

The School Alliance

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

May 6, 2014

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

Dear State Board Members:

We request the opportunity to submit this letter in lieu of providing public comment during the 11:45 a.m.-12:00 p.m. time slot at the May 7th State Board of Education (SBE) meeting. As you know, the draft rules to implement E2SSB 6552 governing instructional hours, graduation requirements, and career and technical equivalencies were posted on the SBE website on April 30th. The draft rules prepared by the SBE staff will amend the Washington Administrative Code (WAC), and outline the process for the two new waivers authorized by E2SSB 6552:

- 1) the authority for school districts to waive up to two credits under unusual circumstances; and
- 2) the waiver to permit school districts to delay the start of the 24-credit requirements.

We understand that at the May 7th and 8th meeting, you may authorize the publication of the draft rules for public comment.

It appears that parts of E2SSB 6552 are subject to multiple interpretations. Some elements of the SBE staff's interpretation may not be consistent with how the Legislature intended 6552 to be implemented. Below please find three examples in Proposed WAC 180-51-068, which contains the proposed graduation requirements for students entering high school after July 1, 2015. (See Pages 23-31)

I. ISSUE ONE: Two-Credit Individual Waiver:

During the 2014 Session, a number of bills were introduced to adopt the course credit framework set forth in SBE's 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 only if a student attempted and failed the courses first. Additionally, the SBE waiver could only be used 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.”

Districts 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. The statute 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).

SBE Staff Interpretation: In the draft rule, the SBE staff recognizes the authority of school boards to define “unusual circumstances.” The draft 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), Pages 30-31. However, the staff’s draft rules include an important restriction: 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 CTE or Occupational Education). This restriction appears to be carried over from the January 2014 Resolution.

Alternate Interpretation: The Legislature adopted a broad waiver instead of SBE’s January 2014 waiver. Within its directive to enact a waiver to be defined by school boards, the Legislature appears to have rejected SBE’s two-credit waiver and created a different waiver. Whether SBE has the authority to reinstate the 17-core subject requirement is unclear. In addition, the 17 credits in SBE staff’s draft rule would substantially restrict the scope of the waiver that the Legislature granted to school board. For example, this rule means that a school could not waive half a credit of physical education in a student’s last semester, even if the student requesting the waiver met the school board’s adopted definition of “unusual circumstances.”

II. ISSUE TWO: Delayed Implementation of 24 Credits to Class of 2020 or 2021:

The statute allows districts to delay the implementation of the 24-credit requirement until the Class of 2020 or 2021. The SBE “shall grant a waiver... to an applying school district at the next subsequent meeting of the board after receiving an application.” E2SSB 6552, Sec. 202(1)(d)(ii).

SBE Staff Interpretation: The staff’s draft rules propose an application deadline of May 1, 2015, for this waiver. Proposed WAC 180-51-068(11)(a)(iii), Page 30. The staff’s draft rule takes the position that the early deadline is needed to provide sufficient notice of each district’s graduation requirements to students, parents, and schools, at the start of high school.

Alternate Interpretation: By the time the rules go into effect, the May 2015 deadline will be less than a year away. The deadline would force districts to make a decision within the next year about course requirements for students who are up to six years away from graduation. When it created the waiver, the Legislature did not impose a deadline. The waiver was designed to help districts and to serve district needs. Because the Legislature created a non-discretionary extension, the statute was intended to give districts greater certainty. The adopted language regarding the two-year delay comes from the Hunt floor amendment to the House Appropriations version of 6552. In its effect statement, the Hunt amendment states that it “[r]equires the SBE to grant a waiver to an applying school district at the next board meeting.” The House adopted the Hunt amendment and the Senate concurred with the House version.

Districts may need a longer period to request the delay. The statute allows districts to delay the implementation of the 24-credit requirement to the Class of 2020 or Class of 2021. Students who start 9th grade in fall 2015 or fall 2016 would not be harmed if they entered high school with the expectation that they needed 24 credits to graduate, and the district later changed the requirement to the district’s 22-credit requirement or to the State’s current 20-credit requirement. This is because students take a largely proscribed curriculum for the 9th and 10th grades, which would apply to either credit scheme.

III. ISSUE THREE: Role of Counselors and Principals:

The staff’s draft rules would create a process for selecting the third science credit and third math credit. The intent of the Legislature may have been to allow student choice, but also to create a process that school districts could implement. E2SSB 6552 provides that:

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

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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).

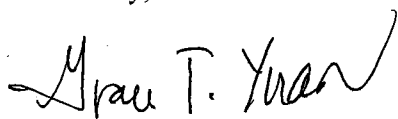
SBE Staff Interpretation: The staff draft rule permits a school counselor or a principal to sign off on a science or math course selection, but only if the parent or guardian does not "respond to a request from the school for approval of a specific course." Proposed WAC 180-51-068(2)(a)(iii), Pages 23-24, and Proposed WAC 180-51-068(3), Pages 25-26. These proposed rules change the process currently in place for approving the alternative third math credit, and would simultaneously apply the new process to the new third science credit.

Alternate Interpretation: What are the implications of the Legislature's use of the word "or" between parent, guardian, counselor, or principal in E2SSB 6552? Is it an indication that the Legislature intended to allow several different people to sign off on the plan? It is unclear whether the proposed rule would impose an additional administrative burden on districts. As drafted, a school counselor or a principal may sign off on the science or math course selection only if the parent or guardian does not "respond to a request from the school for approval." Proposed WAC 180-51-068(2)(a)(iii), Pages 23-24, and Proposed WAC 180-51-068(3), Pages 25-26. This is a new requirement. See WAC 180-51-066(1)(b)(ii) and WAC 180-51-067(2)(b) for alternative language.

If the SBE adopts the proposed rule, what needs to be done to satisfy the new requirement? If records must be created and preserved, this rule would impose more paperwork on school districts. This could create unintended consequences.

If you have any questions, please call me at 206/623-7580. Thank you.

Sincerely,



Grace T. Yuan
Legal Counsel