

# **Emergency Rules for Waiver of Certain Graduation Requirements in Response to Novel Coronavirus**

## **New Chapter WAC 180-111:**

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### **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.

### **180-111-020 Definitions.**

The definitions in this section apply throughout this chapter.

(1) "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.

(2) "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 excluding summer school.

(3) "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 24-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 1.5 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)(i-ii)), and 180-51-068 ((4)(b)(i-ii)), the non-credit requirement of Washington state history can be waived for students who either have completed a state history course in another state, or for 11th or 12th 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.

### **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 section 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.

**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 excluding summer school 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 for terms not yet started as of February 29, 2020, as 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.

**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 WAC Chapter 180-90.

(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.

## Amendments to existing WACs

### **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 2020-2021 school year schools that implement an online education program consistent with the provisions of RCW 28A.195.090 for one hundred percent of their students will not be subject to rescission based on a failure to have students enrolled in the school's physical facilities provided that:

(i) the school was operating with non-provisional state board approval as of February 29, 2020, and

(ii) the school maintains a physical address in Washington and plans to resume classroom instruction when it is safe to do so based on lifting state and local emergency declarations restricting the delivery of educational services.

(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.

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### **WAC [180-90-160](#) Minimum standards and certificate form.**

#### ***(Excerpt of relevant sub-section)***

(1) The annual certificate required by WAC [180-90-130](#) shall be in substantial compliance with the form and substance of the following:

(a) Except as provided in WAC 180-111 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 180-111; and/or

...

***(Additional excerpt)***

(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 180-111 WAC;

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