



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

Title:	Public Hearing on Proposed Amendments to WAC 180-18-055	
As Related To:	<input checked="" type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps.	<input checked="" type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards.
	<input type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.	<input checked="" type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system.
		<input type="checkbox"/> Other
Relevant To Board Roles:	<input checked="" type="checkbox"/> Policy Leadership <input type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input checked="" type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	Are there changes Board members wish to make to the proposed amendments to WAC 180-18-055 (Alternative high school graduation requirements), based on public testimony offered at the public hearings conducted on September 7 in Olympia and on September 15 in Stevenson?	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Approve	<input type="checkbox"/> Adopt <input type="checkbox"/> Other
Materials Included in Packet:	<input type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>At the July 2016 meeting the Board approved the filing of proposed rule amendments, with directed changes, to WAC 180-18-055 (Alternative high school graduation requirements). The proposed rules were filed with the Office of the Code Reviser on August 3, with a CR-102 (Notice of Proposed Rules) and the fiscal impact statement prepared by the Office of Superintendent of Public Instruction per RCW 28A.305.135.</p> <p>In your packet is the State Register filing, WSR 16-16-127, for public hearing, including the CR-102, the proposed rules, and the fiscal impact statement. Adoption of the proposed rules will be an action item at the November 2016 board meeting.</p>	

WSR 16-16-127
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 3, 2016, 11:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-13-056.

Title of Rule and Other Identifying Information: WAC 180-18-055 Alternative high school graduation requirements.

Hearing Location(s): Brouillet Room, Old Capitol Building, 600 Washington Street S.E., Olympia, WA 98504, on September 7, 2016, at 4:40 p.m.; and at 1131 Skamania Lodge Way, Stevenson, WA 98648, on September 15, 2016, at 9:15 a.m.

Date of Intended Adoption: November 10, 2016.

Submit Written Comments to: Jack Archer, Old Capitol Building, 600 Washington Street S.E., Olympia, WA 98504, e-mail jack.archer@k12.wa.us, fax (360) 586-2357, by September 5, 2016.

Assistance for Persons with Disabilities: Contact Denise Ross by September 2, 2016.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 1. Correct obsolete references and statutory citations, and delete certain unnecessary provisions.

2. Add clarity and specificity to the requirements for an application for a waiver under this section. Establish separate and additional requirements for application for renewal of a waiver under this section for additional years.

3. Make clear that a request for waiver under this section must come from a school district and not an individual high school, though the intent may be to implement it for an individual high school.

4. Establish a due date for submission of a waiver application under this district in relation to the scheduled meeting of the state board of education (SBE) at which it will be considered.

5. Establish criteria for evaluation of a waiver request, and for evaluation of a request for renewal of an existing waiver.

6. Condition the eligibility of a waiver request under this section for a school that has been identified by the superintendent of public instruction as persistently lowest-achieving.

7. Set a due date for the annual report that must be submitted to SBE by a school district that has received a waiver under this section.

Statutory Authority for Adoption: RCW [28A.305.140](#).

Statute Being Implemented: RCW [28A.305.140](#).

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

Name of Proponent: SBE, governmental.

Name of Agency Personnel Responsible for Drafting: Jack Archer, Old Capitol Building, Room 253, 600 Washington Street, Olympia, WA, (360) 725-6035; Implementation and Enforcement: Ben Rarick, Old Capitol Building, Room 253, 600 Washington Street, Olympia, WA, (360) 725-6025.

A school district fiscal impact statement has been prepared under section 1, chapter 210, Laws of 2012.

SCHOOL DISTRICT FISCAL IMPACT STATEMENT

WSR:	Title of Rule: Alternative high school graduation requirements.	Agency: SDF - School District Fiscal Impact - SPI.
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Part I: Estimates: Fiscal impact is indeterminate.

Estimated Cash Receipts to: No estimated cash receipts.

Estimated Expenditures From: Indeterminate.

Estimated Capital Impact: No estimated capital impact.

Part II: Narrative Explanation:

II. A - Brief Description Of What the Measure Does That Has Fiscal Impact: *Briefly describe by section, the significant provisions of the rule, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

WAC 180-18-055(3) states that a district's request for a waiver must include "any supplemental information and documentation as may be required by the state board of education."

II. B - Cash Receipts Impact: *Briefly describe and quantify the cash receipts impact of the rule on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

None.

II. C - Expenditures: *Briefly describe the agency expenditures necessary to implement this rule (or savings resulting from this rule), identifying by section number the provisions of the rule that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived.*

Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Since we do not know what supplemental information and documentation may be required by SBE as part of a district's application process, the fiscal impact of these rule changes is indeterminate.

Part III: Expenditure Detail:

III. A - Expenditures by Object or Purpose: Indeterminate.

Part IV: Capital Budget Impact: None.

A copy of the statement may be obtained by contacting Thomas J. Kelly, Old Capitol Building, 600 Washington Street, Olympia, WA, phone (360) 725-6301, e-mail thomas.kelly@k12.wa.us.

A cost-benefit analysis is not required under RCW [34.05.328](#).

August 3, 2016

Ben Rarick

Executive Director

AMENDATORY SECTION (Amending WSR 04-23-006, filed 11/4/04, effective 12/5/04)

WAC 180-18-055 Alternative high school graduation requirements.

~~((1) The shift from a time and credit based system of education to a standards and performance based education system will be a multiyear transition. In order to facilitate the transition and encourage local innovation, the state board of education finds that current credit based graduation requirements may be a limitation upon the ability of high schools and districts to make the transition with the least amount of difficulty. Therefore, the state board will provide districts and high schools the opportunity to create and implement alternative graduation requirements.~~

~~(2))~~ (1) A school district ~~((, or high school with permission of the district board of directors,))~~ or approved private high school ~~((,))~~ desiring to implement a local restructuring plan to provide an effective educational system to enhance the educational program for high school students, may apply to the state board of education for a waiver for a high school from one or more of the requirements of ~~((chapter 180-51))~~ WAC 180-51-067 or 180-51-068.

~~((3))~~ (2) The state board of education may grant the waiver for a period up to four school years.

~~((4))~~ (3) The ~~((waiver application shall be in the form of a resolution adopted by the district or private school board of directors which includes a request for the waiver and a plan for restructuring the educational program of one or more high schools which consists of at least the following information:~~

~~(a) Identification of the requirements of chapter 180 51 WAC to be waived;~~

~~(b) Specific standards for increased student learning that the district or school expects to achieve;~~

~~(c) How the district or school plans to achieve the higher standards, including timelines for implementation;~~

~~(d) How the district or school plans to determine if the higher standards are met;~~

~~(e) Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan;~~

~~(f) Evidence that students, families, parents, and citizens were involved in developing the plan; and~~

~~(g) Identification of the school years subject to the waiver.)~~ request for a waiver under this section must include a completed application, a resolution adopted by the district board of directors and signed by the board chair or president and the district superintendent, and any supplemental information and documentation as may be required by the state board of education. The resolution must identify the provisions of WAC 180-51-067 or 180-51-068 requested to be waived and the high school for which the provisions would be waived, and state the educational purposes for requesting that they be waived.

~~((+5)) (4) The ((plan for restructuring the educational program of one or more high schools may consist of the school improvement plans required under WAC 180 16 220, along with the requirements of subsection (4)(a) through (d) of this section.))~~ state board of education will develop and post on its public web site an application form for use in requesting a waiver under this section. A completed application must provide at a minimum the following information:

(a) Identification of the specific provisions of WAC 180-51-067 or 180-51-068 proposed to be waived;

(b) Identification of the high school and the school years for which the provisions would be waived;

(c) Identification of the indicators of student performance at the school that motivate the request for the waiver;

(d) Identification and discussion of the educational purposes to be pursued under the waiver plan;

(e) Identification of the measurable goals for improved student achievement proposed to be attained under the waiver plan;

(f) An explanation of why waiver of the provisions named in (a) would increase the likelihood of reaching or making significant progress toward the goals over the term of the waiver plan;

(g) A description of the instructional plan to be used to reach the goals for improved student achievement;

(h) An explanation of why successful implementation of the proposed instructional plan requires waiver of the provisions named in (a) of this subsection.

(i) Identification of the measures and metrics that will be used to determine the degree to which the goals of the waiver for student achievement are being met and identify needs for any changes in the waiver plan;

(j) Evidence of support for the waiver plan by families and the community;

(k) A description of how the district will keep families and the community informed of any changes in implementation of the waiver plan and of progress toward meeting the goals of the waiver for student achievement.

The board resolution, completed application, and any supplemental materials must be submitted to the state board of education in electronic form no later than forty days prior to the meeting of the state board of education at which the request for the waiver will be considered.

~~((6) The application also shall include documentation that the school is successful as demonstrated by indicators such as, but not limited to, the following:~~

~~(a) The school has clear expectations for student learning;~~

~~(b) The graduation rate of the high school for the last three school years;~~

~~(c) Any follow up employment data for the high school's graduate for the last three years;~~

~~(d) The college admission rate of the school's graduates the last three school years;~~

~~(e) Use of student portfolios to document student learning;~~

~~(f) Student scores on the high school Washington assessments of student learning;~~

~~(g) The level and types of family and parent involvement at the school;~~

~~(h) The school's annual performance report the last three school years; and~~

~~(i) The level of student, family, parent, and public satisfaction and confidence in the school as reflected in any survey done by the school the last three school years.))~~

(5) A waiver granted under this section may be renewed on a request of the school district board of directors to the state board of education. Before submitting the renewal request, the school district must conduct at least one public meeting to evaluate and provide opportunity for public comment on the educational program that was implemented as a result of the original waiver. The renewal request to the state board shall include a description of the programs and activities implemented under the waiver plan, a description of any changes made in or proposed to the original waiver plan and the reasons for such changes, evidence that students in advanced placement or other

postsecondary options programs have not been disadvantaged by the waiver, and a summary of the comments received at the public meeting or meetings. In addition to the requirements set forth in subsections (3) and (4) of this section, an application for renewal of a waiver shall include documentation that the school is making significant progress toward the goals for student achievement enumerated in the prior application, as demonstrated by indicators, disaggregated by major student subgroup, such as:

(a) Student performance on statewide assessments and any district- or school-based assessments of student learning;

(b) Adjusted five-year cohort graduation rate for the last three school years;

(c) Follow-up employment data for the students in the school's last three graduating classes as may be collected by the school or district;

(d) Participation in postsecondary education and training by the school's last three graduating classes;

(e) Any other documentation or data that indicates significant progress in student achievement, especially if data described in (a) through (d) of this subsection are not available at the time of application.

~~((7))~~ (6) A waiver from one or more of the requirements of WAC ~~((180-51-060))~~ 180-51-067 or 180-51-068 may be granted only if the district ~~((or school))~~ provides documentation ~~((and rationale))~~ that any noncredit-based graduation requirements that will replace the requirements of WAC 180-51-067 or 180-51-068 in whole or in part ~~((WAC 180-51-060,))~~ will support the state's ~~((performance-based education system being implemented pursuant to RCW 28A.630.885,))~~ essential academic learning requirements as developed and periodically revised by the superintendent of public instruction and ~~((the noncredit based requirements))~~ meet the ~~((minimum college core admissions standards))~~ college academic distribution requirements as ~~((accepted))~~ approved by the ~~((higher education coordinating board))~~ Washington student achievement council for students planning to attend a baccalaureate institution.

(7) In the event that the superintendent of public instruction shall determine that the required action plan developed and submitted to the state board of education under RCW 28A.657.050 for a school identified as a persistently lowest achieving school requires compliance with WAC 180-51-067 or 180-51-068, any waiver granted under this section to a district for such a school shall be terminated by the state board of education upon notification of the state board and the district by the superintendent.

~~((A waiver granted under this section may be renewed upon the state board of education receiving a renewal request from the school district board of directors. Before filing the request, the school district shall conduct at least one public~~

~~meeting to evaluate the educational requirements that were implemented as a result of the waiver. The request to the state board shall include information regarding the activities and programs implemented as a result of the waiver, whether higher standards for students are being achieved, assurances that students in advanced placement or other postsecondary options programs, such as but not limited to: College in the high school, running start, and tech-prep, shall not be disadvantaged, and a summary of the comments received at the public meeting or meetings.)~~ The state board of education shall evaluate a request for a waiver under this section based on whether:

(a) The district has clearly set specific, quantifiable goals for improved student achievement to be attained through implementation of the waiver plan;

(b) The district has described in detail the instructional plan to be implemented to reach the goals for student achievement;

(c) The district has detailed the measures and metrics through which it will determine the extent to which the goals of the waiver are being attained;

(d) The district has provided a clear explanation, supported by research evidence or best practice, of why the proposed instructional plan is likely to be effective in achieving the specified goals for student achievement;

(e) The district has clearly explained why waiver of the specific provisions of WAC 180-51-067 and 180-51-068 named in subsection (5)(a) of this section is necessary for the successful implementation of the instructional plan;

(f) The district has submitted evidence to show that the instruction to be provided to students under the waiver plan is aligned with Washington state learning standards under RCW [28A.655.070](#); and

(g) The district has presented evidence of support for the waiver plan by families and the community.

(9) In addition to the requirements of subsection (8) of this section, the state board of education shall evaluate a request for a renewal of a waiver under this section for additional years based on the following:

(a) The progress of the school to which the waiver applies in reaching the goals for student achievement set forth in the prior application, as measured by the indicators identified in subsection (4)(i) of this section;

(b) The five-year adjusted cohort graduation rate of the school for the last three years;

(c) Any available data on postsecondary employment and participation in postsecondary education by students who graduated or will graduate during the term of the current waiver;

(d) Performance by the school during the term of the current waiver on indicators in the Washington achievement index developed by the state board of education under RCW [28A.657.110](#); and

(e) Evidence of support from families, teachers, district and school administrators, and the community for continuation of the waiver of the specified provisions of WAC 180-51-067 or 180-51-068 for the additional years requested.

~~((9))~~ (10) The state board of education shall notify the state board for community and technical colleges, the ~~((higher education coordinating board))~~ Washington state achievement council and the council of presidents of any waiver granted under this section.

~~((10) Any waiver requested under this section will be granted with the understanding that the state board of education will affirm that students who graduate under alternative graduation requirements have in fact completed state requirements for high school graduation in a nontraditional program.))~~

(11) ~~((Any))~~ A ~~((school or))~~ district granted a waiver under this chapter shall report ~~((annually))~~ to the state board of education, in a form and manner to be determined by the board, no later than July 31 of each year, on the progress and effects of implementing the waiver.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW [34.08.040](#).

Reviser's note: RCW [34.05.395](#) requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.