

Chapter 180-111 WAC

EMERGENCY WAIVER OF CERTAIN GRADUATION REQUIREMENTS

WAC 180-111-010 Authority and purpose. (1) The authority for this chapter is Laws of 2021 (HB 1121) which authorizes the state board of education to administer an emergency waiver program.

(2) The purpose of this chapter is to establish an emergency waiver program to allow school districts, as defined in WAC 180-111-020, to waive certain graduation requirements on an individual student basis. The intent is to help prevent students from being unduly impacted by unforeseen disruptions to coursework and assessments resulting from an "emergency or disaster" as defined in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

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

(1) "Demonstration of postsecondary preparation" means the student has demonstrated skills and knowledge indicating preparation for the next steps identified in their high school and beyond plan under RCW 28A.230.090 and for success in postsecondary education, gainful employment, and civic engagement, in accordance with the section in this chapter for the applicable emergency.

(2) "Eligible student" means:

(a) The student was reasonably expected to graduate in the school year when the emergency waiver is being considered;

(b) The student has demonstrated postsecondary preparation as defined in (1) of this subsection and in accordance with WAC 180-111-040; and

(c) The student experienced a significant disruption to their ability to complete the requirement, which could include, but is not limited to: inability for the student to access the school building due to closure or if online learning is a part of the school program, the student did not have a reliable internet connection or sufficient

technology within their household, had to support their family by working during the emergency, had to care for family members during the emergency, or other circumstances that directly compromised the student's ability to complete coursework.

(3) "Emergency" means the same as the definition for "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

(4) "Good faith effort" means the school district considered and implemented options, determined appropriate by the school district, to support individual students in meeting credit and pathway requirements.

(a) Options for helping students meet credit requirements include, but are not limited to:

(i) Individual student advising to help each student determine what supports they need to be successful and how they might meet the graduation requirements.

(ii) Awarding credits based on the student's demonstrated proficiency/mastery of the state's learning standards under WAC 180-51-050, 180-51-051, and 392-410-300.

(iii) Awarding credit through expanded learning opportunities, dual credit programs, work-based learning (WAC 392-410-315), summer learning, and through CTE course equivalencies.

(b) Options for helping students meet the pathway requirement include, but are not limited to:

(i) For course-based graduation pathway options, offering credits through mastery-based learning, traditional online, dual credit, and local credit options for awarding credit outside of school instruction.

(ii) For exam-based graduation pathway options, efforts to ensure students are aware of, and can access, online or other alternative access options for SAT, ACT, ASVAB, AP, IB, Cambridge International, and state assessments (if applicable). Districts are encouraged to reduce or eliminate any cost to students in using these options.

(5) "School district" means any school district, 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, private school, state school established under chapter 72.40 RCW, and community and technical college granting high school diplomas.

WAC 180-111-030 Application and approval process for public school districts.

(1) The state board of education shall make an application available to school districts seeking this waiver. A school district may apply to the state board of education for the authority to waive pathway and 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 school district must certify the following:

(a) The school district shall ensure equity in administering the emergency waiver. The school district shall disaggregate administrative waiver data by student subgroups as referenced in RCW 28A.300.042(3) and will conduct further disaggregation of subgroups if data is available to do so. If disproportionality is found, the school district will take appropriate actions to ensure equitable administration. This consideration should further be designed to identify and mitigate potential disparate impacts of the emergency waiver and to determine if any changes to the school district's approach in administering the emergency waiver, including supports to help students meet the requirements per WAC 180-111-020(2), are needed before the conclusion of the school year.

(b) The school district will grant waivers on an individual student basis to eligible students in accordance with WAC 180-111-040, and subject to any specific limitations for particular cohorts of students or specific emergency declarations specified in this chapter or in the Board's approval of a district waiver.

(c) Prior to granting a waiver, the school district will make a good faith effort, as defined in WAC 180-111-020, to help individual students complete coursework, address credit deficiencies, and meet

core course and graduation pathway option requirements. In granting the waiver, the district policy will prioritize student completion of core coursework and coursework related to the student's high school and beyond plan under RCW 28A.230.090.

(d) The school district will administer the waiver in accordance with program rules as outlined in this chapter.

(e) The district board will adopt by resolution a plan that describes the district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district a decision to not grant an emergency waiver. Information about the waiver and the process to decline or appeal the waiver must be prominently displayed on the district and high school websites.

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

(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 a list of all applications received and approved.

(6) SBE process for granting school districts waiver authority in subsequent emergencies:

(a) For local emergencies: the school districts will apply to the state board of education and will state the nature and duration of the emergency and how it impacts students' ability to meet requirements. If the state board of education approves the district application, the board will grant the school district authority through a resolution in a public board meeting.

(b) For state or national emergencies, the state board of education will adopt rules that address the specific circumstances surrounding each new emergency, any applicable eligibility criteria, and limitations on the number and type of credits that can be waived.

WAC 180-111-040 School District Implementation of the Emergency Waiver of Certain Graduation Requirements.

1) Beginning from the date of approval of its waiver, in accordance with WAC 180-111-030, through August 31 of the school year in which the individual student was reasonably expected to graduate, a school district may waive subject area credit and pathway graduation requirements outlined in the applicable section of this chapter for individual students after completing all of the following requirements:

(a) Before use of this waiver, districts must consider leveraging their existing authority to waive credits through the following ways:

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

(ii) Two-credit waiver of flexible credits may be granted for individual student circumstances, in accordance with WAC 180-51-068(13) and WAC 180-51-210(2).

(iii) Students may be excused from physical education in accordance with the applicable requirements in 180-51-067(6), 180-51-068(6), and 180-51-210(4)(f).

(iv) The noncredit requirement of Washington state history may be waived in accordance with WAC 180-51-067 (4)(b), 180-51-068 (4)(b)(i) and (ii), and 180-51-210 (4)(d)(iv)(A) and (B).

(b) The school district shall review the individual student's completed and planned coursework and determine if the student has demonstrated skills and knowledge, aligned to the state or local learning standards, indicating preparation for their next steps as identified in their high school and beyond plan, as defined in WAC 180-111-020. Ways of demonstrating postsecondary preparation include, but are not limited to:

(i) The student has completed steps for successful enrollment in postsecondary education, such as completing an admissions application and either a placement evaluation or a financial aid application (e.g. FAFSA or WAFSA).

(ii) The student is currently working or has received a job or apprenticeship offer and has a plan for advancement in their chosen career field.

(iii) The student has completed all necessary requirements for enlisting in the military, with the exception of receiving their high school diploma.

(iv) The student has demonstrated skills and knowledge indicating preparation for success in postsecondary education, gainful employment, and civic engagement as determined by the school district. These demonstrations could include, but are not limited to: completing community service, earning college credit through a dual credit course, earning an industry recognized credential, or obtaining external validation from an employer, tribal elder, or other community member that can attest to the student's preparation for their next steps.

(c) The school district shall demonstrate a good faith effort, as defined in WAC 180-111-020, to help the individual student meet credit-based and pathway graduation requirements through other options that align with their high school and beyond plan. The school district will document the steps taken to demonstrate this good faith effort in the individual student record.

(d) The school district 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. If the individual student and district decide it does make sense to consider a waiver, the student should be advised to waive the course(s) least applicable to their postsecondary plans, as articulated in their high school and beyond plan;

(ii) The potential benefits and limitations that could result from receiving the waiver including impacts on high school graduation and postsecondary plans and, if applicable, the recommendation to

contact the student's postsecondary institution regarding impacts on admission; and

(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 or meet their intended pathway option to complete graduation requirements which may include continued enrollment beyond the planned graduation date.

WAC 180-111-050 Emergency waiver of certain requirements in response to novel coronavirus.

(1) Waived credit graduation requirements are limited to the student's classes impacted by the novel coronavirus disruption.

(a) Beginning in the 2020-2021 school year, students in the Classes of 2020 and 2021 may have up to two core credits waived, as defined in WAC 180-51-210, with no more than one credit in each core subject area being waived.

(b) Students must graduate with no fewer than 20 credits.

(2) 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.

(3) A student's graduation pathway requirement may be waived for students in the classes of 2020 and 2021 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) Schools operating under the waiver defined in WAC 180-18-055 may waive graduation requirements in a manner consistent with this section.

(5) Each school district shall:

(i) Maintain a record of the following in the individual student record: actions taken under the good faith effort to help the student meet the graduation requirements, courses (including the term and amount of credit) and requirements waived, and how the student demonstrated postsecondary preparation;

(ii) Include a notation of waived credits on the student's high

school transcript;

(iii) Keep a record of the number of waivers requested but not granted; and

(iv) Report to the state board of education in a manner determined by the state board of education.

(6) The school district shall ensure equity in administering the emergency waiver and shall disaggregate administrative waiver data by student group, in accordance with WAC 180-111-030.

WAC 180-111-060 Emergency waiver of certain requirements in response to novel coronavirus for private schools. (1) This section applies to private schools approved to operate in Washington for the 2020-21 school year under chapter 180-90 WAC.

(2) Private schools may waive credit-based graduation requirements for individual students who have demonstrated postsecondary preparation, 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 2020-21 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.