

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.

State of
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House of
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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
8th Legislative District

Vincent Buys
State Representative
42nd Legislative District

Tami Green
State Representative
28th Legislative District

Paul Harris
State Representative
17th Legislative District

Eileen Cody
State Representative
34th Legislative District

Mia Gregerson
State Representative
33rd Legislative District

Dave Hayes
State Representative
10th Legislative District

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Jeff Holy
State Representative
6th Legislative District

Joel Kretz
State Representative
7th Legislative District

Kevin Parker
State Representative
6th Legislative District

Graham Hunt
State Representative
2nd Legislative District

Jim Moeller
State Representative
49th Legislative District

Chris Reykdal
State Representative
22nd Legislative District

Sam Hunt
State Representative
22nd Legislative District

Luis Moscoso
State Representative
1st Legislative District

Sharon Tomiko Santos
State Representative
37th Legislative District

Norm Johnson
State Representative
14th Legislative District

Lillian Ortiz-Self
State Representative
21st Legislative District

Larry Seaquist
State Representative
26th Legislative District

Linda Kochmar
State Representative
30th Legislative District

Jason Overstreet
State Representative
42nd Legislative District

Elizabeth Scott
State Representative
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

Handwritten signature of Matt Shea in black ink.

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



Washington State Legislature

July 7, 2014

To: Dr. Kristina L. Mayer, Chair, Washington State Board of Education
Washington State Board of Education Members

Re: State Board of Education Rules to implement Engrossed Second Substitute Senate Bill 6552 (2014)

Dear Chair Mayer and Board Members,

We are writing to express our support for the State Board's proposed rules to implement Engrossed Second Substitute Senate Bill 6552 (E2SSB 6552) as passed by the Legislature in the 2014 legislative session with strong bipartisan, bicameral support. We urge you not to make substantive changes to your rules. We strongly endorse your approach and the specific language you have chosen to implement the authority that the Legislature has granted to the Board.

We specifically want to highlight our strong support on the following five issues:

1. **The two credit waiver for individual students.** In section 202 of E2SSB 6552, the Legislature clearly directed the State Board of Education to "adopt rules to implement the Career and College Ready Graduation Requirement Proposal adopted under Board resolution on November 10, 2010, and revised on January 9, 2014. . . The rules must include authorization for a school district to waive up to two credits for individual students based on unusual circumstances. . ."

When reviewing the two resolutions by the Board, it is clear that the January 9th resolution added additional clarity to the November 10th resolution, as shown below:

- SBE Resolution - November 10, 2010: "While students must attempt 24 credits, up to two of the 24 credits may be waived by local administrators if students need to retake courses to fulfill the state requirements."
- SBE Resolution - January 9, 2014: "While students must attempt 24 credits, up to two of the 24 credits may be waived by local administrators if students need to retake courses to fulfill the 17 core state requirements that all students must meet."

By using the specific reference in section 202 to the State Board's January 9th resolution, the Legislature clearly indicated that the waiver would align with that resolution and be applied only to those credits outside of the 17 core requirements that ALL students must meet as designated by that resolution.

We disagree with those who have expressed concern that the State Board's rule in this area does not provide flexibility. We believe the waiver does provide flexibility and more importantly also maintains a standard minimum of knowledge and skills that students must obtain in order to earn a meaningful high school diploma. It is also important to note that

this is not the only flexibility provided by the State Board for students and school districts to implement the new graduation requirements. There is additional flexibility provided to students by permitting one arts credit, world language credit, career concentration credit, and electives to be substituted according to a student's High School and Beyond Plan. Additionally there is flexibility provided to school districts to phase in the new graduation requirements beginning with the graduating class of 2020 or 2021, instead of the graduating class of 2019.

2. **The model policy to be developed by the Washington State School Directors Association (WSSDA).** E2SSB 6552 requires WSSDA to "develop a model policy and procedure that school districts may use for granting waivers to individual students of up to two credits required for high school graduation based on unusual circumstances." Some have requested that the State Board delay the adoption of your rules until the WSSDA model policy is developed. However, this would be an inappropriate delay because the State Board's proposed rules do not affect the model policy and the model policy does not affect the proposed rules.

The model policy, as described in section 203 of E2SSB 6552 does not address "which" credits may be waived. Instead, the model policy is to provide how the credits may be waived, *i.e.*, what would constitute "unusual circumstances" and what procedures might a district want to adopt for the waivers in its written policies.

In contrast, the State Board proposes no rules defining or conditioning "unusual circumstances" for the purpose of the waiver of two credits. The determination of "unusual circumstances" is left entirely to the WSSDA model policy and the written policies adopted by the districts, as authorized by E2SSB 6552. The State Board rules merely address which credits may be waived by the local school district.

Additionally, there is a timing issue that precludes the State Board from delaying your rules until after the WSSDA model policy is distributed to school districts. Under section 203, the model policy must be distributed "to all school districts in the state that grant high school diplomas by June 30, 2015." Under section 202, the State Board is directed to "implement the College and Career Ready Graduation Requirement Proposal", which increases the state minimum high school graduation requirements from 20 to 24, to take effect beginning with the graduating class of 2019. The Courts have consistently found that an increase in graduation requirements must provide sufficient notice of the graduation requirements to entering freshmen students. The graduation class of 2019 will be the entering freshmen students in 2015. The rule making process generally takes a minimum of four to six months and includes public input. If the State Board delayed its rule adoption until after June 30, 2015, the current proposed rules would have to be refiled because the rules would not be completed within the timelines established for the rulemaking process. This would mean any new rules would have additional costs in time and funding. Additionally, the timeline for adopting any new rules may not provide sufficient time to obtain necessary public input. Moreover, the Board could be in danger of not providing sufficient notice to the incoming freshmen prior to the beginning of the 2015-16 school year.

3. **The role of the parent regarding the third credits in mathematics and science.**

We recognize that the State Board rules have always respected the role of the parent when it comes to determining the third credit of mathematics that a student will take. The previous rules adopted and continued for students entering the ninth grade on or after July 2009 through June 2012 provide the following:

“The student’s parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) agree that the third credit of mathematics elected is a more appropriate course selection than Algebra 2 or Integrated Mathematics III because it will better serve the student’s education and career goals;”

The relevant language from E2SSB 6552 that mandates the primacy role of the parent(s)/guardians(s) regarding the third credits in mathematics and science is as follows:

“The State Board of Education shall adopt rules to implement the Career and College Ready graduation requirement proposal adopted under Board resolution on November 10, 2010, and revised on January 9, 2014, . . . 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.”

In E2SSB 6552 the Legislature maintained the priority for parent(s)/guardian(s) to agree on the student’s third credit of mathematics and also added the same priority for the third credit of science. Additionally, the Legislature narrowed to only the school counselor or principal as the school designee who could provide the necessary agreement when the parent(s)/guardian(s) are unavailable.

The State Board rules to implement E2SSB 6552 clearly follow the mandate for the primacy role of the parent(s)/guardians(s) regarding the third credits in mathematics and science; and appropriately specifies and limits the school designee who can agree only when a parent or guardian is unavailable or non-responsive, as follows:

“A third credit of high-school mathematics, aligning with the student’s interests and high school and beyond plan . . . 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;”

4. **The State Board of Education’s authority to define the High School and Beyond Plan (HSBP).**

Under RCW 28A.230.090, the Legislature has specifically authorized the State Board of Education to “establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097.”

In accordance with this language, the State Board has broad authority to establish the content of the high school graduation requirements and there are only two exceptions to this authority. First, under RCW 28A.230.122, the State Board must recognize that student

completion of the International Baccalaureate Diploma Programme satisfies the state minimum requirements for graduation. Second, under RCW 28A.230.097, the State Board must accept career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district as meeting graduation requirements.

The State Board of Education has properly used this broad authority to establish the content of the high school graduation requirements to include the HSBP. The HSBP is not a part of the International Baccalaureate Diploma Programme, nor is it an "equivalency" established by local high schools or school districts, which are the only content exceptions provided in the State Board's authorizing statute.

5. **Legislation and statute interpretation.** As a final point, we note that when the language of legislation or the resulting statute is clear and unambiguous then under the rules of statutory interpretation it is inappropriate to look to the intent of individual legislators. The language in E2SSB 6552 is clear and unambiguous. Additionally, individuals often have differing interpretations resulting in many "legislative intents". So, when contemplating the legislative direction provided in E2SSB 6552 to the State Board, we encourage you implement the legislative direction using the plain and common meaning of the words and the broad authority given to you.

In closing we want to thank each of you for supporting the students in Washington state by implementing E2SSB 6552 with fidelity and flexibility while maintaining the necessary rigor to make the diploma meaningful to all students, parents, employers and post-secondary institutions.

Sincerely,



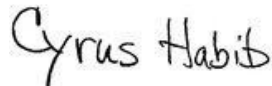
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Representative Kristine Lytton
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Senator David Frockt
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Representative Cyrus Habib
48th Legislative District



Senator Andy Hill
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Senator Bruce Dammeier
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Representative Ross Hunter
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Senator Joe Fain
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Representative Jeff Morris
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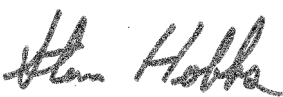
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