

WSR 24-03-134

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed January 23, 2024, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-22-126.

Title of Rule and Other Identifying Information: Emergency waiver of certain requirements, chapter 180-111 WAC; WAC 180-111-050 Emergency waiver of certain graduation requirements in response to novel coronavirus.

Hearing Location(s): On March 13, 2024, at 12:30 p.m., at the Old Capitol Building, Office of Superintendent of Public Instruction, 600 Washington Street S.E., Brouillet Conference Room, Olympia, WA 98504; also online with Zoom, <https://us02web.zoom.us/j/87891941209>.

Date of Intended Adoption: April 11, 2024.

Submit Written Comments to: Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, email rulescoordinatorSBE@k12.wa.us, fax 360-753-6713, by March 30, 2024.

Assistance for Persons with Disabilities: Contact Jacki Verd, phone 360-725-6025, fax 360-753-6731, TTY 360-664-3631, email rulescoordinatorSBE@k12.wa.us, by March 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 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 proposal will modify the waiver of graduation requirements that districts may grant to qualifying students graduating in the 2023-24 school year by allowing the waiver of the graduation pathway requirement under certain circumstances in addition to the waiver of one credit graduation requirement.

Reasons Supporting Proposal: Public comments and correspondence to SBE from education practitioners requested SBE consider extending an emergency waiver of graduation pathway requirements due to continuing effects of the COVID-19 pandemic. Some students missed or were unsuccessful in meeting graduation requirement because of factors related to the pandemic that were out of the students' control.

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

Statute Being Implemented: RCW 28A.230.090, 28A.150.220(7).

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.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

January 22, 2024
Randy Spaulding
Executive Director

OTS-5135.1

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 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 not waive a graduation pathway option in English language arts or math if the student received a waiver of credit in the same subject area.

(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.