

WSR 22-07-112

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed March 23, 2022, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-05-010.

Title of Rule and Other Identifying Information: The state board of education (SBE) has proposed amendments to WAC 180-111-050 Emergency waiver of certain graduation requirements in response to novel coronavirus.

Hearing Location(s): On April 26, 2022, at 2:00 p.m., online using Zoom at <https://us02web.zoom.us/j/87485239680>; or phone by dialing US +1-253-215-8782 with webinar Meeting ID 874 8523 9680. There will not be an in-person attendance option for the public hearing due to the COVID-19 pandemic. Members of the public are encouraged to participate online due to COVID-19 health precautions by connecting to Zoom.

Date of Intended Adoption: May 12, 2022.

Submit Written Comments to: Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, email rulescoordinatorSBE@k12.wa.us, fax 360-586-2357, by April 26, 2022.

Assistance for Persons with Disabilities: Contact Jackie Verd, phone 360-725-6025, fax 360-586-2357, TTY 360-664-3631, email rulescoordinatorSBE@k12.wa.us, by April 25, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to the COVID-19 pandemic, the legislature authorized SBE to adopt rules (chapter 180-111 WAC) for an emergency waiver program. The program permits districts to waive certain graduation requirements so that students whose education has been disrupted by the pandemic may earn a diploma. The waiver may be granted after the district has made a good faith effort to support students in meeting all graduation requirements, and after the student has demonstrated preparation for their next step after high school.

In existing rules, the waiver program is available to students in the classes of 2020 through 2022, and permits a waiver of two credits and graduation pathway options. The credits may be core or flexible credits, but no more than one core credit may be waived in a subject area, and the student must earn a minimum of 20 total credits to graduate. The proposed rules extend the same waiver of credits and graduation pathway options to students in the class of 2023. For students in the class of 2024, the number of credits that may be waived under this waiver program is reduced to one credit, the graduation pathway option may not be waived, and students in this class must earn a total of 21 credits to graduate.

Reasons Supporting Proposal: Disruptions due to the COVID-19 pandemic have continued to disrupt the education of Washington students, and it is anticipated the disruptions will continue to affect students in the 2022-23 and 2023-24 school years. Some students missed or were unsuccessful in courses needed for graduation because of circumstances that were out of the students' control. Graduation pathway options have been more limited in availability due to the pandemic.

Statutory Authority for Adoption: RCW 28A.230.320, 28A.230.090, 28A.150.220(7), 28A.195.040.

Statute Being Implemented: RCW 28A.230.320.

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

Name of Proponent: SBE, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Randy Spaulding, 600 Washington Street S.E., Olympia, WA 98504, 360-725-6024.

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(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

March 10, 2022
Randy Spaulding
Executive Director

OTS-3690.1

AMENDATORY SECTION (Amending WSR 21-16-059, filed 7/28/21, effective 8/28/21)

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 ~~((2022))~~ 2024 beginning in the 2020-21 school year. ~~((The state board of education will consider what, if any, flexibility should be provided to subsequent classes of students no later than its May 2022 board meeting.))~~ 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 ~~((2022))~~ 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 ~~((twenty))~~ 20 credits. ~~((The terms "core" and "flexible" credits used in this subsection are defined in WAC 180-51-210.))~~

(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, ~~((and))~~ 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 may be waived for eligible students in the classes of 2020 to ~~((2022))~~ 2023 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.

~~((4))~~ (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.

~~((5))~~ (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.

~~((6))~~ (7) Schools operating under the waiver defined in WAC 180-18-055 may waive graduation requirements in a manner consistent with this section.

[Statutory Authority: RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-16-059, § 180-111-050, filed 7/28/21, effective 8/28/21. Statutory Authority: 2020 c 7 § 10-12 and RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-01-077, § 180-111-050, filed 12/10/20, effective 1/10/21.]