

WSR 16-16-126
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 3, 2016, 11:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-17-077.

Title of Rule and Other Identifying Information: WAC 180-51-115 Procedures for granting high school graduation credits for students with special educational needs.

Hearing Location(s): Brouillet Room, Old Capitol Building, 600 Washington Street S.E., Olympia, WA 98504, on September 7, 2016, at 4:20 p.m.; and at the Skamania Lodge, Jefferson Room, 1131 S.W. Skamania Lodge Way, Stevenson, WA 98648, on September 15, 2016, at 9:00 a.m.

Date of Intended Adoption: November 10, 2016.

Submit Written Comments to: Linda Drake, P.O. Box 47206, Olympia, WA 98504-7206, e-mail linda.drake@k12.wa.us, fax (360) 664-3631, by September 8, 2016.

Assistance for Persons with Disabilities: Contact Denise Ross by September 8, 2016, TTY (360) 644-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of amending the existing rule is to clarify that students in a program for special education services are not exempted from participating in the state assessment system.

Reasons Supporting Proposal: The state board of education (SBE) office receives multiple telephone inquiries per year regarding this rule suggesting that educators around the state are confused by the current language of the rule.

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

Statute Being Implemented: RCW [28A.230.090](#).

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

Name of Proponent: SBE, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ben Rarick, Old Capitol Building, 600 Washington Street S.E., 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: Procedures for granting high school credits for special education students.	Agency: SDF - School District Fiscal Impact - SPI.
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Part I: Estimates: No fiscal impact, WAC 180-51-115 changes a reference from the phrase "from the certificate of academic achievement graduation requirement under RCW [28A.655.060\(3\)](#)" to "from a student's participation in the statewide academic system." This change of reference does not create additional costs for school districts.

Estimated Cash Receipts to: No estimated cash receipts.

Estimated Expenditures From: No estimated expenditures.

Estimated Capital Impact: No estimated capital impact.

A copy of the statement may be obtained by contacting Thomas J. Kelly, Old Capitol Building, 600 Washington Street S.E., Olympia, WA, phone (360) 725-6031, 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 07-07-051, filed 3/14/07, effective 4/14/07)

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)(c).))~~ Such procedures may not provide an exemption from a student's participation in the statewide assessment system.