



# THE WASHINGTON STATE BOARD OF EDUCATION

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

<b>Title:</b>	<u>Rule Amendments for CR-102</u>	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps.  <input type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.	<input checked="" type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards.  <input checked="" type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system.  <input type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
<b>Policy Considerations / Key Questions:</b>	<ol style="list-style-type: none"> <li>Should the draft amendments to WAC 180-18-055 be approved for publication in the State Register with a CR-102 (Notice of Proposed Rules)? What changes, if any, should be made to the proposed amendments for approval for filing a CR-102?</li> <li>Should the draft amendment to WAC 180-51-115 be approved for publication in the State Register with a CR-102? What changes, if any, should be made to the proposed amendment for approval for filing a CR-102?</li> </ol>	
<b>Possible Board Action:</b>	<input type="checkbox"/> Review <input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Adopt <input type="checkbox"/> Other
<b>Materials Included in Packet:</b>	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	<p>The SBE is presented with draft amendments to WAC 180-18-055 (Alternative high school graduation requirements) and WAC 180-51-115 (Procedures for granting high school graduation credits for students with special educational needs). The Board approved the filing of a CR-101 (Preposal Notice of Inquiry) for WAC 180-18-055 in May 2016. A CR-101 was filed for WAC 180-51-115 in August 2013. The Board is asked to approve publication of the draft rules, with any changes it may direct, and scheduling of public hearings.</p> <p>In your materials you will find, for WAC 180-18-055:</p> <ul style="list-style-type: none"> <li>• A memo on WAC 180-18-055 and the reasons presented for rule-making</li> <li>• The draft amendments</li> <li>• A summary of the changes made by the draft amendments</li> <li>• A copy of WAC 180-18-055</li> <li>• The CR-101</li> <li>• A copy of the original filing of the rule in 1999</li> </ul> <p>For WAC 180-51-115 you will find:</p> <ul style="list-style-type: none"> <li>• The draft amendment</li> <li>• The CR-101</li> </ul>	



# THE WASHINGTON STATE BOARD OF EDUCATION

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## DRAFT AMENDMENTS TO WAC 180-18-055

### Policy Considerations

1. Does the Board approve the publishing of the proposed amendments to WAC 180-18-055 (Alternative high school graduation requirements) with CR-102 for public hearing?
2. What changes, if any, should be made in the proposed rule amendments for filing of the CR-102 for publishing in the State Register and scheduling of a public hearing?

### The Rule-Making Process

At its May 2016 meeting the SBE approved the filing of a CR-101, Preproposal Statement of Inquiry, with the Office of the Code Reviser for WAC 180-18-055 (Alternative high school graduation requirements).

The CR-101 is the first step in the rule-making process under the state's Administrative Procedures Act, Chapter 34.05 RCW. The purpose of the CR-101 is to signal an agency's interest in engaging in rule-making on a subject, in order to provide greater public access to the process. The filing of a CR-101 does not require but only enables further action by an agency on an administrative rule.

At the July meeting members are presented with draft amendments to WAC 180-18-055 for consideration of the filing of the rule with a CR-102, Notice of Proposed Rule, for publication in the State Register and scheduling of a public hearing. The CR-102 must include, among other things, a title and description of the rule's purpose, citation of the statutory authority for adopting the rule, a short explanation of the rule and its anticipated effects, how and when persons may present their views on the rule, and when the agency intends to adopt it. The filing of a CR-102 does not require an agency to adopt a proposed rule.

### Background: WAC 180-18-055

In April 1999 the SBE adopted [WAC 180-18-055](#), Alternative high school graduation requirements. The rule authorizes the granting of a waiver by the Board of one or more of the requirements of Chapter 180-51 WAC (High school graduation requirements). The SBE may grant the waiver for up to four years.

In filing the adopted rule, [WSR 99-10-094](#), the Board stated that the purpose was to provide school districts and high schools a waiver option from credit-based graduation requirements in order to support performance-based education.

Section 1 of WAC 180-18-055 declares:

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 [from a time and credit-based education system to a standards and performance-based system] 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.

WAC 180-18-055 is alone among provisions of Chapter 180-18 WAC (Waivers for restructuring purposes) in authorizing individual schools, as well as the districts that govern them, to apply for waiver of basic education requirements, and also in extending the opportunity to private schools.

The rule lists information that must be submitted with the waiver request. These include, for example:

- Specific standards for increased learning that the district or school plans to achieve;
- How the district or school plans to achieve the higher standards;
- How the district or school plans to determine whether the higher standards have been met;
- Evidence that students, families, parents, and citizens were involved in developing the plan.
- Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan.

A district or school applying for the waiver must also provide documentation that the school is successful as demonstrated by such indicators as assessment results, graduation rates, college admission rates, follow-up employment data, and student, parent and public satisfaction. Once granted the waiver, the district or school must report annually to the SBE on “the progress and effects of implementing the waiver.”

WAC 180-18-055 includes no criteria for evaluation of a request for waiver of graduation requirements. It does stipulate that the SBE may not grant the waiver unless the district or school shows that any proposed non-credit based graduation requirements meet minimum college core admission standards.

**Waiver History**

Until this year only two school districts, Highline and Federal Way, had sought and received waivers of Chapter 180-51 under this section. Highline/Big Picture High School received a waiver of four years in 2008. The Board approved requests for renewal of the waiver in March 2012 and again in March 2015. Federal Way secured a waiver of four years for Truman High School in 2009, but did not seek renewal of the waiver on its expiration in 2013.

This year the Board approved a request from Issaquah/Gibson Ek High School in January, and requests from Lake Chelan/Chelan School of Innovation and Methow Valley/ Independent Learning Center in May. All three of the schools approved for waiver this year are now or will be operated on the [Big Picture Learning](#) model that emphasizes personalized, competency-based learning. All three would replace credit requirements for high school graduation with demonstration of competencies through the Big Picture framework.

***Waivers Granted under WAC 180-18-055***

<b>District</b>	<b>School</b>	<b>Date of Approval</b>
Highline	Big Picture High School	November 2008
Federal Way	Truman High School	March 2009
Highline	Big Picture High School	March 2012
Highline	Big Picture High School	March 2015
Issaquah	Gibson Ek High School	January 2016
Lake Chelan	Chelan School of Innovation	May 2016
Methow Valley	Independent Learning Center	May 2016

## Why Draft Rules for CR-102

In the CR-101 filed in May, the Board indicated some of the reasons for initiating possible rule-making on WAC 180-18-055:

1. The rule is out of date. It contains several obsolete references and statutory citations, and does not recognize the change in the definition of “high school credit” adopted by the Board as amended [WAC 180-51-050](#) in 2011.
2. The requirements for application for the waiver lack clarity and specificity, and do not distinguish between information needed for consideration of an initial application and information needed for a renewal.
3. The rule includes no due date for submission of an application for consideration at a board meeting.
4. The rule includes no criteria for evaluation of waiver requests and for decisions whether to approve or deny a request.

There have been only minor amendments to WAC 180-18-055 since the initial filing, and none since 2004. The main substance of the rule is as it was on adoption in April 1999, though major changes have taken place since in graduation requirements, the nature and earning of a high school credit, assessments, and accountability. Staff are aware of no thorough review of the rule since its inception. That may be in part because there was for so long so little interest in the waiver among districts, and so little application activity. As apparent interest in the waiver increases, the Board may wish to examine the rule closely for possible amendment.

A draft amendment to WAC 189-18-055 and a summary of the amendment can be found following this memo. Changes in the draft amendment include:

- Striking the intent section as out-of-date and not needed.
- Limiting requests for the waiver to school districts, for specific high schools, while striking language permitting individual schools to request the waiver.
- Limiting the provisions of Chapter 180-51 WAC that may be waived to the sections establishing the graduation requirements for currently enrolled students, rather than all of the diverse sections of Chapter 180-51.
- Setting a due date for applications.
- Providing that a RAD district may not apply for a waiver under this section for a school that has been identified as a persistently lowest-achieving school.
- Amending for greater currency, clarity and specificity the required content of a waiver application, and adding required content for waiver renewals.
- Establishing criteria for evaluation of new and renewal waiver requests.

## Action

The Board will consider approval of the filing of a CR-102, Notice of Proposed Rule-Making, and publication of the proposed rules, with a fiscal impact statement from OSPI, for public hearing in September.

If you have questions regarding this memo, please contact Jack Archer at [jack.archer@k12.wa.us](mailto:jack.archer@k12.wa.us).

**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 WAC 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 WAC 189-51-068 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 WAC 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 and analysis of the indicators of student performance at the school 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 the successful implementation of the proposed instructional plan requires waiver of the provisions named in subsection (a).

(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 parents, teachers, administrators, classified employees;

(k) A description of how the district will keep parents 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 (40) 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.))~~

((6)(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 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) Any follow-up employment data for the school's graduates for the last three school years; and

(d) Participation in postsecondary education and training by the school's graduates during the last three school years.

~~((7))~~ (6) A waiver from one or more of the requirements of WAC ~~((180-51-060))~~ 180-51-067 or WAC 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 WAC 180-51-068 in whole or in part ~~((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) A district that has been designated as a required action district by the state board of education under RCW 28A.657.030 may not request a waiver under this section for a school that has been identified by the superintendent of public instruction as a persistently lowest-achieving school under RCW 28A.657.020.

~~((8) 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.))~~

(8) 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 WAC 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 from parents, teachers, administrators, classified staff, 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 parents, teachers, district and school administrators, and the community for continuation of the waiver of the specified provisions of WAC 180-51-067 or WAC 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.

[Statutory Authority: RCW 28A.150.220 and 28A.305.140. WSR 04-23-006, § 180-18-055, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). WSR 04-04-093, § 180-18-055, filed 2/3/04, effective 3/5/04. Statutory Authority: RCW 28A.230.090, 28A.305.140 and 28A.600.010. WSR 99-10-094, § 180-18-055, filed 5/4/99, effective 6/4/99.]



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## **Draft Amendment to WAC 180-18-055 Summary of Changes**

- Strikes findings section (1).
- Subsection (1) -- Authorizes a school district only, for a high school, to apply for a waiver under this section. Strikes “or high school with permission of the district board of directors.”
- (1) Amends to authorize waiver of WACs 180-51-067 and 180-51-068, which specify the graduation requirements applicable to currently enrolled students, rather than of all of Chapter 180-51 WAC (High school graduation requirements). Excludes, therefore, from eligibility for waiver sections of this chapter concerning, for example:
  - The authority for additional local standards for a high school diploma
  - The application of this chapter to private schools
  - Local district application of state standards
  - Standards for graduation for students age 21 or older
  - Notice to students, parents and guardians of graduation requirements
  - The definition of a high school credit
  - High school diploma programs in community colleges
- (3) Strikes and replaces language on the requirements for a waiver application. Requires the applicant district to submit an adopted resolution by the school board, signed by the chair or president and the superintendent, requesting the waiver. Specifies required content of the resolution.
- (4) Requires the SBE to post an application form for the waiver on its public web site. Strikes and replaces provisions on the required content of the waiver application. Requires the board resolution, completed application, and any supplemental materials to be submitted to the SBE at least 40 days before the board meeting at which the request will be considered.
- (5) Strikes and replaces provisions on requirements for renewal of a waiver granted under this section. Lists the additional required content of an application for renewal of an existing waiver.
- (6) Amends current language to provide that a waiver may be granted only if any noncredit graduation requirements that will replace current credit-based requirements support the state’s essential academic learning requirements as developed by the superintendent of public instruction under current law, rather than “the state’s performance-based education system being implemented” under a statute repealed in 2003.
- (6) Strikes and replaces obsolete references to the Higher Education Coordinating Board and minimum college core admissions standards.
- (7) Provides that a district that has been designated for Required Action by the SBE under RCW 28A.657.030 may not apply for a waiver under this section for a school that has been identified as a persistently lowest-achieving school.
- (8) Establishes criteria for board evaluation of waiver request under this section.
- (9) Establishes criteria for board evaluation of a request for renewal of a waiver.
- (11) Sets a July 31 date for the report that must be made annually by the district on the progress and effects of the waiver.



## **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) 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 from one or more of the requirements of chapter [180-51](#) WAC.

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

(4) 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.

(5) 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.

(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.

(7) A waiver of WAC [180-51-060](#) may be granted only if the district or school provides documentation and rationale that any noncredit based graduation requirements that will replace 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](#), and the noncredit based requirements meet the minimum college core admissions standards as accepted by the higher education coordinating board for students planning to attend a baccalaureate institution.

(8) 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.

(9) The state board of education shall notify the state board for community and technical colleges, the higher education coordinating board 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 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, on the progress and effects of implementing the waiver.

[Statutory Authority: RCW [28A.150.220](#) and [28A.305.140](#). WSR 04-23-006, § 180-18-055, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW [28A.150.220\(4\)](#), [28A.305.140](#), and [28A.305.130\(6\)](#). WSR 04-04-093, § 180-18-055, filed 2/3/04, effective 3/5/04. Statutory Authority: RCW [28A.230.090](#), [28A.305.140](#) and [28A.600.010](#). WSR 99-10-094, § 180-18-055, filed 5/4/99, effective 6/4/99.]



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** State Board of Education

**Subject of possible rule making:** WAC 180-18-055, Alternative high school graduation requirements. This WAC, originally filed May 1999, enables a school district, a high school with permission of the district board of directors, or an approved private school to apply to the State Board of Education for waiver of credit-based high school graduation requirements.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 28A.150.220, RCW 28A.305.140, RCW 28A.230.090.

**Reasons why rules on this subject may be needed and what they might accomplish:** This WAC, last amended November 2004, contains obsolete citations to RCWs and WACs and other obsolete references. Other needs for amendment may include:

1. Refine and improve the application requirements in (4).
2. Better distinguish between information required for new applications and for renewal of existing waivers.
3. Establish a due date for applications in relation to the dates of regular board meetings.
4. Establish criteria for evaluation of waiver applications and decisions whether to approve a waiver request.
5. Specify the format and manner for the annual reports required to be submitted by a school or district under (11).

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Superintendent of Public Instruction. The SBE will seek comment from OSPI on any draft amendment to this WAC.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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**DATE**  
June 10, 2016

**NAME (TYPE OR PRINT)**  
Ben Rarick

**SIGNATURE**

**TITLE**  
Executive Director

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STATE OF WASHINGTON  
FILED

**DATE: June 10, 2016**

**TIME: 3:21 PM**

**WSR 16-13-056**

**WSR 99-10-094**

**PERMANENT RULES**

**STATE BOARD OF EDUCATION**

[ Filed May 4, 1999, 3:58 p.m. ]

Date of Adoption: April 8, 1999.

Purpose: Provide school districts and high schools a waiver option from credit-based graduation requirements to support performance-based education.

Citation of Existing Rules Affected by this Order: Amending chapters 180-51 and 180-18 WAC.

Statutory Authority for Adoption: [RCW 28A.230.090](#), 28A.305.140, [28A.600.010](#).

Adopted under notice filed as [WSR 99-06-089](#) on March 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: Amendments (see sections below).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0. Effective Date of Rule: Thirty-one days after filing.

May 4, 1999

Larry Davis

Executive Director

**OTS-2733.3**

NEW SECTION

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) 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 from one or more of the requirements of chapter 180-51 WAC.

(3) The state board of education may grant the waiver for a

period up to four school years, or until any new graduation requirements the state board of education may adopt take effect, whichever comes first.

(4) 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, parents, and citizens were involved in developing the plan; and

(g) Identification of the school years subject to the waiver.

(5) 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 state eleventh grade test the last three school years;
- (g) Student scores on the secondary Washington assessment of student learning;
- (h) The level and types of parent involvement at the school;
- (i) The school's annual performance report the last three school years; and
- (j) The level of student, parent, and public satisfaction and confidence in the school as reflected in any survey done by the school the last three school years.

(6) A waiver of [WAC 180-51-060](#) may be granted only if the district or school provides documentation and rationale that any noncredit based graduation requirements that will replace 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](#), and the noncredit based requirements meet the minimum college core admissions standards as accepted by the higher education coordinating board for students planning to attend a baccalaureate institution.

(7) 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.

(8) The state board of education shall notify the state board for community and technical colleges and the higher education coordinating board of any waiver granted under this section.

(9) 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.

(10) Any 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, on the progress and effects of implementing the waiver.

□

#### **OTS-2734.1**

#### NEW SECTION

#### **WAC 180-51-107**

#### **Alternative high school graduation requirements.**

Alternative high school graduation requirements may be established under [WAC 180-18-055](#).

□



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** State Board of Education

**Subject of possible rule making:** Adoption of rules, or amendment of existing rules, necessary to establish a state accountability framework as specified in E2SSB 5329 (C159 L2013), and amendment of certain State Board of Education rules for increased clarity and alignment with current statute. Rules to be amended include: WAC 180-17 Accountability; WAC 180-51-115 Procedures for granting high school graduation credits for students with special educational needs; WAC 180-51-001 Education reform vision; WAC 180-51-075 Social studies requirement—Mandatory courses—Equivalencies.

**Statutes authorizing the agency to adopt rules on this subject:** The statutory authority for rules on the state accountability framework is RCW 28A.657.110 as amended by Chapter 159, Laws of 2013; for the other rules, statutory authority is 28A.230.060, 28A.230.090, and 28A.230.170.

**Reasons why rules on this subject may be needed and what they might accomplish:** Rules on establishment of a state accountability framework are required by E2SSB 5329. In addition, some State Board of Education rules require amendment to clarify practice and align with current statute.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Aspects of the state accountability system are also regulated by the Office of the Superintendent of Public Instruction. State Board of Education staff will meet regularly with Office of the Superintendent of Public Instruction staff to coordinate rule-making.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The State Board of Education will solicit comment on proposed rules from school district boards of directors, education organizations, the Office of Superintendent of Public Instruction, parents, teachers and other interested parties. The State Board of Education and OSPI consults regularly with the Achievement and Accountability Workgroup composed of representatives of government agencies, educational associations and organizations, and the state ethnic commissions.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Linda Drake, Senior Policy Analyst  
Washington State Board of Education  
Old Capitol Building, Room 253  
P.O. Box 47206  
Olympia, WA 98504

Interested parties are encouraged to submit comments in writing to linda.drake@k12.wa.us

**DATE**  
08/06/2013

**NAME (TYPE OR PRINT)**  
Ben Rarick

**SIGNATURE**

**TITLE**  
Executive Director, State Board of Education

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 16, 2013**

**TIME: 2:14 PM**

**WSR 13-17-077**



**WAC 180-51-115**

**Procedures for granting high school graduation credits for students with special educational needs.**

(1) No student shall be denied the opportunity to earn a high school diploma solely because of limitations on the student's ability. The board of directors of districts granting high school diplomas shall adopt written policies, including procedures, for meeting the unique limitations of each student. Such procedures may provide for:

(a) The extension of time the student remains in school up to and including the school year in which such student reaches twenty-one years of age;

(b) A special education program in accordance with chapter 28A.155 RCW if the student is eligible; and

(c) Special accommodations for individual students, or in lieu thereof, exemption from any requirement in this chapter, if such requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation-

~~(2) Unless otherwise prohibited by federal or state special education laws, such procedures may not provide for exemption from the certificate of academic achievement graduation requirement under RCW 28A.655.060 (3)(e). Such procedures may not~~

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provide an exemption from a student's participation in the statewide assessment system.

[Statutory Authority: RCW [28A.230.090](#). WSR 07-07-051, § 180-51-115, filed 3/14/07, effective 4/14/07; WSR 00-19-108, § 180-51-115, filed 9/20/00, effective 10/21/00. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-51-115, filed 8/6/90, effective 9/6/90. Statutory Authority: Chapter [28A.05](#) RCW. WSR 84-11-049 (Order 7-84), § 180-51-115, filed 5/17/84.]