

State of
Washington
House of
Representatives



June 30, 2014

Washington State Board of Education
600 Washington St. SE
Olympia, WA 98504

Dear State Board Members;

We request that the proposed rules to implement SB 6552 be revised to reflect the intent of the Legislature. Below we enumerate the three major areas where the proposed rules are out of alignment with the letter, spirit or intent of the law. This letter addresses only those concerns that result from the proposed rules to implement the new 24 credit framework for high school graduation.

At your recent public forum on June 6th, Reps. Hunt and Reykdal provided public comment based on feedback from the group of legislators who crafted the final version of SB 6552 which passed the Legislature (House 93-5 and Senate 45-2) on March 13, 2014 and was signed into law by Governor Inslee on April 3, 2014. This letter reinforces those comments.

Below are three areas where proposed WAC 180-51-068 is inconsistent with legislative intent:

- Our intent as a Legislature was to allow the two credit waiver for unusual circumstances to apply to the entire 24 credit portfolio - not just the seven flexible credits beyond the core 17 credits. The goal of this policy was to allow the maximum flexibility to districts in order to meet the unique needs of their students. The proposed rule does NOT allow for this flexibility. The clear intent of the Legislature was to have the Washington State School Directors Association (WSSDA) develop a model policy for districts BEFORE the SBE adopted rules. Otherwise, there would have been no point in our directing WSSDA to develop a model policy. The rules should wait and take into consideration the model policy developed by WSSDA.
- The role of the parent or guardian in the decision making process regarding the 3rd credit of math and science is the foremost role. School principal and counselor would be secondary. The rules are not clear on the primacy of the parent/guardian decision.
- The SBE has exceeded the intent and scope of the bill by requiring the HSBP to begin in the 8th grade. While we agree that the most promising practices indicate that HSBPs begin in the 7th or 8th grade, we simply did not get to this issue with any depth in the legislation and therefore enacting a rule to require it in the 7th or 8th grade violates the law at this time.

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We strongly urge you to make the appropriate revisions to the proposed rules to reflect the actual intent of the Legislature.

Sincerely:

Sherry Appleton
State Representative
23rd Legislative District

Susan Fagan
State Representative
9th Legislative District

Kathy Haigh
State Representative
35th Legislative District

Brian Blake
State Representative
19th Legislative District

Jake Fey
State Representative
27th Legislative District

Larry Haler
State Representative
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Vincent Buys
State Representative
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Norm Johnson
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14th Legislative District

Lillian Ortiz-Self
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30th Legislative District

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State Representative
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39th Legislative District

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Handwritten signature of Mike Sells in black ink.

Mike Sells
State Representative
38th Legislative District

Handwritten signature of David Taylor in black ink.

David Taylor
State Representative
15th Legislative District

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Matt Shea
State Representative
4th Legislative District

Handwritten signature of Steve Tharinger in black ink.

Steve Tharinger
State Representative
24th Legislative District

Handwritten signature of Shelly Short in black ink.

Shelly Short
State Representative
7th Legislative District

Handwritten signature of Hans Zeiger in black ink.

Hans Zeiger
State Representative
25th Legislative District

Handwritten signature of Monica Stonier in black ink.

Monica Stonier
State Representative
17th Legislative District

cc: Ben Rarick, SBE Executive Director
Speaker Frank Chopp
Rep. Dan Christiansen
Rep. Dan Sullivan
Rep. Sharon Tomiko Santos

The School Alliance

Bellevue, Everett, Highline, Issaquah, Lake Stevens, Lake Washington, Mercer Island, Puyallup, Spokane, and Tahoma School Districts

July 1, 2014

Washington State Board of Education
Old Capitol Building, Room 253
600 Washington Street S.E.
P.O. Box 47206
Olympia, WA 98504

Dear Board Members:

Thank you for the opportunity to provide comment on the Proposed Rules to implement E2SSB 6552. The School Alliance is concerned that several sections of the Proposed Rules would reduce the authority of local school boards. We request that the Board revise these provisions.

In summary, E2SSB 6552 authorizes school boards to adopt a policy so that students can request waivers for up to two credits of the Career & College Ready Graduation Requirements. The Rule limits the usefulness of the waiver and restricts local decision-making. Second, the Proposed Rule regarding a high school student's choice for a third credit of math and third credit of science could place an unnecessary administrative burden and impose an unfunded mandate on school districts. Third, the approval process detailed in the Proposed Rule could unnecessarily duplicate districts' current course selection procedures in their High School and Beyond Plan. Fourth, the Proposed Rule changes the High School and Beyond Plan and includes mandates for middle school students. This goes beyond the scope of the E2SSB 6552, with its focus on high school graduation requirements and instructional hours.

I. "Core State Requirements" and the Two-Credit Individual Waiver:

During the 2014 Legislative Session, a number of bills were introduced to adopt the course credit framework set forth in the State Board of Education's ("SBE") January 2014 Resolution. Along with the required 24-credit course allocation, the January 2014 Resolution allowed for up to two credits to be waived, but with substantial restrictions. The SBE's waiver was available: only if a student attempted and failed the courses first; only to waive up to two of the seven elective or Personal Pathway Requirement courses; and only if the student needed to "fulfill the 17 core state requirements."

During the session, the School Alliance and others expressed the concern that the 24-credit diploma would not allow for sufficient flexibility, since it would need to be earned over four years during a typical six-period schedule. The SBE's proposed waiver was perceived to be too restrictive and failed to take into account unusual circumstances that may arise in an individual student's life. Potentially, this could lead to a decline in graduation rates.

The Legislature amended 6552 on this issue, and added the provision that the SBE must adopt a rule for a local waiver. In its final form, the law states that:

The rules must include authorization for a school district to waive up to two credits for individual students based on unusual circumstances and in accordance with written policies that must be adopted by each board of directors of a school district that grants diplomas.

E2SSB 6552, Sec. 202(1)(d)(i).

In the Proposed Rules (attached as they appear in the Washington State Register, Issue 14-12, Proposed Rules), the Rule recognizes the authority of school boards to define "unusual circumstances." The Rule states that districts "may waive up to two of the credits required for graduation... for individual students for reason of unusual circumstances, as defined by the district." Proposed WAC 180-51-068(12), page 128.

Unfortunately, even though the Legislature did not adopt this language, the Rule incorporates a part of the restriction from SBE's January 2014 Resolution. The draft Rule requires that students receiving a one- or two-credit waiver must still earn the 17 required subject credits (English, Math, Science, Social Studies, Health and Fitness, Arts, and Career and Technical Education).

We believe that this limitation in the Proposed Rules does not reflect the intent of the Legislature, which adopted a broad waiver instead of the SBE's January 2014 waiver. Within its directive to enact a waiver to be defined by school boards, the Legislature appears to have rejected the SBE's two-credit waiver and created a different waiver that can be applied to any of the 24 credits under limited situations. This view is supported by the comments provided by legislators at the June 6, 2014 webinar sponsored by the SBE. Key legislators stated that it was their intent to make the two-credit waiver applicable to all 24 credits.

Reading the bill in its entirety provides an additional perspective. In subsection 202(1)(d)(i), the Legislature adopted the SBE's Career & College Ready Requirements, mandating a 24-credit diploma for the Class of 2019 and beyond. With this change, the 24-credit diploma will include three science credits to go along with the existing three-credit math program. The same section

of E2SSB 6552 also includes the two-credit waiver for “unusual circumstances.” The existence of both increased rigor and increased flexibility within a single subsection of the bill demonstrates the Legislature’s commitment to balancing policy directives: math and science rigor and local flexibility.

On the other hand, SBE’s designation of 17 credits as “required subject credits” is not supported by E2SSB 6552, nor by any other provisions of the statute or the Washington Administrative Code. The notion that the 17 credits are more important than the other seven credits first appeared in SBE’s January 2014 Resolution.

We suggest that the SBE consider taking a balanced approach. First, the amendment proposed below would recognize that the waiver is available for all 24 credits. Second, the amendment would acknowledge that the Legislature has recently increased the science and math requirements for graduation. Therefore, even under “unusual circumstances,” a student can only request a waiver for a maximum of one science credit and a waiver for a maximum of one math credit.

Accordingly, we suggest that the text of Proposed WAC 180-51-068(12), page 128, be amended as shown below:

Students granted a waiver under this subsection must earn ~~the~~
~~seventeen required subject credits in subsections (1) through (7)~~
at least two of the three mathematics credits in subsection (2),
and at least two of the three science credits in subsection (3),
including by satisfactory demonstration of competence under WAC
180-51-050.

This amendment ensures that even those students who can demonstrate that they face “unusual circumstances” and are eligible for a waiver under school board adopted policies must still earn two science credits and two math credits -- at a minimum -- in order to graduate. Such a revision preserves the flexibility legislators intended school boards to have with the two-credit waiver, without raising the potential that it could undercut the science and math requirements of the Career & College Ready diploma.

II. Additional Administrative Burden:

Second, the Proposed Rules impose additional administrative burdens on school districts. E2SSB 6552 requires approval under specific circumstances:

The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on

the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal.

E2SSB 6552, Sec. 202(1)(d)(i) (emphasis added).

We share the perspective that the Legislature's placement of "parent or guardian" before "school counselor or principal" in E2SSB 6552 indicates that a student should first obtain the agreement of a parent or guardian. Currently, SBE's regulations allow a designee (such as a counselor or a principal) to step in and agree to a student's alternative third math choice "if a parent or guardian is unavailable." WAC 180-51-067(2)(b).

The Proposed Rule adds a new clause: "or, if the parent or guardian ... does not respond to a request from the school for approval..." Proposed WAC 180-51-068(2)(a)(iii) and 180-51-068(3), pages 126 and 127. It is unclear what the new requirement is and whether it imposes a new unfunded mandate on school districts. We request that this clause be deleted as shown below:

A third credit of high-school mathematics, aligning with the student's interests and high school and beyond plan as provided in (10) of this section, and preparing the student to meet state standards for graduation under the assessment system in RCW 28A.266.061, with agreement of the student's parent or guardian, ~~or if the parent or guardian is unavailable or does not respond to a request from the school for approval of a specific course,~~ agreement of the school counselor or principal;

Proposed WAC 180-51-068(2)(a)(iii), page 126. We also request that the State Board adopt the same amendment to the wording for the third science requirement in Proposed WAC 180-51-068(3), page 127.

III. Integration:

Third, the SBE should play a leadership role in integrating components of E2SSB 6552 with the existing educational framework.

Under existing law, school districts make decisions on the High School and Beyond Plan ("HSBP"). RCW 28A.230.090(1)(c) ("Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level."). It is also clear that the Legislature intended the student to choose the third science and the third science course. E2SSB 6552 Sec. 202(1)(d)(i) ("The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and

beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal.”).

There are some students who will make more general statements in their HSBP. There are others who will designate the content of the third science and third math courses as a part of their HSBP. To the extent that a student has already identified the third science and/or the third math in his or her HSBP, a duplicative approval process for those same third science and/or same third math class should not be required. For this reason, we request the following change in the Proposed Rules as shown:

A third credit of high-school mathematics, aligning with the student's interests and high school and beyond plan as provided in (10) of this section, and preparing the student to meet state standards for graduation under the assessment system in RCW 28A.266.061, with agreement of the student's parent or guardian, or if the parent or guardian is unavailable or does not respond to a request from the school for approval of a specific course, agreement of the school counselor or principal; provided that, such agreement is not needed if the third credit of mathematics is designated in the student's high school and beyond plan;

Proposed WAC 180-51-068(2)(a)(iii), page 126. We request a similar change for the third science requirement in Proposed WAC 180-51-068(3), page 127.

Taken together with the suggested amendment in Section II of this letter, without the strikethroughs and additions, the amended Proposed WAC would read:

A third credit of high-school mathematics, aligning with the student's interests and high school and beyond plan as provided in (10) of this section, and preparing the student to meet state standards for graduation under the assessment system in RCW 28A.266.061, with agreement of the student's parent or guardian, or if the parent or guardian is unavailable, agreement of the school counselor or principal; provided that, such agreement is not needed if the third credit of mathematics is designated in the student's high school and beyond plan;

Proposed WAC 180-51-068(2)(a)(iii), page 126, with a similar change to the language for the third science requirement in Proposed WAC 180-51-068(3), page 127.

IV. Middle School Students:

Fourth, elements of the Proposed Rules are beyond the scope of E2SSB 6552 and could undermine local authority by adding more to the HSBP. The Proposed Rule includes HSBP guidance that will expand upon the minimal direction in the current regulation. Proposed

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WAC 180-51-068(10), page 127. *See also* WAC 180-51-067(10) (“Each student shall have a high school and beyond plan for their high school experience, including what they expect to do the year following graduation.”). However, we believe that the new Rules go too far in the other direction, as they would make four new HSBP elements mandatory for students entering high school beginning in fall 2015. Currently, these students are rising-eighth graders.

The new HSBP regulations involves the same rising-eighth graders. The Rules as proposed would mandate that while still in middle school, these students create a HSBP with a “four-year plan for course-taking... that will ensure fulfillment of graduation requirements.” They must also identify their “educational and career goals, including identification of a personalized pathway and personalized pathway requirements.” Proposed WAC 180-51-068(10), page 127.

This part of the Proposed Rules goes beyond the scope of E2SSB 6552, which implements the 24-credit requirements for high school students, and does not impose requirements for middle school students.

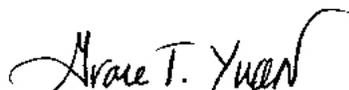
As noted above, districts already have their own, locally created processes for the HSBP. Aside from the State mandate that students must have a HSBP, all procedures associated the HSBP are under local control. The Legislature has reconfirmed this decision by not amending the provisions governing the HSBP in state law. *See* E2SSB 6552 Sec. 202(1)(c) (making no change to RCW 28A.230.090(1)(c): “Any decision on whether a student has met the state board’s high school graduation requirements for a high school and beyond plan shall remain at the local level.”). Therefore, we would request that the reference to middle school students be deleted from the Proposed Rules, as shown in the amendment below:

A four-year plan for course-taking, ~~created in middle school grades,~~ that will ensure fulfillment of graduation requirements and align with the student’s interests and educational and career goals, including identification of a personalized pathway and personalized pathway requirements, as provided in subsection (14) of this section, and consideration of dual credit opportunities;

Proposed WAC 180-51-068(10)(c), page 127.

Again, thank you for the opportunity to comment. If you have any questions, please call me at (206) 370-7814.

Sincerely,



Grace T. Yuan
Legal Counsel