



Frequently Asked Questions: emergency rules, waiver for private schools

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1. How do the emergency rules impact private schools?

The [emergency rules](#) adopted by the State Board of Education on April 8, 2020:

- Authorize private schools to waive credit-based graduation requirements for individual students who were on-track to graduate by the end of the 2019-2020 school year.
- Releases private schools from the requirement of providing a certain number of days or instructional hours for the 2019-20 school year.
- Permits 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 by the school.
- Requires that private schools notify the State Board of Education of the use of these provisions.

2. Do private schools have to apply to the State Board of Education for any of the provisions in the emergency rules?

No, but they do need to notify the State Board of Education on the use of provisions of the emergency rules.

Private schools are required to notify the State Board of Education on the use of provisions of the emergency rules. The primary reason for this notification is to have information available on the use of the emergency rules to report back to the Legislature on the effects of COVID-19 on education in the state.



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The [notification form](#) is due by September 30, 2020; it is a simple online survey.

3. Do the provisions in the emergency rule differ for private schools and public schools?

Yes. See the table below for the differences.

Provision	Private Schools	Public Schools
Waiver of credit graduation requirements for individual students on track to graduate	Private schools may waive credit graduation requirements to eligible students on an individual basis after fulfilling three requirements: (1) determine the student meets the on-track definition, (2) make a good faith effort to help the student earn credit, and (3) consult with the student about the waiver.	In addition to the requirements for using the waiver, public schools must first apply and be approved by the State Board of Education,
Hours and days of instructional time	Private schools are released from the hour or day requirement for the 2019-2020 school year	Public schools will work with OSPI on waiver of time requirements
Online-only schools	If approved to operate as a private school in 2019-2020, schools may open as an online-only school in the 2020-2021 school year	Not applicable—the emergency rules do not address issues specific to public online schools

4. Do the new rules only apply to private high schools?

The waiver of credits is only available to students who were on-track to graduate. Therefore, the authority to waive credits is only given to private high schools with students who would have graduated in the 2019-2020 school year.

The release of instructional hours and days applies to all private schools.



5. What does “on track to graduate” mean?

“On track to graduate” is defined in the emergency rules (WAC 180-111-020 (2)), and means that:

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 as defined by RCW 28A.150.203

6. What do private schools need to do to waive the credit?

Prior to waiving requirements for a student, private schools must determine the student meets the on-track definition and must make a good faith effort to provide the student an opportunity to earn the credit. A good faith effort is defined in the emergency rules (WAC 180-111-020 (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.

The rules list options the school should consider, including those described in guidance created by the Office of the Superintendent of Public Instruction, and other options in graduation requirements rules such as 1) the 2-credit waiver for student circumstances, 2) the excusal of participation in physical education, and 3) the waiver of Washington State History for under certain circumstances.

The private school must also consult with the individual student and make a reasonable effort to consult with the student’s parent or guardian, about what is being waived, the potential benefits and limitations, and the option for the student to decline.

7. What is an online program? Why does the emergency rules require one hundred percent of students to be engaged in online education?

Previously, a physical school location with in-person instruction for at least some students was required for all private schools. The emergency rules allow for a school that was approved in 2019-2020, to operate in 2020-2021 with only an online program. These school may operate



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without a physical school building and without conducting any in-person instruction, but they must maintain a physical address (a street address, not a post office box) in Washington and must plan on resuming classroom instruction once it is safe to do so.

The emergency rules refer to “one hundred percent of students engaged in an online program” to help define a completely online private school program. Both current rules and the emergency rules do not preclude other programs that consist of in-person instruction or that combine in-person and remote learning practices. If permitted by local and state safety requirements, schools may open in the Fall with in-person instruction, blended instruction, or, as is now permitted through the emergency rules, an online-only program.

The statutory definition of an online program is described in [RCW 28A.250.010](#) (online courses are defined in the same section of statute):

"Online school program" means a school program that offers a sequential set of online courses or grade-level coursework that may be taken in a single school term or throughout the school year in a manner that could provide a full-time basic education program if so desired by the student. Students may enroll in the program as part-time or full-time students.