



## Frequently Asked Questions

The Washington State Board of Education (SBE) approved emergency rules Wednesday, April 8 that allow flexibility and local-approval following extensive school building closures due to the COVID-19 outbreak. The following are frequently asked questions about the new rules and waiver program.

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### Acronyms

- SBE – State Board of Education
- OSPI – Office of Superintendent of Public Instruction
- WSSDA – The Washington State School Directors' Association
- LEA – Local Education Agency (school districts, charters schools, and tribal compact schools)
- HSBP – High School and Beyond Plan



## 1. What is the purpose of the new waiver program?

The waiver program is a temporary solution for immediate challenges faced by students. The waiver will provide flexibility for students in light of school building closures due to COVID-19. It was adopted:

- To give districts authority to waive certain credit requirements for individual students who were on-track to graduate this school year (2019-20) and were unable to complete required credits despite a good faith effort on the part of the district to help the student earn the credit.
- To provide for hour or day waivers for private schools for the 2019-20 academic year.

The waiver allows **LEAs (school districts, charters schools, and tribal compact schools) and private schools** to waive certain credit requirements for graduating students on a case-by-case basis.

- The waiver does not address potential impacts on earlier grades or students graduating after this school year. This would require additional legislation.
- The waiver does not apply to local graduation requirements. Districts have the authority to waive their local requirements.
- The waiver cannot be used to address missed hours/days for public schools. (OSPI is providing guidance on hour/days requirements.)

## 2. What do the new rules mean for students?

The rules are designed so that seniors expecting to graduate this year are not negatively impacted by school building closures and related disruptions to their learning and their ability to earn credits needed for a diploma. The waivers are applied on an individual student-basis so the meaning of the rules may be a little different for each student.

The rules require that LEAs explore options to provide students the opportunity to earn credit, since it is the first and preferred option that students earn the credit they need to graduate. (OSPI has provided [guidance](#) to LEAs to help students graduate.) However, if students cannot earn graduation requirement credits because of school closures, these emergency rules will permit the waiver of some graduation requirements so that students can graduate.

## 3. How was it determined that emergency rules were needed?

The existing rules for graduation allow for a fair amount of flexibility in terms of how students meet state graduation requirements, but they don't provide enough flexibility in terms of waiving or reducing requirements in a situation such as exists now, with substantial disruption to the traditional education model. Legislation and rules were required to create temporary increased flexibility, specifically focused on seniors in the Class of 2020, so that students could earn their diploma and move on to their next steps after high school.



#### 4. Who is the waiver for? Individual students or districts?

First, the State Board of Education (SBE) approves applications from Local Education Agencies (LEAs) (school districts, charter schools, and tribal compact schools). Once approved, the LEA has the authority to waive certain credit requirements for individual students who were on-track to graduate this 2019-20 school year (waivers are only applicable for Class of 2020 students and earlier classes, e.g. 5<sup>th</sup>-year seniors). The LEA is responsible for making waiver decisions on an individual basis at the local level. The Board will not review individual student waivers (although some reporting will be required).

There are a few options to help students earn credit and we expect additional guidance to be coming soon. Please see the [OSPI guidance](#) on serving seniors. Many students will be able to earn credit for spring.

#### 5. What information should LEAs share with students and families when consulting about the waiver?

It is important to let students know that the waiver comes with some uncertainty in terms of postsecondary impacts. If a student is granted a waiver and does not receive credit for any course (particularly a core course), this could have long-term impacts for the student. Students graduating with the waiver may need to make up content later when they get to college. In addition, please consider potential impacts on:

- alignment with higher education standards
- preparation for majors (e.g. nursing, engineering, and other STEM fields)
- admission and transfer to out-of-state and graduate and professional schools
- employment eligibility

K-12 and higher education partners are working together to mitigate impacts. Stay tuned for additional guidance.

Find the joint statement: [Fall 2020 Admissions COVID-19 Statement for Washington's Baccalaureate Universities and College](#) (Washington State Council of Presidents, Independent Colleges of Washington).

See the State Board's [approved rules WAC 180-111-040](#) for reference.

#### 6. Does the waiver apply to classes beyond the Class of 2020?

No. By law, the waiver is limited to 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. Also, any following amendments to that proclamation, who cannot meet the statewide minimum credit and subject area graduation requirements due to school closures related to the novel coronavirus.



## 7. Can districts provide enough instruction for students to pass a competency test and not use the waiver?

Yes. In fact, that would be preferred. The waiver is an extra tool districts can use to make sure students graduate after the COVID-19 school building closures. If a student is granted a waiver and does not receive credit for any course (particularly a core course), this could have long-term impacts for the student. For example, it could impact admission or result in a need to take remedial courses in higher education, or it could have impacts on employment eligibility for some students.

First schools should be working with students to earn the credit through the strategies outlined in the OSPI guidance and their existing local authority (which includes competency-based credit). After all other options for receiving credit have been exhausted, then an individual student may be granted a waiver.

## 8. What does the law mean by “on-track to graduate”?

“On-track to graduate” means the student has completed or is enrolled in courses that would allow them to meet the state graduation requirements by the end of the 2019-20 school year. Note: if a term had not yet started by February 29, 2020 (e.g. trimester schools, Running Start, or summer school), then the student’s planned coursework may also count toward “on-track.” Planned enrollment means credits that the student could have reasonably completed 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.

## 9. Can a waiver be used for a student who planned to graduate in the summer?

Yes. The waiver must be granted to the student before July 31, 2020 (the date the waiver authority expires, by law). The waiver is intended for credits missed during school closures despite LEAs making a “good faith effort.” It is intended for credits missed during school closures; it may be used on summer school courses if the closures continue into the summer. However, the current order closes schools through June 19, 2020 so from a planning perspective it would not be prudent to count on being able to waive planned summer courses. If school is back in session in the summer, the student could receive a waiver for applicable credits during the spring closure and return to complete the planned summer credits.

Possible student examples could include:

- A student who planned to graduate in summer and receives the waiver for spring credits during the closure, but then comes back for summer school and graduates in summer.
- A student who planned to complete in spring but was unable to earn credits due to the closure, may have some credits waived but may choose to complete a required course important to their postsecondary plans in the summer.



If schools building closures are extended to include the summer term an LEA could consider applying the waiver to a student's planned summer school credits. In this case, credits from both spring and summer courses could be waived. LEAs should be cautious about waiving too many credits and consult with the student about what is best for the student. Summer school classes must be completed by the end of August 2020, per RCW 28A.150.203. Any waivers must be granted prior to the expiration of the program on July 31, 2020.

## 10. How many credits can be waived and what type?

The limit on number of credits waived is based on what a student was enrolled in or planning to reasonably complete by the end of the 2019-20 school year. Please see the "on-track to graduate" definition for further explanation.

Waived graduation requirement credits may include both core credit graduation requirements and flexible credit graduation requirements, as defined in WAC 180-51-210.

## 11. My district has implemented the 24-credit framework for Class of 2020. Can my district use a two-credit waiver for student circumstances and this emergency waiver?

Yes, Districts that have implemented the 24-credit framework for the Class of 2020 can use the two flexible credit waiver, in addition to the emergency waiver.

If your district applies for this emergency waiver, then the rules would allow waiving credits the student was "on-track" to receive for the remainder of this school year.

Districts who have not implemented the 24-credit framework for the Class of 2020 are not able to use the two-credit waiver for flexible credits, but can qualify for the emergency waiver.

## 12. Can minimum state core credit requirements be waived?

Yes. This means a student with this waiver may graduate with fewer than the state minimum requirements. For example, a possible scenario is students graduating with 3.5 credits of English because they were unable to earn credit for the second semester. **However, this must be applied on an individual student basis and the first priority is to try to help the student earn the credit.**

## 13. Are there conditions for LEAs to receive the waiver?

In their application for authority to be able to grant individual student waivers, the LEA must certify the following:

1. The LEA will consider equity when 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.



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2. The LEA will make a good faith effort to help individual students address core course requirements and credit deficiencies through other mechanisms. To be granted the waiver authority, the LEA must certify that they will make a “good faith effort” based on OSPI’s guidance for supporting seniors (e.g. [Bulletin 022-20](#)).
3. The LEA will grant waivers in accordance with program rules--including on an individual, case-by-case student basis--after a good faith effort has first been made to help students earn the credit.

### 14. What does the law mean by “good faith effort”?

“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. This includes consideration of awarding and waiving of credits through the existing authority of local education agencies and private schools (e.g. providing competency credit where appropriate) and through recommendations provided by OSPI’s guidance for supporting seniors ([Bulletin 022-20](#)). LEAs should consider all the options, determine which ones the LEA can provide, then examine individual circumstances and determine which of the available options are appropriate to implement with the student.

### 15. What specifically can be waived?

High school graduation requirements or equivalencies established under RCW 28A.230.090, focused on credit-based graduation requirements. The waiver does not serve to grant credits, but rather waives the need for the credits in order to earn the diploma.

Waived graduation requirement credits may include both core credit graduation requirements and flexible credit graduation requirements, as defined in WAC 180-51-210.

### 16. Can this waiver be used for 5th-year seniors?

Yes, students in the Class of 2019 and earlier classes may receive a waiver if they meet the on-track definition.

### 17. Is the application process difficult?

SBE recognizes that LEAs are making a number of changes in the way they serve their students and expects nearly all LEAs with high school seniors to apply given statewide school closures. The application will be short and simple. The application should be signed by the LEA superintendent or designee if the superintendent is not available.

In addition, WSSDA is drafting a model policy to support implementation.



## 18. Will transcripts indicate if the student received the waiver?

OSPI is exploring the possibility of a transcript notation.

## 19. How do the emergency rules impact private schools?

Under the emergency rules, private schools are authorized to waive credit-based graduation requirements for individual students. Private schools will not be required to apply to the State Board of Education.

Private schools are also released from the requirement of providing a certain number of days or instructional hours for the 2019-20 school year. In addition, under existing law for private schools (RCW [28A.195.090](#)), instructional hours and days requirements are deemed met for private schools operating an online program.

The emergency rules also permit private schools that were approved in 2019-2020 to start the 2020-2021 school year as online-only schools if they determine it is necessary.

## 20. What about other requirements for graduation, like the new graduation pathway options or the High School and Beyond Plan?

Students are expected to meet other graduation requirements, although there may be flexibility in how they meet them.

- *Graduation Pathway Options*: If a student has not previously met the pathway requirement, they may be eligible for the Expedited Assessment Appeal (waiver).
- *HSBP Requirements*: There are more requirements now, but schools can work one-on-one with Class of 2020 students to complete this for each student, even if it was not done before the school closures. The LEA determines if this requirement is met.

Please see [OSPI's guidance](#) (Appendix G) on this topic.

## 21. Does this waiver extend to community colleges and similar institutions?

Yes, community and technical colleges that grant high school diplomas are included in the definition of local education agency in the SBE emergency rules, per WAC 180-51-015. To use the waiver community and technical colleges would need to apply to the State Board of Education.