State assessments in English language arts, math, and science, in accordance with RCW 28A.655.070;
- (b) Local assessment options: Districts are encouraged to allow students to choose their assessment method from a variety of district-approved options. Additionally, districts may consider using standards-based grading for any local assessment approach to awarding credit. Local assessment options may include:
- (i) Locally created written or oral test;
 - (ii) Written report by the student;
 - (iii) Student-designed portfolio of work;
 - (iv) Student presentation or oral defense of their learning in the course;
 - (v) Hands-on demonstration of knowledge and skills; or
 - (vi) A combination of assessment approaches, as defined by the district.
- (c) Equivalency course of study: Students may receive credit for learning experiences outside of school that align to state learning standards, in accordance with WAC 392-410-300.
- (d) Successful completion of next higher-level course: Districts may award credit for a course when the student successfully completes the next higher-level course in a sequence that includes a natural progression of the state learning standards from the previous course. Districts shall use the state or locally determined learning standards as their guide when making decisions regarding what courses should qualify.
- (5) High school and beyond plan (HSBP): In accordance with WAC 180-51-220, a student's high school and beyond plan should reflect subject area requirements intended to be met, or that have been met, through mastery-based credit per WAC 180-51-220.

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AMENDATORY SECTION (Amending WSR 20-01-101, filed 12/13/19, effective 1/13/20)

WAC 180-51-056 Previous requirements for high school graduation.

This section describes the statewide minimum credit and subject areas requirements for high school graduation for students who entered the ninth grade or began the equivalent of a four-year high school program prior to July 1, 2012 (the class of 2015 and previous classes). This section applies to students of the applicable graduation cohorts in high school completion programs at community and technical colleges.

(1) The minimum credit and subject area requirements, except as noted in subsections (2) and (3) of this section, are as follows:

(a) Three **English** credits (reading, writing, and communications) that at minimum align with grade level expectations for ninth and tenth grade, plus content that is determined by the district.

(b) Two **science** credits (physical, life, and earth) that at minimum align with grade level expectations for ninth and tenth grade, plus content that is determined by the district. At least one credit in laboratory science is required which shall be defined locally.

(c) Two and one-half **social studies** credits that at minimum align with the state's learning standards in civics, economics, geography, history, and social studies skills at grade ten and/or above plus content that is determined by the district. The social studies require-

ment shall consist of the following mandatory courses or equivalencies:

(i) One credit shall be required in United States history and government which shall include study of the Constitution of the United States.

(ii) Under the provisions of RCW 28A.230.170 and 28A.230.090, one-half credit shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington and shall include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state. If taken in seventh or eighth grade, this course may meet the state history and government graduation requirement. However, the course may only count as a high school credit if the academic level of the course exceeds the requirements for seventh and eighth grade classes or is equivalent to a course offered at a high school in the district as determined by the school district board of directors (RCW 28A.230.090). The study of the United States and Washington state Constitutions shall not be waived but may be fulfilled through an alternative learning experience approved locally under written district policy. Secondary school students who have completed and passed a state history and government course of study in another state, and students who transferred from another state as eleventh or twelfth grade students who have or will have earned two credits in social studies at graduation, may have the Washington state history and government requirement waived.

(iii) One credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

(d) One-half credit of **health**.

(e) One and one-half credits of **physical education**. Students may be excused from the physical education requirement under RCW 28A.230.050. Such excused students shall be required to demonstrate proficiency/competency/mastery in the knowledge portion of the physical education requirement, in accordance with written district policy. Such policies that should be based upon meeting both health and physical education curricula concepts as well as alternative means of engaging in physical activities, as directed in RCW 28A.210.365.

(f) One **arts** credit that at minimum is aligned to learning standards.

(g) One credit in **career and technical education** or occupational education. Courses that meet this requirement include courses that are part of career and technical education programs, as defined in chapter 28A.700 RCW, or occupational education courses as identified by the district. "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency/mastery of skills under student learning goal four (RCW 28A.150.210) and are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as contained in the career and technical education program standards of the office of the superintendent of public instruction. Districts are encouraged to offer career and technical education programs, as defined in RCW 28A.700.010.

(i) An exception of the career and technical education requirement may be made for private schools as provided in WAC 180-90-160.

(ii) A student who earns credit through a career and technical education course determined by the district or by the office of the superintendent of public instruction to be equivalent to a noncareer and technical education course per RCW 28A.700.070, will not be required to pass a course in the noncareer and technical education subject to earn a credit in the noncareer and technical education subject. The single career and technical education course equivalency meets two graduation requirements, the career and technical education subject area graduation requirement and the noncareer and technical education subject area graduation requirement. The student therefore has an additional elective credit.

(h) Five and one-half credits of **electives**. Districts may replace these credits with local district requirements through written district policy.

(i) Each student shall have a **high school and beyond plan** for their high school experience, that informs course-taking and that is aligned with the student's postsecondary goals.

(2) For students who entered ninth grade prior to July 1, 2009 (graduating classes preceding the class of 2013), additional graduation requirements are as follows:

(a) The total minimum number of credits required for high school graduation is nineteen.

(b) Two mathematics credits that at minimum align with mathematics grade level expectations for ninth and tenth grade, plus content that is determined by the district.

(3) For students who entered ninth grade as of July 1, 2009, through June 30, 2012 (the class of 2013 through the class of 2015), additional graduation requirements are as follows:

(a) The total minimum number of credits required for high school graduation is twenty.

(b) Three mathematics credits that align with the high school mathematics standards as developed and revised by the office of the superintendent of public instruction and satisfy the requirements set forth below:

(i) Unless otherwise provided for in (b)(ii) of this subsection, the three mathematics credits required under this section must include:

- (A) Algebra 1 or integrated mathematics I;
- (B) Geometry or integrated mathematics II; and
- (C) Algebra 2 or integrated mathematics III.

(ii) A student may elect to pursue a third credit of high school-level mathematics, other than algebra 2 or integrated mathematics III, based on a career-oriented program of study identified in the student's high school and beyond plan that is currently being pursued by the student.

[Statutory Authority: RCW 28A.230.090. WSR 20-01-101, § 180-51-056, filed 12/13/19, effective 1/13/20.]

AMENDATORY SECTION (Amending WSR 20-01-101, filed 12/13/19, effective 1/13/20)

WAC 180-51-067 State subject and credit requirements for high school graduation—Students entering the ninth grade on or after July

1, 2012, through June 30, 2015. The statewide subject areas and credits required for high school graduation, beginning July 1, 2012, for students who enter the ninth grade or begin the equivalent of a four-year high school program, as of July 1, 2012, through June 30, 2015, except as provided in WAC 180-51-068(11), shall total twenty as provided below. The credit and subject area requirements in this section apply to districts with a waiver to delay implementing WAC 180-51-068. For such districts, this section will apply to students who entered ninth grade between July 1, 2012, and June 30, 2016. All credits are to be aligned with the state's learning standards for the subject. The content of any course shall be determined by the local school district.

(1) Four **English** credits.

(2) Three **mathematics** credits that satisfy the requirements set forth below:

(a) Unless otherwise provided for in (d) through (g) of this subsection, the three mathematics credits required under this section must include:

(i) Algebra 1 or integrated mathematics I;

(ii) Geometry or integrated mathematics II; and

(iii) Algebra 2 or integrated mathematics III.

(b) A student may elect to pursue a third credit of high school-level mathematics, other than algebra 2 or integrated mathematics III, if all of the following requirements are met:

(i) The student's elective choice is based on a career-oriented program of study identified in the student's high school and beyond plan that is currently being pursued by the student;

(ii) The student's parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) agree that the third credit of mathematics elected is a more appropriate course selection than algebra 2 or integrated mathematics III because it will better serve the student's education and career goals;

(iii) A meeting is held with the student, the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable), and a high school representative for the purpose of discussing the student's high school and beyond plan and advising the student of the requirements for credit bearing two- and four-year college level mathematics courses; and

(iv) The school has the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) sign a form acknowledging that the meeting with a high school representative has occurred, the information as required was discussed, and the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) agree that the third credit of mathematics elected is a more appropriate course selection given the student's education and career goals.

(c) Equivalent career and technical education mathematics courses meeting the requirements set forth in RCW 28A.230.097 can be taken for credit instead of any of the mathematics courses set forth in (a) of this subsection if the career and technical education mathematics courses are recorded on the student's transcript using the equivalent academic high school department designation and course title.

(d) A student who prior to ninth grade successfully completes one or more high school level math courses with a passing grade that is automatically transcribed on the student's high school transcript in accordance with RCW 28A.230.090 and WAC 180-51-030, or a student who demonstrates mastery (~~/competency~~) in high school math subjects and

has received credit for them, may use these credits to meet their math graduation requirements. Upon completion of algebra 1 or integrated math I, geometry or integrated math II, and a third credit of high school level math that aligns with the student's high school and beyond plan, the student should be encouraged to consider additional math courses, which align with the student's education and career goals in their high school and beyond plan.

(e) A student who prior to ninth grade successfully completes one or more high school level math courses with a passing grade and opts to receive no high school credit for such course(s) in accordance with RCW 28A.230.090 and WAC 180-51-030, or a student who demonstrated mastery (~~(competency)~~) in these subjects but did not receive high school credits, may either:

(i) Repeat the course(s) for credit in high school; or

(ii) Earn three credits of high school mathematics in different math subjects than those completed before high school. The student must take algebra 1 or integrated mathematics I and geometry or integrated math II in high school if the student did not complete these courses at a high school level prior to high school, but the student does not need to repeat courses if the student already took the courses at a high school level.

(3) Two **science** credits, at least one of the two credits must be in laboratory science.

(4) Three **social studies** credits (two credits prescribed courses, plus one credit social studies elective) and a noncredit requirement. The social studies requirement shall consist of the following mandatory courses or equivalencies:

(a) One credit shall be required in United States history.

(b) Successful completion of Washington state history and government shall be required, subject to the provisions of RCW 28A.230.170 (~~(RCW)~~), 28A.230.090, 28A.320.170 and WAC 392-410-120, and shall include information on the cultures, histories, and governments of the American Indian peoples who are the first inhabitants of the state. Successful completion of Washington state history must be noted on each student's transcript. The Washington state history and government requirement may be waived by the principal for individual students who:

(i) Have successfully completed a state history and government course of study in another state; or

(ii) Are in eleventh or twelfth grade and who have not completed a course of study in Washington's history and state government because of previous residence outside the state or because emergency school closure, or other circumstance due to an emergency, prevented the student from having the opportunity to fulfill this requirement.

(c) One-half credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on contemporary world problems may be accepted as equivalencies.

(d) One-half credit shall be required in civics and include at a minimum the content listed in RCW 28A.230.093.

(5) One-half credits of **health**.

(6) One and one-half credits of physical education. Students may be excused from the physical education requirement under RCW 28A.230.050. Such excused students shall be required to demonstrate (~~(competency)~~) mastery of the knowledge portion of the physical education requirement, in accordance with written district policy. Such

policies should be based upon addressing health and physical education learning standards as well as alternative means of engaging in physical activities, as directed in RCW 28A.210.365.

(7) One **arts** credit. The essential content in this subject area may be satisfied in the visual or performing arts.

(8) One credit in **career and technical education** or **occupational education**.

(a) "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate (~~competency~~) mastery of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as contained in the career and technical education program standards of the office of the superintendent of public instruction.

(b) Students who earn a graduation requirement credit through a career and technical education course determined by the district or by the office of the superintendent of public instruction to be equivalent to a noncareer and technical education course will not be required to earn a second credit in the noncareer and technical education course subject. The student earns one credit while meeting two graduation requirements, a career and technical education requirement and the noncareer and technical education subject requirement. The total number of credits required for graduation remains unchanged, and the student will need to earn an additional elective credit.

(9) Four credits of **electives**.

(10) Each student shall have a **high school and beyond plan** for their high school experience, as described in WAC 180-51-220.

(11) Students who complete and pass all required International Baccalaureate Diploma Programme courses are considered to have satisfied state subject and credit requirements for graduation from a public high school, subject to the provisions of RCW 28A.230.090, 28A.230.170, and chapter 28A.230 RCW.

(12) A student with an individualized education program (IEP) must be provided the opportunity to meet graduation requirements that align with the student's high school and beyond plan pursuant to WAC 180-51-115.

[Statutory Authority: RCW 28A.230.090. WSR 20-01-101, § 180-51-067, filed 12/13/19, effective 1/13/20. Statutory Authority: 2014 c 217 and RCW 28A.230.090. WSR 14-19-032, § 180-51-067, filed 9/8/14, effective 10/9/14. Statutory Authority: RCW 28A.230.090, 28A.230.093, 28A.230.050, 28A.230.170, 28A.230.060, and 28A.305.215(8). WSR 12-03-073, § 180-51-067, filed 1/13/12, effective 2/13/12.]

AMENDATORY SECTION (Amending WSR 20-01-101, filed 12/13/19, effective 1/13/20)

WAC 180-51-068 State subject and credit requirements for high school graduation—Students entering the ninth grade on or after July 1, 2015, through June 30, 2017. The statewide subject areas and credits required for high school graduation, beginning July 1, 2015, for students who enter the ninth grade or begin the equivalent of a four-year high school program (the class of 2019), shall total twenty-four

as required in this section, except as otherwise provided in subsections (12) and (13) of this section. All credits are to be aligned with the state's learning standards developed under RCW 28A.655.070 for the subject. The content of any course shall be determined by the local school district.

(1) Four **English** credits.

(2) Three **mathematics** credits that satisfy the requirements set forth in (a) through ~~((e))~~ (c) of this subsection:

(a) Unless otherwise provided for in (b) of this subsection, the three mathematics credits required under this section must include:

(i) Algebra 1 or integrated mathematics I;

(ii) Geometry or integrated mathematics II; and

(iii) A third credit of high school mathematics, aligning with the student's interests and high school and beyond plan, with agreement of the student's parent or guardian. The high school and beyond plan must be provided to the student's parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district (RCW 28A.230.090). Districts are encouraged to provide plans to parents and guardians in additional languages as needed, to the extent feasible. If the parent or guardian is unavailable or does not indicate a preference for a specific course, the school counselor or principal may provide agreement with the plan.

(b) A student who prior to ninth grade successfully completes one or more high school level math courses with a passing grade that is automatically transcribed on the student's high school transcript in accordance with RCW 28A.230.090 and WAC 180-51-030, or a student who demonstrates mastery(~~(/competency)~~) in high school math subjects and has received credit for them, may use these credits to meet their math graduation requirements. Refer to WAC 180-51-030 for information about opting out of credits and numerical grades. Upon completion of algebra 1 or integrated math I, geometry or integrated math II, and a third credit of high school level math that aligns with the student's high school and beyond plan, the student should be encouraged to consider additional math courses, which align with the student's education and career goals in their high school and beyond plan.

(c) A student who prior to ninth grade successfully completes one or more high school level math courses with a passing grade and opts to receive no high school credit for such course(s) in accordance with RCW 28A.230.090 and WAC 180-51-030, or a student who demonstrated mastery(~~(/competency)~~) in these subjects but did not receive high school credits, may either:

(i) Repeat the course(s) for credit in high school; or

(ii) Earn three credits of high school mathematics in different math subjects than those completed before high school. The student must take algebra 1 or integrated mathematics I and geometry or integrated math II in high school if the student did not complete these courses at a high school level prior to high school, but the student does not need to repeat courses if the student already took the courses at a high school level.

(3) Three **science** credits, at least two of which must be in laboratory science as provided in subsection (17)(a) of this section. A student may choose the content of the third credit of science, based on the student's interests and high school and beyond plan, with agreement of the student's parent or guardian. The high school and beyond plan must be provided to the student's parents or guardians in their native language if that language is one of the two most fre-

quently spoken non-English languages of students in the district (RCW 28A.230.090). Districts are encouraged to provide plans to parents and guardians in additional languages as needed, to the extent feasible. If the parent or guardian is unavailable or does not indicate a preference for a specific course, agreement may be provided by the school counselor or principal.

(4) Three **social studies** credits (two credits prescribed courses, plus a one credit social studies elective) and a noncredit requirement. The social studies requirement shall consist of the following mandatory courses or equivalencies:

(a) One credit shall be required in United States history.

(b) Successful completion of Washington state history and government shall be required, subject to the provisions of RCW 28A.230.170, 28A.230.090, 28A.320.170 and WAC 392-410-120, and shall include information on the cultures, histories, and governments of the American Indian peoples who are the first inhabitants of the state. Successful completion of Washington state history must be noted on each student's transcript. The Washington state history and government requirement may be waived by the principal for individual students who:

(i) Have successfully completed a state history and government course of study in another state; or

(ii) Are in eleventh or twelfth grade and who have not completed a course of study in Washington's history and state government because of previous residence outside the state or because emergency school closure, or other circumstance due to an emergency, prevented the student from having the opportunity to fulfill this requirement.

(c) One-half credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on contemporary world problems may be accepted as equivalencies.

(d) One-half credit shall be required in civics and include at a minimum the content listed in RCW 28A.230.093.

(5) One-half credit in **health**.

(6) One and one-half in **physical education**. Students may be excused from the physical education requirement under RCW 28A.230.050. Such excused students shall be required to demonstrate (~~competency~~) mastery of the knowledge portion of the fitness requirement, in accordance with written district policy. Such policies should be based upon addressing health and physical education learning standards as well as alternative means of engaging in physical activities, as directed in RCW 28A.210.365.

(7) Two **arts** credits. The essential content in this subject area may be satisfied in the visual or performing arts. One of the two arts credits may be replaced with a personalized pathway requirement as provided in subsection (17)(c) of this section.

(8) One credit in **career and technical education**.

(a) A career and technical education credit means a credit resulting from a course in a career and technical education program or occupational education credit as contained in the career and technical education program standards of the office of the superintendent of public instruction. "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate (~~competency~~) mastery of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as contained

in the career and technical education program standards of the office of the superintendent of public instruction. Districts are encouraged to offer career and technical education programs, as defined in RCW 28A.700.010.

(b) An exception may be made for private schools as provided in WAC 180-90-160.

(c) A student who earns credit through a career and technical education course determined by the district or by the office of the superintendent of public instruction to be equivalent to a noncareer and technical education core course (RCW 28A.700.070 and subsection (14) of this section), will not be required to pass a course in the noncareer and technical education subject to earn a credit in that subject. The student earns one credit while meeting two graduation requirements, a career and technical education requirement and the noncareer and technical education subject requirement. The total number of credits required for graduation remain unchanged, and the student will need to earn an additional elective credit.

(9) Two credits in **world languages or personalized pathway requirements**. If the student has chosen a four-year degree pathway under subsection (11) of this section, the student shall be advised to earn two credits in world languages.

(10) Four credits of **electives**.

(11) Each student shall have a **high school and beyond plan** to guide his or her high school experience, as described in WAC 180-51-220.

(12) A school district wishing to implement the requirements for high school graduation for students who enter the ninth grade or begin the equivalent of a four-year high school program on July 1, 2016, or July 1, 2017, rather than July 1, 2015, may apply to the state board of education for a temporary waiver of the requirements of this section. The state board of education shall post an application form on its website for use by districts seeking this waiver.

(a) An application for a waiver must:

(i) Meet the requirements of chapter 217, Laws of 2014 (E2SSB 6552), which include describing why the waiver is being requested, the specific impediments preventing timely implementation of the high school graduation requirements established in subsections (1) through (10) of this section, and the efforts that will be taken to achieve implementation with the graduating class proposed under the waiver.

(ii) Be accompanied by a resolution adopted by the district board of directors requesting the waiver. The resolution must state the entering freshman class or classes for whom the waiver is requested, and be signed by the board chair or president and the district superintendent.

(b) A district implementing a waiver shall continue to be subject to the requirements of WAC 180-51-067 during the school year or years for which the waiver has been granted.

(c) Nothing shall prevent a district granted a waiver from electing to implement subsections (1) through (11) of this section during the term for which the waiver is granted. A district granted a waiver that elects to implement subsections (1) through (11) of this section shall provide notification of such decision to the state board of education.

(d) The state board of education shall post the application for each waiver on its public website.

(13) A school district that grants high school diplomas may waive up to two of the credits required for graduation under this section

for individual students for reason of a student's circumstances, as defined by the district. Unless otherwise provided in law, students granted a waiver under this subsection must earn the seventeen required subject credits in subsections (1) through (7) of this section, which may be by satisfactory demonstration of competence under WAC 180-51-050. The waiving of credits for individual students for reason of a student's circumstances must be in accordance with written policies adopted by resolution of each board of directors of a district that grants diplomas.

(14) Career and technical education courses determined by the district or by the office of the superintendent of public instruction to be equivalent to a noncareer and technical education course in accordance with RCW 28A.700.070 can be taken for credit in place of that course. Equivalencies may be determined for any of the core credit graduation requirements of subsections (1) through (7) of this section.

(15) Students who complete and pass all required International Baccalaureate Diploma Programme courses are considered to have satisfied state subject and credit requirements for graduation from a public high school, subject to the provisions of RCW 28A.230.090, 28A.230.170, and chapter 28A.230 RCW.

(16) A student with an individualized education program must be provided the opportunity to meet graduation requirements that align with the student's high school and beyond plan pursuant to WAC 180-51-115.

(17) Definitions:

(a) "Laboratory science" means any instruction that provides opportunities for students to interact directly with the material world, or with data drawn from the material world, using the tools, data collection techniques, models and theories of science. A laboratory science course meeting the requirement of subsection (3) of this section may include courses conducted in classroom facilities specially designed for laboratory science, or coursework in traditional classrooms, outdoor spaces, or other settings which accommodate elements of laboratory science as identified in this subsection;

(b) "Personalized pathway" means a locally determined body of coursework identified in a student's high school and beyond plan that is deemed necessary to attain the post-secondary career or educational goals chosen by the student;

(c) "Personalized pathway requirements" means up to three course credits chosen by a student under subsections (7) and (9) of this section that are included in a student's personalized pathway and prepare the student to meet specific post-secondary career or educational goals.

[Statutory Authority: RCW 28A.230.090. WSR 20-01-101, § 180-51-068, filed 12/13/19, effective 1/13/20. Statutory Authority: 2014 c 217 and RCW 28A.230.090. WSR 14-19-032, § 180-51-068, filed 9/8/14, effective 10/9/14.]

AMENDATORY SECTION (Amending WSR 20-01-101, filed 12/13/19, effective 1/13/20)

WAC 180-51-095 Temporary exemption from course and credit requirements. Annual exemptions to the definition of an annualized high

school credit may be granted upon the request of an approved private school which offers evidence that delineates content, time, or (~~com-~~~~petency~~) mastery assessments which are substantially equivalent to the definition stated in WAC 180-51-050. The waiver process shall be administered by the state board of education.

[Statutory Authority: RCW 28A.230.090. WSR 20-01-101, § 180-51-095, filed 12/13/19, effective 1/13/20; WSR 07-07-064, § 180-51-095, filed 3/14/07, effective 4/14/07.]

AMENDATORY SECTION (Amending WSR 20-01-101, filed 12/13/19, effective 1/13/20)

WAC 180-51-210 State subject and credit requirements for high school graduation. (1) Definitions. The definitions in this section apply throughout this chapter.

(a) "Laboratory science" means any instruction that provides opportunities for students to interact directly with the material world, or with data drawn from the material world, using the tools, data collection techniques, models and theories of science. A laboratory science course meeting the requirement of subsection (4) of this section may include courses conducted in classroom facilities specially designed for laboratory science, or course work in traditional classrooms, outdoor spaces, or other settings which accommodate elements of laboratory science as identified in this subsection;

(b) "Personalized pathway" means a locally determined body of course work identified in a student's high school and beyond plan that is deemed necessary to attain the postsecondary career or educational goals chosen by the student;

(c) "Personalized pathway requirements" means up to three course credits chosen by a student that are included in a student's personalized pathway, that prepare the student to meet specific postsecondary career or educational goals, and that align with the student's high school and beyond plan. A student's personalized pathway requirements are included in the student's flexible credits, as defined in this subsection.

(d) "Core credit" is a credit earned through course work or through (~~mastery or competency-based~~) mastery-based credit in the subject areas listed in subsection (4) of this section. Students subject to the graduation requirements in this section must earn seventeen core credits in high school. Core credits do not include electives or personalized pathway requirements and may not be waived under RCW 28A.230.090 (1)(e) or subsection (2) of this section.

(e) "Flexible credit" is a credit that is either an elective credit or a personalized pathway requirement. Flexible credits may be waived under RCW 28A.230.090 and subsection (2) of this section, and are listed in subsection (5) of this section.

(2) A school district that grants high school diplomas may waive up to two of the flexible credits required for graduation under subsection (4) of this section for an individual student, based on the student's circumstances. Districts will grant any such waiver in accordance with written district policy. A student granted a waiver under this subsection must earn the core credits in subsection (4) of this section, but may graduate with as few as twenty-two credits, rather than twenty-four credits.

(3) The statewide subject areas and credits required for high school graduation, for students who enter the ninth grade or begin the equivalent of a four-year high school program on or after July 1, 2017, (the class of 2021 and beyond) shall total twenty-four, except as otherwise provided in this section. The twenty-four subject area credits for graduation include core credits and flexible credits listed in subsections (4) and (5) of this section. All credits are to be aligned with the state's learning standards developed under RCW 28A.655.070 for the subject and may be earned through (~~mastery- or competency-based~~) mastery-based credit. The contents of any course shall be determined by the local school district. Districts are encouraged to adopt (~~culturally-responsive~~) culturally responsive curricula that is relevant to the district's students, including the incorporation of curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes as required by RCW 28A.320.170.

(4) Core credits are credits and subject areas that may not be waived under RCW 28A.230.090 (1)(e) and subsection (2) of this section. The core credits include:

(a) Four **English** credits.

(b) Three **mathematics** credits.

(i) Unless otherwise provided for in (b)(ii) of this subsection, the three mathematics credits required under this section must include:

(A) Algebra 1 or integrated mathematics I;

(B) Geometry or integrated mathematics II; and

(C) A third credit of high school mathematics, aligning with the student's interests and high school and beyond plan, with agreement of the student's parent or guardian. The high school and beyond plan must be provided to the student's parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district (RCW 28A.230.090). Districts are encouraged to provide plans to parents and guardians in additional languages as needed, to the extent feasible. If the parent or guardian is unavailable or does not indicate a preference for a specific course, agreement may be provided by the school counselor or principal.

(ii) A student who prior to ninth grade successfully completes one or more high school level math courses with a passing grade that is automatically transcribed on the student's high school transcript in accordance with RCW 28A.230.090 and WAC 180-51-030, or a student who demonstrates mastery(~~/competency~~) in high school math subjects and has received credit for them, may use these credits to meet their math graduation requirements. Refer to WAC 180-51-030 for information about opting out of credits and numerical grades. Upon completion of algebra 1 or integrated math I, geometry or integrated math II, and a third credit of high school level math that aligns with the student's high school and beyond plan, schools are urged to encourage the student to consider additional math courses, which align with the student's education and career goals in their high school and beyond plan.

(iii) A student who prior to ninth grade successfully completes one or more high school level math courses with a passing grade and opts to receive no high school credit for such course(s) in accordance with RCW 28A.230.090 and WAC 180-51-030, or a student who demonstrated mastery(~~/competency~~) in these subjects but did not receive high school credits, may either:

(A) Repeat the course(s) for credit in high school; or

(B) Earn three credits of high school mathematics in different math subjects than those completed before high school. The student must take algebra 1 or integrated mathematics I and geometry or integrated math II in high school if the student did not complete these courses at a high school level prior to high school, but the student does not need to repeat courses if the student already passed the courses at a high school level.

(c) Three **science** credits, at least two of which must be in laboratory science. A student may choose the content of the third credit of science based on the student's interests and high school and beyond plan, with agreement of the student's parent or guardian. The high school and beyond plan must be provided to the student's parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district (RCW 28A.230.090). Districts are encouraged to provide plans to parents and guardians in additional languages as needed, to the extent feasible. If the parent or guardian is unavailable or does not indicate a preference for a specific course, the school counselor or principal may provide agreement with the plan.

(d) Three **social studies** credits (two credits prescribed courses, plus one credit social studies elective) and Washington state history and government, a noncredit requirement typically met in middle school. In accordance with RCW 28A.320.170, when a school district board of directors reviews or adopts its social studies curriculum, it shall incorporate curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes, so that students learn about the unique heritage and experience of those tribe or tribes. The social studies requirement shall consist of the following mandatory courses:

(i) One credit shall be required in United States history or its equivalent.

(ii) One-half credit shall be required in contemporary world history, geography, and problems, or its equivalent. Courses in economics, sociology, civics (through the class of 2023), political science, international relations, or related courses with emphasis on contemporary world problems may be accepted as equivalencies.

(iii) One-half credit shall be required in civics, including at a minimum the content listed in RCW 28A.230.094. Starting with the class of 2024, districts must offer this graduation requirement as a stand-alone course, subject to the provisions of RCW 28A.230.094.

(iv) Successful completion of Washington state history and government shall be required, subject to the provisions of RCW 28A.230.170, 28A.230.090, 28A.320.170 and WAC 392-410-120, and shall include information on the cultures, histories, and governments of the American Indian peoples who are the first inhabitants of the state. Successful completion of Washington state history must be noted on each student's transcript. The Washington state history requirement may be waived by the principal for individual students who:

(A) Have successfully completed a state history course of study in another state; or

(B) Are in eleventh or twelfth grade and who have not completed a course of study in Washington's history because of previous residence outside the state or because emergency school closure, or other circumstance due to an emergency, prevented the student from having the opportunity to fulfill this requirement.

(e) One-half credit of **health**.

(f) One and one-half credit of **physical education**. Students may be excused from the physical education requirement under RCW 28A.230.050. Such excused students shall be required to demonstrate (~~(competency)~~) mastery in the knowledge portion of the physical education requirement, in accordance with written district policy. Such policies should be based upon addressing health and physical education learning standards as well as alternative means of engaging in physical activities, as directed in RCW 28A.210.365.

(g) One credit in **career and technical education**.

(i) Courses that meet this requirement include courses that are part of career and technical education programs, as defined in chapter 28A.700 RCW, or occupational education courses as identified by the district. "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate (~~(competency)~~) mastery of skills under student learning goal four and are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as contained in the career and technical program standards of the office of the superintendent of public instruction. Districts are encouraged to offer career and technical education programs, as defined in RCW 28A.700.010.

(ii) An exception of the career and technical education requirement may be made for private schools as provided in WAC 180-90-160.

(iii) A student who earns credit through a career and technical education course determined by the district or by the office of the superintendent of public instruction to be equivalent to a noncareer and technical education core course (RCW 28A.700.070 and subsection (7) of this section), will not be required to pass a course in the noncareer and technical education subject to earn a credit in that subject. The student earns one credit while meeting two graduation requirements, a career and technical education requirement and the non-career and technical education subject requirement. The total number of credits required for graduation remain unchanged, and the student will need to earn an additional elective credit.

(h) One **arts** credit. The essential content in this subject area may be satisfied in dance, media arts, music, theater, and visual arts.

(5) Flexible credits are credits that may be waived under RCW 28A.230.090 and subsection (2) of this section. Districts may replace these credits with local district requirements through written district policy. Flexible credits include:

(a) One **arts** credit. The essential content in this subject area may be satisfied in dance, media arts, music, theater and visual arts. This credit may be replaced with a personalized pathway requirement as provided in subsection (1)(c) of this section.

(b) Two credits in **world languages**. These credits may be replaced with personalized pathway requirements as provided in subsection (1)(c) of this section. If the student has an educational goal of attaining a baccalaureate degree, the student shall be advised to earn at least two credits in the same world language. Students who earn a Seal of Biliteracy (RCW 28A.300.575) are considered to have met this requirement.

(c) Four credits of **electives**.

(6) Each student shall have a **high school and beyond plan** to guide his or her high school experience and prepare the student for postsecondary education, training, and career, as described in WAC 180-51-220.

(7) Career and technical education courses determined by the district or by the office of the superintendent of public instruction to be equivalent to a noncareer and technical education course in accordance with RCW 28A.700.070 can be taken for credit in place of that course. Equivalencies may be determined for any of the core credit graduation requirements of subsection (4) of this section.

(8) Students who complete and pass all required International Baccalaureate Diploma Programme courses are considered to have satisfied state subject and credit requirements for graduation from a public high school, subject to the provisions of RCW 28A.230.090, 28A.230.170, and chapter 28A.230 RCW.

(9) A student with an individualized education program (IEP) must be provided the opportunity to meet graduation requirements that align with the student's high school and beyond plan, pursuant to WAC 180-51-115.

[Statutory Authority: RCW 28A.230.090. WSR 20-01-101, § 180-51-210, filed 12/13/19, effective 1/13/20.]

OTS-2466.1

AMENDATORY SECTION (Amending WSR 18-24-090, filed 12/3/18, effective 1/3/19)

WAC 180-90-141 Loss of private school approval. The state board of education may rescind approval of a private school for one or more of the following reasons:

(1) Failure to have students enrolled for any six consecutive calendar months in the school's physical facilities or failure to provide evidence of student enrollment upon request of the state board of education for the said period of time.

(a) For the 2020-21 school year, schools that implement an online education program consistent with the provisions of RCW 28A.195.090 will not be subject to rescission based on a failure to have students enrolled in the school's physical facilities; and

(b) The school maintains a physical address in Washington and plans to resume classroom instruction when the governing body of the school determines it is safe to do so and resumption is allowable under state and local emergency status.

(2) Failure to provide verification that the approved private school teaching staff have a valid Washington state teaching certificate or meet the provisions of WAC 180-90-112(5).

(3) Failure to provide verification that the physical facilities of the school meet the health and fire safety standards.

[Statutory Authority: RCW 28A.195.010, 28A.195.030, and 28A.195.040. WSR 18-24-090, § 180-90-141, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.195.040. WSR 15-24-108, § 180-90-141, filed 12/1/15, effective 1/1/16; WSR 03-04-053, § 180-90-141, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.02.204 [28A.02.240]. WSR 87-09-039 (Order 7-87), § 180-90-141, filed 4/14/87.]

AMENDATORY SECTION (Amending WSR 18-24-090, filed 12/3/18, effective 1/3/19)

WAC 180-90-160 Minimum standards and certificate form. (1) The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
WITH STATE STANDARDS

ESD/County/Public
School District
Private School/
District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of; and that said school is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

(a) Except as provided in chapter 180-111 WAC for the 2019-20 school year, the minimum school year for instructional purposes consists of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings as prescribed in RCW 28A.195.010.

(b) On each school day, pupils enrolled and in attendance at the school are engaged in educational activity planned by and under the direction of the school; and that pupils are provided an annual total instructional hour offering, as prescribed in RCW 28A.195.010, of at least:

- (i) 450 Hours for students in kindergarten.
- (ii) 1000 Hours for students in grades one through twelve.

(c) All classroom teachers hold appropriate Washington State certification except for:

(i) Teachers for religious courses or courses for which no counterpart exists in the public schools: Provided, That a religious course is a course of study separate from the courses of study defined in RCW 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements, except as provided in chapter 180-111 WAC; and/or

(ii) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a Washington state certificated teacher, administrator, or superintendent pursuant to WAC 180-90-112. The non-Washington state certificated teacher, the Washington state certificated person who will

supervise, and the exceptional circumstances are listed on the addendum to this certificate.

(d) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(i) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW and who is employed by the school;

(ii) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with (a), (b), (e) through (g) of this subsection;

(iii) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(iv) Each student's progress is evaluated by the certified person; and

(v) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(e) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(f) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(g) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC. A school may substitute courses specific to the mission or focus of the school to satisfy the career and technical education requirement of chapter 180-51 WAC and may waive requirements as provided in chapter 180-111 WAC;

(h) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(i) The school does not engage in a policy of racial segregation or discrimination;

(j) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

Dated this day of, 20...

.....

(signed)

.....

(title)

.....

(phone number)

(2) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The school shall notify the state board of education of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(3) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

(4) Following initial approval as a private school by the state board of education, evidence of current accreditation by a state board of education approved accrediting body may be submitted annually in lieu of approval documents described in subsection (1)(a) through (j) of this section.

[Statutory Authority: RCW 28A.195.010, 28A.195.030, and 28A.195.040. WSR 18-24-090, § 180-90-160, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.195.040. WSR 15-24-108, § 180-90-160, filed 12/1/15, effective 1/1/16. Statutory Authority: 2014 c 217 and RCW 28A.230.090. WSR 14-19-032, § 180-90-160, filed 9/8/14, effective 10/9/14. Statutory Authority: RCW 28A.195.040. WSR 03-04-053, § 180-90-160, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.305.130(6), 28A.195.040 and 1996 c 83. WSR 96-15-099, § 180-90-160, filed 7/22/96, effective 8/22/96. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-90-160, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.02.240. WSR 89-01-038 (Order 23-88), § 180-90-160, filed 12/14/88; WSR 87-09-039 (Order 7-87), § 180-90-160, filed 4/14/87. Statutory Authority: RCW 28A.02.240. WSR 85-24-056 (Order 23-85), § 180-90-160, filed 12/2/85. Statutory Authority: RCW 28A.04.120(4). WSR 82-04-004 (Order 3-82), § 180-90-160, filed 1/21/82. Statutory Authority: RCW 28A.02.201 et seq. and 28A.04.120(4). WSR 78-06-064 (Order 9-78), § 180-90-160, filed 5/25/78; Order 2-77, § 180-90-160, filed 3/24/77; Order 1-76, § 180-90-160, filed 2/3/76; Order 1-75, § 180-90-160, filed 2/4/75.]

OTS-2206.1**Chapter 180-111 WAC****EMERGENCY WAIVER OF CERTAIN REQUIREMENTS IN RESPONSE TO NOVEL CORONA-VIRUS**NEW SECTION

WAC 180-111-010 Authority and purpose. (1) The authority for this chapter is sections 10 through 12, chapter 7, Laws of 2020 (EHB 2965) which authorizes the state board of education to administer an emergency waiver program.

(2) The purpose of this chapter is:

(a) To establish an emergency waiver program to grant local education agencies and private schools flexibility so that students in the graduating class of 2020 or earlier who were on track to graduate before the gubernatorial declaration of emergency of February 29, 2020, the proclamation of statewide school closures on March 13, 2020, and any subsequent amendments to these proclamations, are not negatively impacted by measures taken by the local education agency or private school in response to the novel coronavirus (COVID-19); and

(b) To allow flexibility from instructional hour or school day requirements for the 2019-20 school year for private schools that close due to the novel coronavirus.

(3) This chapter expires July 31, 2020.

[]

NEW SECTION

WAC 180-111-020 Definitions. The definitions in this section apply throughout this chapter.

(1) "Good faith effort" means the local education agency or private school considered and implemented options, determined appropriate by the local education agency or private school, to support individual students in meeting credit requirements. Options for helping students meet credit requirements or waive credit requirements include, but are not limited to:

(a) Recommendations provided by the office of the superintendent of public instruction in its published guidance on supporting seniors during long-term school closures, as outlined in Bulletin Number 022-20 issued on March 20, 2020, and Bulletin Number 024-20 issued on March 23, 2020, and any related subsequent bulletins.

(b) Awarding or waiving of credits through existing authority of local education agencies and private schools:

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

(ii) Local education agencies and private schools that have implemented state credit requirements under WAC 180-51-068 (the twenty-four-credit graduation requirement framework) have the authority to award a two-credit waiver of flexible credits for individual student circumstances.

(iii) Students may be excused from physical education, provided they demonstrate competency/mastery in the knowledge portion of the required one and one-half credits, as articulated in WAC 180-51-056 (1)(e), 180-51-067(6), and 180-51-068(6).

(iv) Per WAC 180-51-056 (1)(c)(ii), 180-51-067 (4)(b), and 180-51-068 (4)(b)(i) and (ii), the noncredit requirement of Washington state history can be waived for students who either have completed a state history course in another state, or for eleventh or twelfth grade students who have not completed the course because of previous residence in another state.

(v) Credits may be awarded based on the student's demonstrated proficiency/competency of the state's learning standards under WAC 180-51-050.

(2) "Local education agency" means a school district, charter school established under chapter 28A.710 RCW, or tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW. References within this chapter to local education agency shall also apply to community and technical college colleges per WAC 180-51-015.

(3) "On track to graduate" means the individual student's earned credits and current or planned enrollment as of the gubernatorial declaration of emergency of February 29, 2020, would have been sufficient, as determined by the student's local education agency or private school, for the student to meet the applicable state minimum graduation requirements (as defined in WAC 180-51-056, 180-51-067, and 180-51-068) by the end of the 2019-20 school year as defined by RCW 28A.150.203.

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NEW SECTION

WAC 180-111-030 Application and approval process. (1) Beginning no later than April 15, 2020, the state board of education shall make an application available to local education agencies seeking this waiver. A local education agency may apply to the state board of education for the authority to waive credit-based graduation requirements for individual students. The state board of education will accept applications through a deadline to be determined by the state board of education.

(2) In order to be granted the waiver authority, the local education agency must certify the following:

(a) The local education agency has considered equity in applying for the waiver and will consider equity in administering the waiver. This may include, but is not limited to, an equity analysis, community outreach, or other means to assess and mitigate potential disparate impacts of this waiver.

(b) The local education agency will grant waivers on an individual student basis to eligible students in accordance with WAC 180-111-040.

(c) Prior to granting a waiver, the local education agency will make a good faith effort, as defined in WAC 180-111-020, to help individual students address credit deficiencies and meet core course requirements.

(d) The local education agency will administer the waiver in accordance with program rules as outlined in this chapter.

(3) The application must be certified by the district superintendent or equivalent personnel with authority to sign on behalf of the local education agency.

(4) The state board of education may approve applications that meet the criteria outlined in subsections (2) and (3) of this section. The board may delegate this authority to its executive director for efficiency per RCW 28A.305.130(7).

(5) The state board of education shall promptly post on its public website the information collected on the application, a list of all applications received, and the decision to approve or deny each application.

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NEW SECTION

WAC 180-111-040 Emergency waiver of credit-based graduation requirements. (1) Beginning from the date of approval of its waiver, in accordance with WAC 180-111-030, through July 31, 2020, in accordance with the establishing legislation, a local education agency may waive subject area credit graduation requirements outlined in subsection (2) of this section for individual students after completing all of the following requirements:

(a) The local education agency shall review the individual student's completed and planned coursework and determine that the student was on track to graduate, as defined in WAC 180-111-020.

(b) The local education agency shall demonstrate a good faith effort, as defined in WAC 180-111-020, to help the individual student meet credit-based graduation requirements through other options.

(c) The local education agency 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 waiver in the preferred languages of the student, and of the parent or guardian of the student if applicable. The information shall include, but is not limited to:

(i) What is being waived for the individual student;

(ii) Potential benefits and limitations that could result from receiving the waiver including impacts on high school graduation and postsecondary plans;

(iii) The option for the individual student to decline the waiver and for the student to be provided with the opportunity to earn the credits needed to complete graduation requirements through continued enrollment beyond the planned graduation date.

(2) Waived credit graduation requirements:

(a) Waived credit graduation requirements are limited to credits a student would have had the opportunity to earn by the end of the 2019-20 school year including:

(i) Courses and other credit-earning opportunities the student was enrolled in as of February 29, 2020; and

(ii) Credits that the student planned to complete by the end of the 2019-20 school year as defined in RCW 28A.150.203 for terms not yet started as of February 29, 2020, that were scheduled to occur during the period of school closure due to the novel coronavirus. These planned credits must be indicated on the student's high school and beyond plan, in course registration records, or in the student's credit attainment or recovery plan.

(b) Waived graduation requirement credits may include both core credit graduation requirements and flexible credit graduation requirements, as defined in WAC 180-51-210.

(3) This 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.

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

(5) Each local education agency shall maintain a record of courses and requirements waived as part of the individual student record and shall report to the state board of education in a manner determined by the state board of education.

(6) The local education agency shall consider equity in administering the emergency waiver under this section. This consideration should be designed to identify and mitigate potential disparate impacts of the emergency waiver and to determine if any changes to the local education agency's approach in administering the emergency waiver are needed before the conclusion of the 2019-20 school year.

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NEW SECTION

WAC 180-111-050 Emergency waiver for private schools. (1) This section applies to private schools approved to operate in Washington for the 2019-20 school year under chapter 180-90 WAC.

(2) Private schools may waive credit-based graduation requirements for individual students who were on track to graduate, as defined in WAC 180-111-020, in a manner consistent with the provisions of WAC 180-111-040.

(3) Private schools that have implemented an online education program consistent with the provisions of RCW 28A.195.090 that provide the remaining curriculum will be considered to have the instructional hour requirements met. Private schools have discretion to determine whether the curriculum has been adequately satisfied.

(4) The state board of education waives the instructional hours and days requirement under RCW 28A.195.010 for the 2019-20 school year. The number of hours or days offered after February 29, 2020, will not be considered for continued approval of private schools.

(5) Each private school shall notify the state board of education in a format provided by the board whether the private school is waiving requirements under this section.

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