



# The Washington State Board of Education

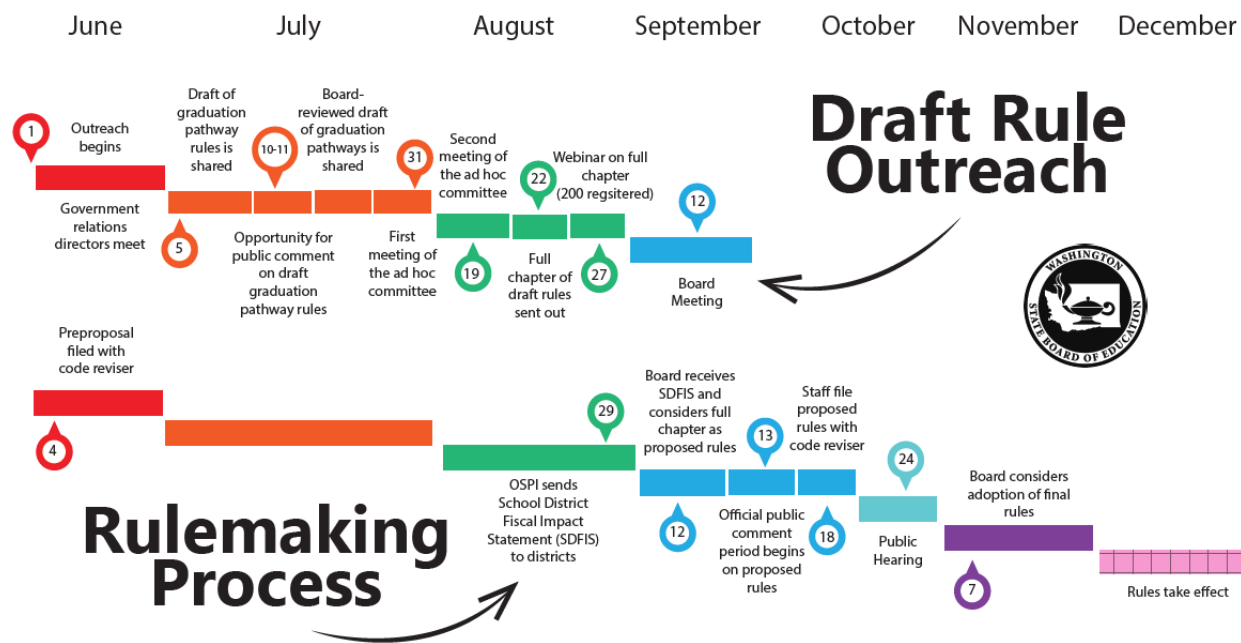
An education system where students are engaged in personalized education pathways that prepare them for civic engagement, careers, postsecondary education, and lifelong learning.

## SUMMARY OF ISSUES AND ACTIONS ON GRADUATION REQUIREMENTS (WAC 180-51)

### Background

Following Passage of E2SHB 1599 (2019) the Board began the rulemaking process to address changes to the graduation requirements outlined in the bill. In addition, the proposed rules address changes based on three other pieces of legislation from 2018 that made changes to the civics requirement and high school and beyond plan requirement: SSHB1896, ESHB 2224, and SHB 2686. Finally, the proposed rules include a reorganization of the chapter and overall review of rules to clarify language and update references.

Drafting proposed rules began with a series of Board member and staff discussions and included feedback from experts and stakeholders. The resulting draft rules were shared widely to solicit input from the field prior to the Board’s approval of proposed rules in September 2019. Since filing proposed rules the Board has continued to receive feedback and conducted a public hearing in Olympia with remote sites in Spokane, Yakima, and Vancouver on October 24, 2019.



The Board has received hundreds of comments through formal letters, emails, and public comment at the October 24<sup>th</sup> hearing. In addition, Board members and staff have spoken with a number of stakeholder groups about the changes in the law and the proposed rules. Below is a summary of the key issues that were raised through this process. It is important to note that many of the comments we

received are either outside the scope of the rulemaking, for example removing the testing requirement or adding additional pathway options, or reflect concerns or cautions related to implementation. As an example of the latter we have heard from a number of school district officials who are concerned that moving from state assessments as a the primary vehicle to demonstrate college and career readiness for graduation to a system where multiple options (pathways) are available to demonstrate career and college readiness may make it more challenging to encourage students to sit for the state assessments which are still required for state and federal accountability. A frequent suggestion is to require districts to offer all of the pathways, but this change would require legislation. While we appreciate these concerns, they cannot be addressed in the graduation rules. The summary of issues raised below is focused on comments that are within the scope of the rulemaking and policy decisions the Board were able to consider in rule. The intent is to highlight the most prominent themes to emerge from the public comment process.

In addition to rulemaking, the Board has also been tasked with assessing the adequacy and equity of the pathway options. That research will take in to consideration feedback received during the rulemaking process as well as focus groups and surveys that are now underway. Reports and possible recommendations are due to the legislature in 2020 and 2022.

### **Description of Public Hearing Event**

21 people provided public comment during the public hearing on October 24, 2019 that featured videoconference among four public hearing sites. Those public hearing sites were the Old Capitol in Olympia, ESD 105 in Yakima, ESD 101 in Spokane, and ESD 112 in Vancouver.

- Fifteen people presented public comment in Olympia. SBE staff member Parker Teed presided over the hearing in the Billings Room at the Old Capitol. Board Member Holly Koon and Superintendent Chris Reykdal were in attendance at the Olympia site with staff members Parker Teed, Stephanie Davidsmeyer, Randy Spaulding, and Tami Jensen. Michelle Matakas, OSPI staff, read the School District Fiscal Impact Statement for proposed rules. A contracted Spanish language translator was present and accommodations were prepared for people with sensory disabilities. An overflow space was provided in the Brouillet Room of the Old Capitol that also featured streaming video of the hearing and was attended by members of the general public and OSPI staff.
- No participants presented public comment in Yakima. Board Member Susana Reyes presided over the public hearing at ESD 105.
- Five people presented public comment in Spokane. Board member MJ Bolt presided over the public hearing at ESD 101.
- One participant presented public comment in Vancouver. Board Member Patty Wood presided over the public hearing at ESD 112.

### **Description of Receipt of Written Comment**

Written comment was required to be sent to [rulescoordinatorSBE@k12.wa.us](mailto:rulescoordinatorSBE@k12.wa.us), hand-submitted at public hearings, and available to be sent by mail to the SBE main office. SBE received 429 written public comments by the end of the submission deadline of October 28 2019, including a number of form letter submissions of identical content. Due to the volume of comments being received at individual Board member and staff email addresses rather than the official email address for submitting written

comment, the best effort possible was made to ensure that each submission outside of the official channel was forwarded to [rulescoordinatorSBE@k12.wa.us](mailto:rulescoordinatorSBE@k12.wa.us), summarized, and considered. Because multiple Board members and staff received and forwarded multiple copies of letters it is possible the final counts include duplication from the same commenter as well but staff attempted to deduplicate those responses.

Board members received copies of the formal letters on an ongoing basis to inform their policy perspective and received summary of hundreds of emailed comments within this Concise Explanatory Statement.

### **Summary of comment on major policy issues and action in response**

This section of the concise explanatory statement summarizes comments related to major policy areas identified through public comment. This is meant to provide the Board and public with essential information related to revision of the rules and is not meant to be an exhaustive list of comment.

#### **CTE Course Sequence**

Among the comments in support of the approach to the CTE course sequence in the proposed rules, the following themes arose:

- Importance of student-directed pathways so that students can pursue their High School and Beyond Plan goal by taking CTE courses from among multiple programs based on student need;
- Student-driven flexibility allows students to explore career opportunities and learn what they want to do;
- Proposed rules would make this graduation pathway less likely to prevent students from graduating if all other requirements are met;
- Concern about some districts, sometimes described as small or rural, being able to implement a pathway that requires two CTE courses within the same CTE program; and
- Ability to combine CTE courses can provide a potent way for a student to pursue a non-traditional background in CTE while still engaging in rigorous coursework.

Among the comments raising concern with the CTE course sequence, the following themes arose:

- CTE course sequence in proposed rules does not conform to their understanding of statute;
- CTE course sequence plainly read is a sequence within a CTE program;
- CTE course sequence should be within a program to prepare a student for career and/or college and lead to certification/ credential, thus benefiting the student's postsecondary opportunities;
- There are CTE courses available across CTE programs that already provide personalization based on the student's CTE interests;
- In order to claim federal funding, there are some qualifying criteria and the courses being within one CTE program will allow districts to receive funding for supplying this graduation pathway.

Additionally, there was a third, less-frequently-mentioned position that also raises concern about the CTE course sequence as described in the proposed rules. This position requested that the rules:

- Require that both courses in a CTE pathway meet the standard for a preparatory class, specified in RCW 28A.700.030, not just one; and

- Require that the CTE courses a student chooses on their pathway must be related.

Public comment from Vicki Leifer included a concept of authorizing local CTE advisory committees to review and approved local CTE course sequences based on student needs. Vicki Leifer describes the concept as either applicable to students *en masse* or for individuals. This concept may serve as a potential compromise to address the many comments either in support of the rule on CTE course sequences as proposed to retain flexibility for students to pursue High School and Beyond Plan goals and the importance of retaining requiring CTE courses to be from the same CTE program to provide preparedness in a career field.

There was also comment requesting that the Board specify the exact number of credits required for this CTE course sequence. This is already specified in the proposed rules and was an infrequent concern.

Action in response: The language in this subsection was redrafted to address and clarify issues that were raised during public comment. A key policy change in the final rule is a revision to sequences that cross program areas to require those CTE course sequences to be approved by a district's local school board, the local board's designee, or local vocational (CTE) advisory committee and submitted to OSPI for expedited approval. Once approved the locally developed sequence may be offered in other districts without further approval.

### **Articulation of high school credit earned in middle school**

Concerns have been raised that too much flexibility is offered in the proposed rule and that the deadline to decide whether or not a student wants the credit should occur earlier in high school, for example, before a student would be sending transcripts to colleges or scholarship providers. Other than generic statements of support for the rules as proposed, there has not been comment contrary to this concept.

Action in response: The final rule adopted by the Board requires that a student and family decide on whether the high school credit earned in middle school should be removed from the transcript or converted to a non-numerical grade by the end of 11<sup>th</sup> grade.

### **Individualized Education Plan (IEP) exemption from required coursework**

A concern raised by the Office of Superintendent of Public Instruction, the Special Education Advisory Council, and League of Education Voters during review of the policy effects of the proposed review is that exempting coursework or subject area requirements would essentially create a "modified diploma" under federal law – a lesser credential for students with disabilities that is not fully aligned to state standards and cannot be counted in graduation rate calculations. The language in the proposed rule was not intended to reflect a change in policy, rather the intent was to clarify and update language and references in the section. However, the change highlighted a potential problem in our existing and proposed rule. OSPI recommended removing language that would allow for exemption of credit and subject area requirements. Other than generic statements of support for the rules as proposed, there has not been comment contrary to this concept.

Action in response: The Board removed the exemption from required coursework in the rule in response to this topic of comment.

## **International Baccalaureate (IB)**

The pathways defined in E2SHB1599 include passage of certain courses with at least a C+ grade or a defined score on a standardized assessment. For IB the language indicates passage of a course in “English language arts” (ELA) or a score of 4 or higher on IB exams. The language in the bill further defines courses that meet the ELA requirement for IB as “any of the international baccalaureate individuals and societies courses.” Like the bill language, the proposed rule stated that any of the IB individuals and societies course would meet this pathway.

The Board received feedback that the language is confusing because IB English is not an “individuals and societies” course. Those providing feedback are seeking clarification in rule that IB English would meet this requirement.

Action in response: The Board revised the language in the final rule to allow for English language and literature IB courses to meet this pathway option.

## **Armed Services Vocational Aptitude Battery Cut Score (ASVAB)**

The Board has heard comments in support of the ASVAB pathway as proposed using the lowest score among the branches as well as many generic comments in support of the rules as proposed without specific reference to this issue. The Board also received comments raising concerns that by referencing the lowest score among the branches the bar would be set too low and students may be unprepared for life after high school. Some comments further asserted that this would be inequitable and lead to tracking students of color to a lower standard. The primary suggestion regarding this concern was to require the score for the particular branch of Armed Forces that the student identifies in their High School and Beyond Plan. The proposed rules also included a requirement that students are informed about the different minimum required scores of each branch, and that each occupation within a branch has a minimum required score (the proposed rules state that SBE will host this information on a webpage). In addition, the local military entrance processing stations in Spokane, Seattle, and Portland provided suggested language related to release of student information to the military. This suggestion from military entrance processing stations also noted the potential for dramatic changes in the ASVAB score thresholds over brief periods of time. Besides comments related to either the proposed rules that include a cut that is the lowest among the branches and comment related to a cut based on branch identified in an individual student’s High School and Beyond Plan, there has been general comment that the cut should be raised. For example, the Black Education Strategy Roundtable and others simply noted that the cut is too low.

Action in response: The Board did consider but did not change the cut score from that of the lowest requirement among the branches of the Armed Forces. As noted above the final rule does require student be provided information about how their score related to eligibility for each branch as well as occupations within each branch. The general approach, establishing a minimum in rule, is consistent to the approach used on other pathways. The Board did modify the privacy provisions in the rule in response to the information that the military provided to ensure requirements in rule are consistent with established testing procedures.

## **Dual Credit pathway**

House Bill 1599 provides a graduation pathway for students who “complete and qualify for college credit in dual credit courses in English language arts and mathematics.” The bill defines dual credit

course as “a course in which a student qualifies for college and high school credit in in English language arts or mathematics upon successfully completing the course.”

For the purposes of the proposed rule the Board further defined which programs meet the definition of dual credit provided in the legislation. Running Start, College in the High School, and Career and Technical Education Dual Credit (formerly TechPrep) each provide an opportunity to earn high school credit and college credit concurrently, however, the way they do that varies between these programs. For that reason the key terms are interpreted as follows:

- “Qualify for college credit” was interpreted to mean that the student would be otherwise eligible to receive credit but would not be required to receive the credit. This may work in a few different ways. In the case of CTE dual credit students are generally required to matriculate at a specific institution to receive credit. The articulation agreements define what “qualifies” for credit (typically earning a “B” in an articulated course). In the case of College in the High School students may be in the same classroom, taking the same assessments, and mastering the same learning standards as college credit earning peers but do not earn credit because they do not pay the College in the High School fees. For this reason the proposed rules clarify that a student need not earn college credit in order to meet the pathway requirement.
- The Board also considered the issue of subject area. “Credit in English language arts or mathematics” could be read to require that a course be treated as English or mathematics both at the high school and at the college. However, high schools and colleges treat core coursework and general education in different ways, and at the college level how a course is treated may depend on the student’s course of study. Because all courses used to meet core requirements in high school must be deemed to meet the learning standards in the subject area, and because there is a formal process for evaluation of course equivalencies for CTE coursework, the Board chose to rely on the high school treatment of subject area to determine if a dual credit course met the subject area requirements.

The Board has received feedback critical of these interpretations. Those providing such feedback are encouraging the Board to modify the rule to require that students receive both college and high school credit and that the college course designation be considered in determining whether a course would meet the English or mathematics requirement. The Board has also received feedback supporting the current interpretation of this language.

Action in response: No action was taken in response to this topic of comment.

### **Grade requirement of Dual Credit options**

Comment included a concern that the grade requirement for each pathway option should be clarified because some of the pathways (AP, IB, Cambridge) specify C+ and others such as the dual credit pathway do not specify a grade. The statute specifies the “C+” grade for the AP, IB, and Cambridge pathway. For Dual credit the issue is whether a course “qualifies” for college credit. That determination depends upon the program, and in the case of CTE dual credit depends on the specific articulation agreement but is generally a “B”.

Action in response: No action was taken in response to this topic of comment.

## Summary of comment: non-actionable

Rule-making authority of a state agency, the State Board of Education in this case, is limited. The Board cannot act upon all of the concerns raised during comment on this graduation requirement rule. Many comments addressed issues within the authority of the Legislature or broader educational governance. While these comments are not addressed in the current rulemaking, they will inform the Board's work to evaluate the adequacy and equity of the pathways.

The following are a selection of the themes that the Board is not able to act upon through this rule-making process:

- Remove the testing requirement;
- Increase availability and/or variety of pathway options;
- Add multiple types of diplomas rather than having one type of diploma;
- Generally, HB 1599 pathways shouldn't be communicated as a "delink;"
- Bringing back the Collections of Evidence as a pathway;
- Fund more counselors to implement High School and Beyond Plan and graduation pathways;
- Use the SAT assessment statewide instead of the Smarter Balanced Assessment;
- Allow students to meet pathway requirement from work, sports, or volunteering;
- Require life skills for each pathway option;
- Expand running start to more grade levels;
- Various concerns about the relationship of graduation requirements and creating opportunity or outcome gaps for certain groups of students such as athletes, gender, race/ethnicity, et cetera;
- Focus on student-driven decision-making and flexibility for students (was actionable in some ways detailed above in the summary of specific policy issues but was described in general non-actionable terms frequently);
- Timeline for International Baccalaureate assessments are a problem as a graduation pathway; and,
- Offer Smarter Balanced Assessment fall retakes, it will be the primary pathway.

## Detailed information

Detailed information about public comment is available upon request in a document that summarizes every comment received by the October 28, 2019 cutoff for written public comment.

This summary of feedback was prepared by Parker Teed, Basic Education Manager and Rules Coordinator at the State Board of Education. [rulescoordinatorSBE@k12.wa.us](mailto:rulescoordinatorSBE@k12.wa.us)