

## CONCISE EXPLANATORY STATEMENT

### State Board of Education

#### New WACs 180-51-068, 180-16-100

#### Amended WACs 180-16-200, 180-51-066, 180-51-067, and 180-90-160

This document has been prepared in compliance with RCW 34.05.325, the concise explanatory statement requirement of the Administrative Procedure Act. Included are: (1) The reasons for adopting the rules; (2) a description of any differences between the text of the proposed rules as published in the Register and the text of the final rules, and (3) a summary of comments received, and responses to the comments by subject matter.

### **1. Reasons for Adopting the Rules**

Rules are needed to implement E2SSB 6552 (C 217 L 14), Improving student success by modifying instructional hour and graduation requirements. Specifically, this legislation:

- Amends RCW 28A.150.220(5), concerning minimum instructional hours for basic education. This requires amendment of WAC 180-160-200 (Total instructional hour requirement) to reflect and implement the statutory change.
- Provides for school districts with fewer than 2,000 students to apply to the State Board of Education for a waiver of the requirement of this legislation that districts offer access to at least one career and technical education course that is equivalent to a mathematics or science course, as determined by the Superintendent of Public Instruction. Rules are needed to implement this waiver as an additional section to WAC 180-18 (Waivers for restructuring purposes).
- Directs the State Board of Education to adopt rules to implement the Career and College Ready high school graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, with certain additions and conditions as provided in the legislation, to take effect beginning with the graduating class of 2019, or as otherwise provided in the legislation. New WAC 180-51-068 is needed to implement these requirements.
- Eliminates the culminating project as a state requirement for high school graduation, effective with the graduating class of 2015. Amendments are required to WACs 180-51-066 and 180-51-067 to implement this change.
- Provides that a school district may apply for and the SBE shall grant a waiver for school districts wishing to implement the Career and College Ready graduation requirements beginning with the graduating class of 2019 or the graduating class of 2021. Rules are needed to establish procedures for the waiver application.

The intent of the rules is to implement Chapter 217, Laws of 2014 with faithfulness to the text and intent of the law, to give clear guidance to school districts, parents and the public on meeting the requirements of the law, and to provide for clear and appropriate administrative procedures as needed.

### **2. Differences between Proposed and Final Rules**

There are the following differences between the proposed rules as published and the final rules as adopted

- In WAC 180-51-068, Sections (2) and (3), concerning the third mathematics and science credits, replaces “with agreement of the student’s parent or guardian, or if the parent or guardian is unavailable or does not respond to a request for approval of a specific course,” with “with agreement of the student’s parent or guardian, or if the parent or guardian is unavailable or does not indicate a preference for a specific course.”
- In WAC 180-51-068, Sections (2) and (3), concerning the third mathematics and science credits, adds “A request for agreement of the student’s parent or guardian should be made in the predominant language of a parent(s) or guardian(s) who predominantly speak a language other than in English. The school must in all cases give precedence to the direction of the parent(s) or guardian(s), if provided, in election of the third credit to meet the requirements of this section.”
- In WAC 180-51-68, Section (2), strikes (b), concerning equivalent career and technical education (CTE) mathematics courses, in its entirety and replaces it with a new (13) concerning the same subject of equivalent CTE courses, but with broader application as provided in law.
- In WAC 180-51-068, Section (10), concerning the High School and Beyond Plan, strikes everything beginning “High school and beyond plans must include, but are not limited to” through the end of the section. The effect is to delete all required content of the High School and Beyond Plan that were included in the proposed rules.
- In WAC 180-51-068, insert a new Section (13) as follows, and renumber sections accordingly: “Equivalent career and technical education courses set forth RCW 28A.230.097 can be taken for credit in place of any of the courses set forth in sections (1) through (6), if the courses are recorded on the student’s transcript using the equivalent academic high school department designation and course title.”
- Technical corrections and renumbering of sections.

The purposes of the changes are to:

- Respond to concerns from Board members and members of the public about potential administrative burdens on school districts while also ensuring parental engagement, access to information, and priority in the choice of the third math and science credits required for high school graduation.
- Respond to concerns expressed in public comment about proposed rules on the minimum content of a High School and Beyond, and indicate the Board’s interest in possible legislation defining and strengthening this graduation requirement.
- Conform rules on equivalent career and technical education courses to current law as set forth in RCW 28A.230.097.
- Correct the numbering of sections and improve the structure, clarity and technical quality of the rules.

### **3. Summary of All Comments and Responses**

The State Board of Education (SBE) received approximately 160 written comments on proposed WACs to implement Chapter 217, Laws of 2014 (E2SSB 6552). In addition, nine persons provided comment in person at a public forum held for this purpose in Olympia on June 6, 2014, and three commented by webinar at the same meeting. Three persons commented through telephone messages. Thirty persons submitted testimony at the public hearing conducted on the proposed rules at Educational Service District 101 in Spokane, Washington on July 9, 2014. Comments received are edited in this Concise Explanatory Statement only for brevity, punctuation and grammar. The comments are categorized by subject or theme as follows, with SBE response:

1. **COMMENT:** It looks from the proposed rules that high schools will have a choice of additional hours the district would require -- 1,027 or 1,080 hours. Is that true or is there a set requirement from the state?

**RESPONSE:** In Section 201 of E2SSB 6552 the Legislature amended RCW 28A.150.220 to provide that each school district shall make available to students enrolled in grades one to twelve at least a district-wide annual average of 1,000 instructional hours, increased beginning in the 2015-16 school year to at least 1,080 hours for students enrolled in grades nine through twelve and at least one thousand in grades one through eight, all of which may be calculated using a district-wide annual average annual average of instructional hours over grades one through twelve. WAC 180-16-200 as amended provides that beginning in the 2015-16 school year each district must make available at least a district-wide average of 1,080 instructional hours in grades 9-12 and 1,000 hours in grades 1-8, *or* a district-wide annual average of 1,027 hours in grades 1-12. The SBE understands this rule to meet the intent of the Legislature in E2SSB 6552.

2. **COMMENT:** The proposed wording to WAC 180-16-200 (Total instructional hour requirement) looks very good and I appreciate the language stating that a district-wide annual average of 1,027 instructional hours will meet the requirement.

**RESPONSE:** The SBE acknowledges this comment. The SBE believes the wording of amended WAC 180-16-200 reflects the intent of the Legislature in E2SSB 6552.

3. **COMMENT:** Support elimination of the mandatory culminating project for high school graduation.

**RESPONSE:** E2SSB 6552, Section 202, provides, "Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation." The SBE has effectuated this provision of the legislation by amending WACs 180-51-066 and 180-51-067 to ensure that the culminating project is not a state requirement for high school graduation for any person graduating with the class of 2015. The culminating project is duly omitted from WAC 180-51-068, establishing graduation requirements for students entering the ninth grade on or after July 1, 2015.

4. **COMMENT:** The current language regarding a required culminating project is struck in the proposed rules. Why not amend with, "Depending on local school board policy," and keep the language. For many districts, the culminating project is a great thing, and the WAC could clearly state that this is a local decision.

**RESPONSE:** RCW 28A.230.090 directs the State Board of Education to establish high school graduation requirements or equivalencies. WACs 180-51-066, 180-51-067 and 180-51-068 set

specific state requirements to implement this statute. School district boards of directors are delegated authority under RCW 28A.230.010 to set local graduation requirements that exceed state requirements. The SBE appreciates the value placed on the High School and Beyond Plan by many districts. Districts may choose to continue to require successful completion of the High School and Beyond Plan as a local graduation standard. The SBE does not believe that additional language is needed in rule to re-state current law.

5. **COMMENT:** I am a school counselor. While I am a proponent of raising the bar for students, I am not in favor of the new 24 credit graduation requirement. Students, teachers and counselors are already expected to meet a high standard. If our goal is to increase graduation rates, I'm not sure that we're going in the right direction. It is so much work as it is for many of our students to meet the current 22 of 24 credit requirement.

**RESPONSE:** E2SSB 6552 (Chapter 217, Laws of 2014) directs 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. This provision implements the requirement of the basic education legislation enacted in 2009, SHB 2261 (Chapter 548, Laws of 2009), that school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete high school graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship, and that the instructional program of basic education shall provide the opportunity to complete 24 credits for graduation, with course distribution requirements established by the State Board of Education under RCW 28A.230.090. The proposal adopted under board resolution in November 2010 and revised in January 9, 2014 requires 24 credits for graduation with a high school diploma. The proposal provided for significant flexibility in the provisions enabling students to substitute personalized pathway requirements and career and technical education equivalencies for certain course credits, as well as in the provision for elective credits. The Legislature added further flexibility by directing that the rules also authorize students to choose their third math and science credits, authorize districts to waive up to two credits for individual students and delay implementation of the 24-credit graduation requirements for up to two years.

6. **COMMENT:** Require parent sign-off on the third credit of math and science.

**RESPONSE:** WAC 180-51-068 as adopted provides that the third credits of math and science are chosen "with agreement of the student's parent or guardian, or, if the parent or guardian is unavailable or does not indicate a preference for a specific course, agreement of the school's counselor or principal." It further states that the school "must in all cases give precedence to the direction of the parent(s) or guardian(s), if provided, in election of the third credit . . . ." The SBE believes that these provisions are sufficient to meet the intent of this comment. The SBE finds further that to require that parents sign a document signifying their approval, should this be the intent, exceeds the authority of the Board for implementation of E2SSB 6552, and may create excessive new costs for school districts.

7. **COMMENT:** Preserve language in the rules stating that a student's chosen third credit of math must help prepare the student to meet standards for graduation under the state's assessment system.

**RESPONSE:** The SBE concurs with this comment, and retains the language referenced in the comment in Sections (2) and (3) of adopted WAC 180-51-068.

8. **COMMENT:** I would like to thank the Board for the changes in the opt-out process for Algebra II. The previous requirements created a chilling effect for students who want to take other math courses. Reducing that (math) section from three paragraphs to one streamlines the process.

**RESPONSE:** The SBE acknowledges this comment. The changes made in WAC 180-51-068 from WAC 180-18-067 with regard to Algebra II implement the directive of the Legislature in ESSB 6552. The SBE, in consultation with OSPI, also deleted certain provisions of previous rules on math requirements as unnecessary and overly complicated.

9. **COMMENT:** Create an appeals process that empowers students to take the most rigorous courses. Schools should have a clear and transparent process for parents who want to appeal a decision not to allow their students to take a particular course.

**RESPONSE:** The SBE does not find that it has statutory authority under E2SSB 6552 to adopt the suggested rule. School districts may choose to consider inclusion of such a process in the written policies they are directed to adopt under Section 202 of the act, and the Washington State School Directors Association in the model policy it is directed to develop and disseminate under Section 203.

10. **COMMENT:** Consider elimination of the current requirement of 1.0 occupational education/CTE credit to obtain a diploma.

**RESPONSE:** E2SSB 6552 directs 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 adopted resolution includes 1 credit of career and technical education or occupational education credit. Therefore the SBE does not have authority to eliminate this credit requirement in the proposed rule. The SBE will take this comment under advisement for possible future rule-making.

11. **COMMENT:** Whereas flexibility is provided for students who do not meet the very specific requirements of the career and college ready framework if they happened to complete and pass all required International Baccalaureate Diploma Programme courses (Proposed WAC 180-51-068(13), there is no such flexibility for myriad of other practical circumstances that often arise. The fact that the SBE clearly carved out an exception for IB implies that it contemplated exceptions, but limited them to that one circumstance.

**RESPONSE:** The SBE has not carved out an exception for the International Baccalaureate Diploma Programme. The Legislature carved out the exception when it passed SHB 1524 (C 203 L 11) in the 2011 Legislative Session. The act is codified as RCW 28A.230.122 (International Baccalaureate Diplomas). This provision was not new to proposed WAC 180-51-068. The same language was included in the prior rule on graduation requirements, WAC 180-51-067, to implement the aforementioned 2011 legislation. In drafting proposed WAC 180-51-068 the SBE contemplated no exceptions other than those directed by the Legislature in E2SSB 6552.

12. **COMMENT:** The flexibility of the graduation requirements would be enhanced if the career and technical education (CTE) credit were to be characterized as a “Personalized Pathway

Requirement.” The SBE might deem it too late to take such an action because it was not characterized that way in the Board’s January 9, 2014 resolution, and the Board was charged with adopting rules to implement that framework, subject to the terms of E2SSB 6552.

**RESPONSE:** The SBE agrees that it does not have the authority to take such an action because it was directed by the Legislature in E2SSB 6522 to adopt rules to implement the Career and College Ready graduation requirement proposal adopted on November 10, 2010 and revised on January 9, 2014. That proposal did not identify the CTE credit as a Personalized Pathway Requirement, and there was no separate provision in the legislation to so provide.

13. **COMMENT:** The rules should define “unusual circumstances” for the waiving of credits for graduation.

**RESPONSE:** Section 202(1)(d)(ii) of E2SSB 6552 provides 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.” It is clearly implicit in this language that “unusual circumstances” are to be defined by each individual school district through adoption of written policies. The SBE does not find that it has statutory authority under to adopt rules defining “unusual circumstances” for the purpose of this section.

14. **COMMENT:** Provide more specificity and limitations around “unusual circumstances.” To ensure that “unusual circumstances” are indeed unusual, limit the number of students for which credit requirements may be waived on that basis to one percent of student enrollment for each graduating class.

**RESPONSE:** For reasons stated in the response to Comment *13*, the SBE does not find that it has authority to adopt the suggested rule. Limiting the number of students for which credit requirements could be waived to one percent of enrollment also appears to be arbitrary, lacking a basis in policy or in the intent of E2SSB 6562.

15. **COMMENT:** Require school districts to report the number of students for whom credits are waived for “unusual circumstances,” the number of credits that were waived, and the demographic information for these students.

**RESPONSE:** The SBE appreciates the intent of this comment, but does not find that it has statutory authority under E2SSB 6552 to require in rule that school districts report this information to the SBE. The SBE will work with the Office of Superintendent of Public Instruction to examine the feasibility of obtaining such information through the state’s present system of data collection.

16. **COMMENT:** The SBE received multiple comments in opposition to the provision in Section (10) of proposed WAC 180-51-068 that student granted a waiver by a school district of up to two of the 24 credits for reason of “unusual circumstances” must earn the seventeen required subject credits in Sections (1) through (7) for graduation. A summary of comments is as follows:

- The rule proposed by the State Board of Education to implement E2SSB 6552 **only** allows the seven “non-core” credits to be waived. **This contradicts the specific language of the session law for E2SSB 6552 and the documented legislative intent of the language. The session law effective June 12, 2014, now in Chapter 217, 2015**

**(sic) Laws PV, contains clear language that does not limit these waivers to any one type of credit required for graduation in Section 202 . . . .** The Legislature knew how to, if it desired, limit the waivers to elective or non-core credits. The Legislature very deliberately did not limit the waiver to non-core, because the intent of the language was to direct the State Board of Education to adopt rules which “must include” authorization for waiver of any two credits based on a student’s unusual circumstances. The intent of the language is documented with the proposed and adopted amendments shown in the bill history for E2SSB 6552 . . . . Below is a section of the draft amendment language which specifically addresses these points, H AMD to H AMD (H-4499.1/14), which I introduced as an amendment to SB 6552 (SB 6552-S2.E AMH ED MCLA 978). The intent was to ensure that students could **waive up to four credits from the total number of credits required for graduation, and did not specify what area of study they would be from.** (Emphasis in original.)

- 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 rule proposed by the State Board of Education only allows the seven “non-core” credits to be waived. This contradicts the specific language of the session law for E2SSB 6552 and the documented legislative intent of the language.
- Along with the required 24-credit course allocation, the January 2014 Board resolution allowed up to two credits to be waived, but with substantial restrictions. 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’s life. This could lead to a decline in graduation rates. Unfortunately, even though the Legislature did not adopt this language, the proposed rule incorporates a part of the restriction from the January 2014 resolution. SBE’s designation of 17 credits as “required subject credits” is not supported by E2SSB 6552 nor by any other provisions of the statute. We believe that this limitation in the proposed rule does not reflect the intent of the Legislature, which adopted a broad waiver instead of the SBE’s January 2014 waiver. Therefore, we request that the two waivers be available to all 24 credits and that school boards retain our authority to adopt the policies outlining “unusual circumstances.”
- It was not the intent of the Legislature to require such a limited waiver of 24 credits. It seems that the Board has overstepped by requiring more seat time which adds additional costs and difficulty for students who are experiencing hardship.
- The Legislature adopted a broad waiver instead of SBE’s January waiver. The 17 credits in the SBE’s draft rule would substantially restrict the scope of the waiver that the Legislature granted to school boards. Whether the SBE has the authority to reinstate the 17-core subject requirement is unclear.
- We believe the intent of the Legislature was to allow districts to waive up to two credits, including core credits. The rules proposed by the SBE should reflect the language as passed by the Legislature.

- The content of 6552 is a done deal. Where there is a discrepancy between the bill and the rules, you need to ask, are they consistent with the legislative intent. In this case the Legislature has given the Board the gift of clarity. Is it for any credit or just certain ones? For student-parent control over course-taking, they provided more flexibility for districts to waive any two credits in the interest of the student. Without those parts, the bill would have had no hope of passage. We would be here talking about what we would do for next year if the bill was different than what it was. The Board should follow the Legislature's intent to have flexibility for districts. It should be dealt with as passed rather than as the Board would have liked it to have passed.
- The bill does not say that the two credits should be limited to the last seven. It says two credits. I want to be candid and say that some legislators are nervous that this would allow for a plan that says, "I want to take Algebra I during my first year of high school and then never take another math credit." That language is open to interpretation. Our intent is to suggest to you that we were very intentional about this. Our intent was to keep the two credit waiver open to all 24 credits. But we should have clarified what those two words mean. (SBE transcript. June 6, 2014)
- The statements made [by the House members] outline the legislative intent to allow the two-credit waiver to apply to all 24 credits. The School Alliance endorses this approach and supports the local decision making process by elected school board members. We look forward to working with the State Board on amendments to this proposed rule. (SBE webinar. June 6, 2014.)
- We support the 2 credit waiver for all 24 credits, as in the original bill language. and support the detail presented in the School Alliance letter to the Board dates July 1, 2014 for the application of this waiver.

**RESPONSE:** The SBE appreciates the concerns expressed in these comments, but does not concur. The SBE finds that the provisions of WAC 180-51-068 (12) faithfully implement the intent of E2SSB 6552 as enacted. E2SSB 6552 states clearly in Section 202(1)(d)(i) that the SBE "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, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(d)," which provides in (ii) that districts may apply to the SBE for a waiver to implement career and college ready graduation proposal with the graduating classes of 2020 or 2021.

What did the resolution the Legislature directed the SBE to implement in rule say about the waiver credits? It states, on p. 3, "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.*" (Emphasis added.) The intent of the SBE, attentive to the input it had received over the previous two years, was to provide some flexibility to avoid an outcome in which a student would need a fifth year to make up all credits needed to graduate. The flexibility, however, was around *the total number of credits required*, not around the "*core state requirements that all students must meet.*"



What did E2SSB 6552 say about the waiver of two credits? In the very next sentence after it directs the SBE to adopt rules to implement the graduation requirement proposal adopted under board resolution, it 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 that grants diplomas.” The effect, in a plain reading, is to replace the provision in the Board resolution that local administrators may waive up to two credits if a student must retake courses with one that authorizes districts to waive up to two credits “based on unusual circumstances.” On its face, it addresses not *what* credits may be waived but *on what basis* they may be waived, i.e., “unusual circumstances,” as defined by local district policies. This is the sole object and subject of the sentence. It makes no reference to, and does not modify, the provision of the resolution that all students must fulfill the 17 core state requirements in order to graduate with a career and college ready diploma. Different or additional language from what was in the bill would have been needed were that the intent. The provision of WAC 180-51-068 (12) that “Students granted a waiver under this subsection must earn the seventeen required subject credits in subsections (1) through (7) of this section, . . .” is not a change from the law but simply a calling out in rule of what was already established in law by the provision directing the SBE to implement the graduation requirement proposal adopted under the named resolutions. (It is not an uncommon practice for the SBE and other agencies to call out in rule provisions already in other law.)

Finally, to construe the law to authorize the waiving of any two credits whatsoever is counter to the professed intent of the Legislature to increase the rigor of high school graduation requirements in order to ensure that all students, regardless of their circumstances, are given “the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship.” (RCW 28A.150.220(1)). ESHB 2261) Under the reading proposed by the commenters, a child could graduate from high school with only one credit in mathematics, only two in English, or only one in science. The result would be new graduation requirements that are less, rather than more, rigorous than the previous requirements. The SBE does not believe that result is supported by the law, or by the legislative history of the long effort to raise standards and improve outcomes for all Washington children.

17. **COMMENT:** The SBE received many comments in support of the provision in Section (12) of proposed WAC 180-51-068 that a student granted a waiver by a school district of up to two of the 24 credits for reason of “unusual circumstances” must earn the seventeen required subject credits in Sections (1) through (7) for graduation. A summary of comments is as follows:

- 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 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 the Board. We specifically want to highlight our strong support on the following issues:

**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 by a school district to waive up to two credits for individual students based on unusual circumstances . . . “~~“~~” [Ellipses in original.]

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

- 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.*” [Emphases in original.]

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

We disagree with those who have expressed concern that the 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. . . . This is not the only flexibility provided by the 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 graduation requirements beginning with the graduating class of 2020 or 2021, instead of the graduating class of 2019.

- The Excellent Schools Now (ESN) Coalition supports the language in the State Board of Education’s proposed rule that would limit the credits that can be waived to those outside of the seventeen required subject credits in proposed WAC 180-51-068 (1) through (7). E2SSB 6552, Sec. 202(d), directs the SBE 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 November 10, 2010 resolution states that “all students will be enrolled in a common pathway that will keep all postsecondary options open . . . ~~“and”~~“and” allows for up to two credits to be waived “if students need to retake courses to fulfill the state requirements.”
  - The January 9, 2014 resolution reaffirms this and states that up to two credits may be waived “if students need to retake courses to fulfill the 17 core state requirements that all students must meet.”

The ESN Coalition strenuously objects to suggestions that would allow students to waive out of credit for core academic courses. These suggestions are contrary to the resolutions explicitly mentioned in legislative language used to direct the SBE on implementation. If they had intended, as an entire body, for the SBE’s implementation to vary from the

resolutions that are explicitly mentioned in the legislation, it seems fair to assume that they would have made those variations explicit.

Allowing students to waive out of any credits would mean that a student could receive a high school diploma under any of the following scenarios:

- Algebra 1 as their *only* math credit
- *Only* one science course
- *Only* two English courses
- *No* arts courses

Given what we know about our changing economy and workforce needs, this is unacceptable. We also must ensure that race and income do not determine educational outcomes. How well prepared for a career or postsecondary education would a student in any of the above scenarios be? What happens to those students? (Ellipses and emphasis in original.)

- I believe that the College and Career Ready Diploma should be as strong as possible. Restrict credits that may be waived to electives. The College and Career Ready Diploma allows students in “unusual circumstances” to waive up to two credits from the total number of 24. However, students will not be prepared for college and career if they are allowed to waive core credits.
- The proposed rules limit the two credits that a student may waiver under “unusual circumstances” to the seven electives, leaving the 17 core requirements intact and necessary for achieving Washington state graduation requirements. This rule must remain as defined to prevent gutting the law’s intent. If the SBE allows the Washington State School Directors’ Association and local school districts to determine which credits may or may not be waived, I fear that our state will continue to lag behind other states’ graduation requirements, to provide sub-optimal levels of academic rigor, and provide unequal access – particularly from among our low-income students – to postsecondary options. . . . Given this clearly written section of the law and the years of discussion about leveling the playing field for every Washington student, it is frankly astonishing to learn that anyone would include that we actually wanted to provide school districts with the opportunity to water down the core credit requirements and to even diminish the core credits currently required under the existing 20 credit high school diploma. . . . We must uphold the rules as written and establish that the scope of permissible “waivable” credits is limited to defining extenuating circumstances as they relate to the seven elective credits, and not to watering down the intent of the College and Career Ready Diploma.
- The Roundtable supports Section (12) of the proposed rule, which states that students may receive an individual two-credit waiver and that the two credits waived cannot be from one of the 17 core subject credits. The 17 credits include an increase in math and science required for graduation. Math and science represent the skills necessary for every Washingtonian to succeed in the modern economy. To uphold the integrity of E2SSB 6552 and prepare all students in Washington for college and career, we urge the Board to hold fast to its decision to limit the two-credit waiver to the seven credits outside of the core of 17.
- The Washington Roundtable and Partnership for Learning support the use of the waiver, but not for the 17 core credits. Those credits represent the skills that students will need for the 21<sup>st</sup> century economy. We have known for a generation that our education system has not

aligned to our high-tech economy. We have 20,000 unfilled jobs. That is expected to more than double to 50,000. Many of these jobs are in the STEM and health care occupations. By 2018, two-thirds of jobs will require postsecondary education. The Career and College Ready diploma raises the bar for all students and provides for a more equitable system of education. The Roundtable and Partnership appreciate the Board's longtime leadership on this issue. We need put Washington students on par with students from other states.

- Apply the two-credit waiver to electives. Currently less than half of graduating seniors meet the entry requirements into four-year universities. If the intent of E2SSB 6552 is to improve student success by modifying graduation requirements, then it is fundamental that high expectations along core academic coursework be maintained. Granting waivers of two of the seventeen required subject credits to students based on individual circumstances not only lowers expectations, it does not prepare students for post-secondary options.
- The Excellent Schools Now Coalition wants to make sure the 24-credit framework is implemented well. For the testimony I want to focus on the two-credit waiver for students. If it could be applied to all of the credits, it would have a dangerous precedent. Students could graduate with one math credit or one science credit. We believe the core 17 should not be reduced with a waiver. Students should be prepared for college and well-paying jobs. Your leadership is crucial in making sure that more students graduate with a meaningful diploma so that they are prepared for a college or career upon graduation.
- As you finalize the implementation rules, we urge you to maintain the STEM foundation in the state's graduation requirements. . . . Protect the core 17 graduation requirements from the "unusual circumstances" waiver process. In today's economy and complex world, it is essential that every young person graduate with at least three math and three science credits as outlined in the core 17 requirements. New options for cross-crediting career and technical education courses offer students flexibility and graduate students ready to thrive in careers, college and life.
- As a Seattle Public School mother and STEM professional, I want to thank you for the ways in which E2SSB 6552 ensures that STEM education is a fundamental part of high school graduation requirements, while granting students flexibility in course choices. I encourage you to protect the 17 graduation requirements from the waiver process, including the three math and three science credits, and to preserve language regarding students' selection of the third credit of math which calls out the intent that students are prepared to succeed on state graduation tests.
- I have confidence that you believe an excellent and equitable education is an imperative for all students in our state now and in the future. Sadly, this is not the case for the students of our state today. The achievement gap for minority and low-income students is painfully real today, putting college and postsecondary opportunities out of reach for these students. This leaves our state now and in the long run without the skilled workforce needed in STEM and related areas. To ensure equity and excellence for all our students, I urge that the two credit waiver be applicable to only credits beyond the 17 core state requirements.
- Our high school is a small school 35 miles north of Spokane. The high school is 150 students, 100% on free or reduced price lunch. The majority of the requirements will affect low-income students. The goal 35 years ago was to get students to graduate with high school

diplomas. The problem is that it does not necessarily guarantee them a job. Raising our sights made them better. We increased the challenge of our courses by introducing Advanced Placement courses. It encourages them to have college aspirations, and the college-going rates tripled. The future of those with only a diploma without the skills is bleak. Standards and expectations matter. Our actions convey what matters. College and career standards are not haphazard. They are what students need to have a fair chance in life. I ask the Board to stand their ground on the waiver of two credits.

- Thank you for preparing students for college and the job market. I am here because my school serves a lot of English language learner students but I have seen them fail to serve many students. Why did no one help them to prepare for a university? What about the students that do not have anyone to advocate for them in the right language? I am speaking of a friend who relied on district staff to guide her into the right courses. However, she was not guided into the right courses. Passing the rules with the requirement to take the most rigorous courses for the diploma is important. Please pass the rules with the most rigor.
- We want the best opportunities for excellent education for our children, regardless of home language, neighborhood, educational background or socioeconomic status. The Career and College Ready Diploma presents important structural assurances of opportunity. . . . Ensure that credit waivers do not apply to the core courses that the state has determined to be foundations for college and career readiness. Waived credits for students in “unusual circumstances” should be elective courses, not core credits.
- The paramount duty of the state is not only to make ample provision for the education of all children residing within its borders. The state constitution also adds “without distinction or preference on account of race, color, caste or sex.” The longstanding achievement gap is documented evidence that the second half of this state’s duty is as inadequate as the funding mandate but not as talked about. We need uniform graduation requirements in this state, not 295 different sets of requirements. You need to maintain the current language in the rules and not allow waivers in any subjects other than electives. There’s no doubt in my mind who will be granted many of the waivers because there is immense pressure on districts to improve graduation rates and we know who is not graduating – students of color, particularly Black students, and low-income students. They need these core subjects in order to have any chance at higher education and work training behind high school. . . . There is more than ample flexibility for those students who need it. What is missing are the will, courage and commitment to engage all students equitably and provide access, opportunity and support systems that improve successful outcomes. These graduation requirements are a key step toward that outcome.
- The primary focus of our organization is to provide support for low-income youth of color in achieving their educational objectives. . . . An additional objective is to continue to work with youth and families in the community to achieve the highest levels of education and economic opportunities. Given the above focus, we strongly feel that every effort to keep graduation requirements at the highest possible level is part of the paramount duty of the state to provide an education structure that will enable all kids to meet academic requirements and graduate either college or career ready. . . . It is essential that the SBE protect the Core 17 credits and not allow them to be waived.

- Local control can lead to unequal opportunities. Consider Seattle, where high schools with more affluent families literally established their own, higher graduation requirements. At last count there were four different sets of graduation requirements in the Seattle School District. See Nathan Hale vs. Rainier Beach -- proof positive that when the expectation bar is low, poor kids are shortchanged. There is enormous demand on the part of low-income students and families for a college education. . . . As you make your rule decisions, please consider the thousands of low-income College Bound and Dream Act students and families who no longer have to worry about the prohibitive cost of college. It will be a sad day when they graduate from a Washington high school with a full-ride scholarship that they can't use because their school district did not expect enough of them. High school course-taking matters, especially for students who do not come from privilege. Please keep the current flexibility in the framework, and please keep the waivers confined to the seven electives, so that our Dream Act and College Bound students have a fighting chance at educational equity and opportunity.
- The School Alliance (SA) letter makes claims about legislative intent that could be misleading. First, legislative intent should only come into play if the letter of the law is unclear. Respectfully, it seems that the letter of the law is clear. Second, by the admission of many legislators, E2SSB 6552 was contentious and came down to the last moments of the 2014 session. In their haste to pass the legislation, it seems that at best, there may have been some confusion. I am aware that you have received a letter signed by thirty-some legislators from the House. I would respectfully assert that one-third of one chamber does not constitute legislative intent. . . . The Legislature authorized the SBE to establish high school graduation requirements, then carved some of that authority back out by creating an opportunity to weigh in during a regular legislation session, and took that opportunity to weigh in this past session. . . . Given that (a) the letter of the law is clear, (b) the Legislature already weighed in and provided clear language, and (c) there is no consensus supporting this version of legislative intent claimed after the fact, opening up waivers to the entire 24 credits would require a change to the law.
- The opportunity for school districts on an individual basis to waive two credits is a big problem. Who decides which kids do not need math, science and English? I may sound like I am trying to bash school districts. Districts are working hard to support the majority of their students. But the majority of students are not the ones this waiver will affect. It is the minorities. They are the ones you have heard from today.
- Allowing any of the 24 credits to be waived would be decreasing the meaningfulness of the diploma. It would not be your kids or my kids who would be affected. It would be the kids from the communities that are present here today. I cannot believe that this entity wants that to happen, but that is what will happen. If the legislative intent is unclear, then the letter of the law is what should be used. The law says the Board shall adopt rules to implement its resolution on graduation requirements. Perhaps some legislators did not read it carefully enough. The mission of the Board is to lead in the development of state policy. Please do what the law allows you to do but also what the law requires you to do. Please lead.

**RESPONSE:** The SBE substantially concurs with these comments. WAC 180-51-068 as adopted retains language in the proposed rule providing that students granted a waiver under subsection (12) must earn the seventeen required subject credits in subsections (1) through (7), which may be by satisfactory demonstration of competence under WAC 180-51-050. As

discussed in the response to Comment 16, the SBE finds this provision most consistent with the text and intent of E2SSB 6552 as enacted.

18. **COMMENT:** I am writing as a community member and education advocate. I have talked with several community members in south King County, and have heard a couple of problems in regard to their children's graduation from high school. One is that students are informed at the last minute that they are short of a few credits that they need to graduate from high school, prepared to enter university, or be career ready. Some students are not given proper advising that informs them of which courses they need to take year by year to graduate successfully. Regular review and sign-off by students and parents with school staff can help prevent such problems from recurring. Too often, students from families of color, refugee and immigrant, low-income and students with special needs encounter these problems disproportionately. I would also like to see the two-credit waiver restricted to elective credits, not the core 17 credits. All students and families need to have regular advising that helps them as early as possible, prior to high school – such as in 7<sup>th</sup> grade if possible.

**RESPONSE:** The SBE appreciates this comment. The is committed to working in the interest of high-quality, High School and Beyond Plans for all student, regardless of their backgrounds, abilities or circumstances, so that they may be well prepared with the credits they need to graduate and be successful in postsecondary pursuits. The SBE concurs with the comment that the two-credit waiver should be limited to non-core credits, and has so implemented in WAC 180-51-068.

19. **COMMENT:** Limit waiving of credits that would impact the value of the college and career ready diploma. For any waivers, require a parent or guardian signature. By requiring a signature you provide a safeguard to ensure a student and their parent or guardian understands the impact waiving the required credit may have on the student's post-school opportunities.

**RESPONSE:** The SBE does not find that it has authority to require a parent or guardian signature on the waiving of credits by the district. A district may choose to consider this suggestion in the written policy it is required to adopt by Section 202 of E2SSB 6552, and the Washington State School Directors Association in its development of a model policy under Section 203.

20. **COMMENT:** The rules should offer no waivers. I've seen too many attempts to circumvent graduation requirements. I work in college admissions. High school transcripts are littered with fluff. They are not a good measure of college readiness.

**RESPONSE:** The rules must provide for waivers of credits for individual students because such waivers are required by E2SSB 6552. The SBE agrees on the need for increased rigor in high school graduation requirements. The Legislature has affirmed that need in passing E2SSB 6552, and the governor in signing it as Chapter 217, Laws of 2014.

21. **COMMENT:** As one of the prime sponsors of Senate Bill 6552, I want to share with you my impression regarding the legislative intent surrounding the local district waiver of not more than

two credits of the 24-credit requirement. During the course of the debate, there were concerns raised that one negative impact of more stringent graduation requirements would be an increase in the drop-out rate for students in personally challenging situations who might find it impossible to retrieve lost credits. While the issue was raised in the Senate, it was a particular concern for House members and became a major point of contention in that body. Whether these credits would be allowed from the core 17 or limited to the personalized pathway and elective credits was not discussed in detail. The key assumptions behind the language adopted were that the waiver for not more two credits would be limited to exceptional circumstances and limited to the purpose of encouraging at-risk teenagers to continue their schooling rather than to give up. The decision regarding what might comprise an extenuating situation was purposefully delegated to school districts. Should the Board choose to be specific regarding where the credits may be waived, please keep in mind one additional goal behind this legislation. It was broadly supported in both chambers in part because of the renewed focus that it brings to career and technical training. Regardless of the direction that the SBE takes, I encourage the Board to carefully track where the waivers are requested and where they occur. This may be helpful in refining our shared policy work in the future.

**RESPONSE:** The SBE appreciates this comment. The SBE strongly agrees that the intent and effect of E2SSB 6552 was to delegate to individual school districts the determination of what would constitute “unusual circumstances” for the purpose of the waiver of two credits, and therefore did not seek to define or condition such circumstances in rule. The amended resolution adopted by the SBE on January 9, 2014 states that “The State Board of Education places a significant value on the opportunity for high school students to pursue professional/technical certificates through a skill center or high school Career and Technical Education program during their high school careers,” and that “The State Board of Education recognizes the value of flexibility in students’ high school course choices, with flexible credits including electives and Personalized Pathway Requirements.” The graduation framework proposed in the resolution therefore:

- Included a requirement of one Career and Technical Education credit;
- Provided that students who earn a graduation requirement credit through a CTE course locally determined to be equivalent to a non-CTE course will not be required to earn a second credit in the non-CTE course subject;
- Included a requirement of four elective credits;
- Enabled taking up to three Personalized Pathway Requirements in place of arts and world languages credits;

The SBE adopted these provisions of the resolution in WAC 180-51-068, as directed by the Legislature in Section 202 of E2SSB 6552. The SBE acknowledges the senator’s interest in having information available to the Legislature on waivers of credits by individual districts, and will work with the Office of Superintendent of Public Instruction to identify how and to what extent that information might be obtained. The SBE looks forward to continuing to work with the senator to craft policies supporting career and college readiness for all Washington students.



22. **COMMENT:** I am the current president of the board for Spokane Public Schools, which is part of the School Alliance. In general, I like the direction of having more expectations and setting the bar higher for students. I think many school districts individually have been trying to do that, and moving in that direction as a state is a great thing. However, I have a couple of concerns about the rules as they are now. One is about the rules creating undue or unintended administrative burdens on high school, in particular around the identification of a third math or science credit. I would read it as saying that every kid, no matter what course they are planning to take for their third math or science course, requires parent or guardian approval. That can't be reasonable. If we have 2,000 kids in our system each year and are looking to have meetings with parents to approve every third math or science class, even kids taking Algebra II or other course that is obviously career and college preparatory. We shouldn't be going through that for every one of these kids. The meetings' approval for parents and guardians should be for situations where kids are doing some unique pathway. So we need to give districts a process where they can get courses approved by the State Board as automatically fulfilling that third math credit or science credit so we can are not going through that process over and over. My second point is about the two-credit waiver. There is no way that this board can know all of the unique and unusual circumstances that are going to come up for kids over the next ten years. School boards are the ones in the best position to make those decisions.

**RESPONSE:** E2SSB 6552 provides in Section 202 (1) (d) that “The rules must also provide that the content of the third credit of mathematics and the third credit of science may be chosen by the student based on the student’s interest and high school and beyond plan with agreement of the student’s parent or guardian or agreement of the school counselor or principal.” WAC 180-51-068 (2) requires “A third credit of high school mathematics . . . with agreement of the student’s parent or guardian, or, if the parent or guardian is unavailable or does not indicate a preference for a specific course, agreement of the school counselor or principal.” (The same language appears in Section (3), concerning science.) The SBE believes this a reasonable and supportable interpretation of the somewhat difficult language of the bill, necessary to provide guidance to districts on implementation. Indeed, the SBE received considerable comment, both from legislators and members of the public, to the effect that the proposed rule did not go far enough to ensure parental engagement in course selection. The SBE recognizes that leaving the third math and science credits to the choice of students and parents may create administrative burdens for school districts – more so than under previous graduation requirements. It respectfully suggests that this is more a function of the legislation itself than of the SBE rule. The rule makes no reference at all to meetings with parents, or to any specific process that must take place at school level – an intentional reduction in administrative requirements from previous rule. The suggestion that approval of parents or guardians should be for situations where students are following some unique pathway is not supported by the text of the law, and not within the Board’s statutory authority for rule adoption. Nor is the suggestion that the rules should give districts a process where courses could be approved by the SBE as automatically fulfilling that third math credit or science credit. (WAC 180-51-025 provides that “The content and the determination of which courses satisfy particular subject area requirements and whether a particular course may satisfy more than one subject area requirement shall be determined locally in accordance with written policies adopted by boards of directors of districts.”) The SBE

strongly agrees that it cannot know all the unusual circumstances that may arise for students over time, and that school boards are in the best position to make those decisions. Consistent with the language and intent of E2SSB 6552, WAC 180-51-068 leaves the determination of unusual circumstances for individual students to school boards, in accordance with written policies adopted by each local board.

23. **COMMENT:** I am on the Spokane School Board and also represent the School Alliance. . . . The three issues are first, the two-credit waiver. Second is the third year of math and science and our proposal to meld that into the High School and Beyond Plan so that when the HSBP is created, then, for math and science, then the courses can be mapped out so there is a default. Right now [in WAC 180-51-067] it is set up with a default so that only if you opt out of Algebra II or Integrated Math III do you go through this process. We would want to have some similar opt-out process for the third year of math and science, and that could easily be done by setting up the High School and Beyond Plan process to choose to do that. If they didn't choose to do that then tough luck for them and they've got lots of students that they have to deal with in that third year. . . . Third point was the High School and Beyond Plan in the middle school. We don't see that as having any statutory authority for going down to eighth grade. And so we don't think it should start in eighth grade. Not only from the statute but also we don't think it is a very smart idea. We are doing more planning at eighth grade but all four of those elements you have in there are to have happen at eighth grade, when the real knowledge and expertise to make those decisions is at the high school level. We just think this is going to be a counterproductive, time consuming issue. . . . Everybody in this room is here because they have a special interest in education. . . . Most people have a vision for what that ought to include, and my fear today is that they are pushing you off track. The correct track is that we are here making a rule, interpreting a statute. We're not here to think what would have been the best set of graduation requirements in the whole world, or what 6552 should have looked like if we could rewrite it. . . . It didn't have a lot of stuff that we would have liked to have seen. What it is. And that's what we have to work with. And that's what we've got to work with.

**RESPONSE:** The SBE refers readers to the responses to Comments 16 and 36. In response to public comment and interest in possible legislation on the High School and Beyond Plan in the next session, the SBE deleted language in proposed WAC 180-51-068 on the minimum content of the HSBP. This language included initiation of the four-year course-taking plan in the middle school grades. The SBE notes that the language deleted by amendment required that the HSBP be initiated in middle school only for ~~one~~ of the four elements, the course-taking plan, and not for all four. The SBE maintains, with respect, that the rules proposed and adopted to implement E2SSB 6552 are supported by the text of the law.

24. **COMMENT:** 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. The rules should wait and take into consideration the model policy developed by WSSDA.

**RESPONSE:** The SBE does not concur with this comment. The SBE discerns no intent in the text of E2SSB 6552 that the Washington State School Directors Association (WSSDA) develop a

model policy on district waivers for individual students *before* the SBE adopt may adopt rules. Section 202 of the act, providing for the waiver for individual students, makes no reference to the model policy under Section 203. Nor does Section 203 reference or in any way condition the provisions of Section 202. The SBE proposed no rules describing or conditioning “unusual circumstances” for the purpose of the waivers. The proposed rules leave that determination to each district through adoption of written policies, following the clear intent of the law. The SBE therefore finds no basis in law for the suggestion that the board wait for development of the model policy, due by June 30, 2015. Indeed, a letter submitted to the SBE by 20 members of the Legislature from both chambers, excerpted below, affirms there was no such intent. For the SBE to wait until after June 30, 2015 to engage in rule-making also would make it very challenging to have rules in place to give proper notice to the first class of students subject to the graduation requirements apply when they begin ninth grade that fall. To delay rule-making in the manner suggested ill-serves students, parents, teachers and school leaders.

25. **COMMENT:** 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 the Board delay adoption of your rules until the WSSDA model policy is developed. This would be an inappropriate delay because the 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, it 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 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. The Board rules merely address which credits may be waived by the local district. Additionally, there is a timing issue that precludes the Board from delaying your rules until after the WSSD model policy is distributed to school districts. Under section 203 the Board is directed to “implement the college and career ready graduation requirement proposal,” which increases 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 requirements to entering freshmen students in 2015. The rule making process generally takes a minimum of four to six months . . . . If the Board delayed 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 rule making process. New rules would have additional costs in time and funding. The timeline for adopting any new rules also may not provide sufficient time to obtain necessary public input. The Board could be in danger of not providing sufficient notice to incoming freshmen prior to the beginning of the 2015-16 school year.

**RESPONSE:** The SBE concurs with this comment. The SBE has a duty to implement laws passed by the Legislature and signed into law. Chapter 217, Laws of 2014 specifically directs the SBE 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. We refer readers to the response to Comment 24.

26. **COMMENT:** The School Alliance is a group of ten districts that supported E2SSB 6552. They worked with other advocate groups and legislators to get the bill passed. They are strongly supportive of bill and its implementation. The Board has received two letters from legislators. The rules do not align with the bill. The two-credit waiver and parental engagement elements do not align. The position of the School Alliance is that the Board should delay action on rules to this section of the bill (Section 202), but only to this section.

**RESPONSE:** The SBE does not concur with this comment. The SBE believes that the rules do align with the bill with regard to the two cited provisions of Section 202. The SBE finds that delaying action on the rules is unnecessary and inappropriate, for reasons stated in the response to Comment 24.

27. **COMMENT:** The reasons and arguments being given for delaying your actions on the proposed rules do not appear to be consistent with the unambiguous language of E2SSB 6552. Our children cannot wait. Their future and the state's future can no longer be put on hold.

**RESPONSE:** The SBE concurs with this comment. It refers readers to the response to Comment 24.

28. **COMMENT:** The Board should adopt the rules on this section of law at its July 2014 meeting, so my kids will know what the graduation requirements are.

**RESPONSE:** The Board concurs with this comment. It refers readers to the response to Comment 24.

29. **COMMENT:** I support strong graduation requirements. Don't leave kids in limbo. Adopt the rules at the July meeting.

**RESPONSE:** The Board concurs with this comment. It refers readers to the response to Comment 24.

30. **COMMENT:** Don't wait on the next session of the Legislature to try to clarify what they meant in the bill and push the timeline further back, waiting for WSSDA to develop a model policy that districts may or may not follow. It's time for the State Board to show some leadership and put students first, not politics.

**RESPONSE:** The SBE substantially concurs with this comment. It refers readers to the response to Comment 24.

31. **COMMENT:** The rules should be amended to provide that students granted a waiver under this section must earn at least two of the three mathematics credits in Section 2 of proposed WAC

180-51-068 and at least two of the three science credits in Section 3, including by satisfactory demonstration of competence under WAC 180-51-050. . . . This suggested amendment would substantially preserve the flexibility that the Legislature granted to local school boards with the two-credit waiver, without raising the potential that it could undercut the science and math requirements of the Career and College Ready Diploma.

**RESPONSE:** This amendment proposes the inclusion of language in the Board’s rule that is not included in the enabling legislation. It has no basis in the Board resolution of November 10, 2010, as revised on January 9, 2014, which the Board is directed by the Legislature to implement in Section 202 of E2SSB 6552. Nor is there a basis for it in any of the additional language included by the Legislature in that section. Therefore, it would be beyond the Board’s authority to adopt a rule including the proposed language.

32. **COMMENT:** The School Alliance (SA) letter proposes a waiver of one math and one science credit, which still decreases rigor and supports the position that the SBE indeed has authority in this area. The idea suggested in the SA letter of allowing a waiver of one math and one science course would still result in the same or *less* rigor than the current high school graduation requirements, which specify that a third year of math must be taken and that two science courses must be taken. The proposal also leaves other core credits such as English and social studies being waived, which is not currently allowed. Additionally, the SA letter claims that the SBE does not have the authority to restrict the waivers while simultaneously advocating for a proposal that does just that.

**RESPONSE:** The SBE concurs with this comment. The Board refers readers to the response to Comment 31.

33. **COMMENT:** Strengthen language within the rules to ensure parent involvement and awareness of any decision to deviate from the standard diploma track in high school graduation requirements. Parental involvement should include providing information in a parent’s preferred language, explaining the impact waiving required credits may have on a student’s ability to graduate adequately prepared for postsecondary goals, requiring parent signature on any waiver of required graduation credits, and developing and providing a parent-family document detailing decision criteria used in waiving credits or pursuing a different kind of diploma.

**RESPONSE:** The SBE finds that one of the purposes proposed in this comment is met by adopted WAC 180-51-068, which provides that a request for agreement of the student’s parent or guardian on the third math and science credit should be made in the predominant language of a parent or guardian who predominantly speaks a language other than English, to the extent feasible. E2SSB 6552 requires each school district that grants high school diplomas to adopt written policies on waiver of individual credits, and separately requires the Washington State School Directors Association (WSSDA) to develop a model policy that districts may elect to use at their discretion. The SBE encourages parents and other interested persons to seek to influence local district policies and the WSSDA model policy in ways that they believe best serves students. The SBE does not, however, find that it has statutory authority to require district to adopt the practices and procedures proposed, however well intentioned.

34. **COMMENT:** The degree of flexibility granted within the proposed rules lowers academic rigor by allowing for a wide range of core academic credit substitutions. The current rules for students

entering ninth grade after July 1, 2012 specify Algebra I or Integrated Math I, Geometry or Integrated Math II, and Algebra II or Integrated Math III. The proposed rules provide that students may choose the third credit of math other than Algebra II or Integrated Math III as long as the course aligns with their High School and Beyond Plan. Similar provisions are made for one of the three required science credits. These provisions lack evaluation of academic equivalency in terms of rigor.

**RESPONSE:** E2SSB 6552 specifies in Section 202 that the rules adopted by the SBE must provide that the content of the third credit of mathematics and the third credit of science may be chosen by the student based on the student’s interests and High School and Beyond Plan. WAC 180-51-068 (2) and (3) implements this provision. The SBE will take this comment under advisement for consideration of any future revisions to graduation requirements.

35. **COMMENT:** Did the Legislature intend to allow several different people – parent, guardian, school counselor or principal – to sign off on the choice of the third math and science credits? The proposed rule creates a new requirement. It is unclear whether the rule would impose an additional administrative burden on districts. If records would need to be created and preserved on the response to a request for approval of a course, it would impose more paperwork on districts.

**RESPONSE:** The pertinent language of E2SSB 6552, added by amendment, is “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.*” (Emphasis added.) This language presented a challenge for implementation. The SBE determined from its reading of the text that the intent of the Legislature was not to provide that “the content of the third credit of mathematics and the third credit of science may be chosen by the student . . . with agreement of the student’s parent or guardian or school counselor or principal,” because if it were, the sentence would have been written in that way. In public comment to the SBE on June 6, a member of the Legislature who helped fashion the amendment said, “Our druthers to you is that we think you are on the right track to make the student and parent come first, and the counselor and the principal in the back seat in that relationship,” and added, “I suppose there are lots of snarls when a parent is not involved in a child’s life and somebody is going to have to sign off on that form, which historically has been a school counselor.” (SBE transcript. June 6, 2014). In preparing rules to implement this provision, the SBE inferred that same intent that the parent or guardian would have first prerogative in the choice of course to meet the third math and science requirements, and that if the parent or guardian was not available or did not respond to a request for approval of a specific course, the counselor or principal would provide that approval. The SBE deliberately has not prescribed in rule any particular form, documentation or process that need be followed for parent/guardian agreement on a third math or science course. Because of concerns raised in public comments that the proposed rule language nevertheless might imply more process than intended, the Board amended Sections (2) and (3) to replace “or, if the parent or guardian is unavailable or does not respond to a request for approval of a specific course” with “or, if the parent or guardian is unavailable or does not indicate a preference for a specific course.” Ultimately, E2SSB 6552 as enacted leaves the choice of the third math and science courses to each student. This inevitably will entail procedures on the part of schools and districts to accommodate that choice. The rules adopted by the SBE leave to individual districts how best to accomplish that, while also seeking to meet the intent of parent engagement in the decision.

36. **COMMENT:** On the proposed rule on the third math and science credits, you are on the right track. You are putting the parent in the right position of first, the counselor or principal in the second position.

**RESPONSE:** The SBE appreciates this comment. The intent of Section (2) and (3) of proposed WAC 180-51-068 was to put the parent or guardian in the first position, the school counselor or principal in the second with regard to agreement on the content of the third math and science credits.

37. **COMMENT:** The rules are not clear on the primacy of the parent/guardian decision.

**RESPONSE:** In response to this and similar comments, the SBE added language in those subsections of adopted WAC 180-51-068 clarifying that “The school must in all cases give precedence to the direction of the parent(s) or guardian(s), if provided, in election of the third credit to meet the requirements of this section.”

38. **COMMENT:** To avoid duplication, the rules should allow students to use their High School and Beyond Plans to identify their third credits of math and science, instead of having to do that separately. . . . We think the most important problem associated with choosing the content of the third credit of science or math is a practical one of administrative burden, which we think can be resolved by relying more heavily on the HSBP.

**RESPONSE:** The SBE finds that it does not have authority to adopt this proposal in rule. E2SSB 6552 provides that “The rules must also provide that the content of the third credit of mathematics and 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 of the student’s parent or guardian.*” There is nothing in the Board’s November 10, 2010 resolution, as revised on January 9, 2014, that specifically requires agreement by the parent or guardian on the student’s High School and Beyond Plan. Nor is there a separate provision in E2SSB 6552 requiring such agreement. Nor does Section (10) of proposed WAC 180-51-068 require agreement of the parent or guardian on the High School and Beyond Plan. The rule provides only that that students “shall create their high school and beyond plans in cooperation with parents/guardians and school staff.” Therefore the proposed rule amendment cannot be effectual in achieving the intent of the Legislature that the content of the third credits of math and science be chosen with agreement of the student’s parent or guardian. The SBE is sensitive to the administrative burden that may be incurred by school districts as a result of the provision in E2SSB 6552 for student choice of the third math and science credits. As stated in the response to Comment 24, that provision “inevitably entails some procedures on the part of school districts to accommodate that choice.” With respect, the SBE believes that the concern expressed in Comment 27 is more closely related to the statute than to the rule to implement. (In public comment to the SBE, a legislator stated, “The other thing we didn’t really clarify is, does this imply an added administrative burden where we now need 50,000 or 60,000 sheets of paper to go home and sign to say, ‘Yes, I affirmatively agree with the schedule my student is contemplating here?’ . . . We didn’t have discussion on whether there should be more documentation or less.” – SBE Transcript, June 6, 2014).

39. **COMMENT:** The rules should provide for deferring to local district policy when there is a dispute between the parent and the student about the third math or science credit.

**RESPONSE:** The determination of the Board was that such disputes, if they occur, could be resolved through local district policies, and that there was not an evident need or basis for SBE

rules on the matter. The SBE takes the comment under advisement, however, for possible future rule-making on this subject.

40. **COMMENT:** The statute allows districts to delay the implementation of the 24-credit requirement to the Class of 2020 or 2021. The draft rules propose an application deadline of May 1, 2015. The 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. . . . Districts may need to a longer period to request the delay.

**RESPONSE:** WAC 180-51-068 as adopted does not specify a date by which the waiver application must be received by the SBE. The SBE trusts that local school boards will provide ample notice to students, parents and teachers of any decision to delay implementation of career and college-ready graduation requirements through application for waiver by the SBE. The SBE notes that Section 202(1)(d)(ii) of 2ESSB 6552 provides that the State Board of Education shall grant a waiver to an applying school district at the next subsequent meeting of the Board.

41. **COMMENT:** Remove language that requires a school district resolution to accompany a waiver of the new graduation requirements for up to two years. This may be a good idea, but it adds a step to the waiver process that the statute does not require.

**RESPONSE:** The SBE does not concur with this comment. A decision to delay implementation of career and college-ready graduation requirements has significant implications for affected students and parents. Stipulating that that action be taken by board resolution is no more than what is asked of districts, for example, when they apply to the Board for a waiver of the requirement of a minimum 180-day school year under RCW 28A.305.140. Waiving graduation requirements is of the same nature. The SBE finds the requirement for a board resolution is in no way onerous for school districts, and is well within its authority to adopt in rule, as it has for other kinds of waivers. The SBE further notes that no concerns were heard about this provision from school districts or school organizations when it solicited comment on draft rules.

42. **COMMENT:** The requirement that all high school and beyond plans must include the components (a) through (d) in the proposed rules is overly prescriptive, burdensome and time-consuming. . . . The components are excellent. Even the initiation in 7<sup>th</sup> and 8<sup>th</sup> grade is great from a policy standpoint. What we are trying to avoid is to put it in rules today in the absence of law. The law is very clear here and it says it is up to local districts.

**RESPONSE:** WAC 180-51-068 as adopted deletes Section 10 (a) through (d) of the proposed rules, which addressed the minimum components of an effective High School and Beyond Plan. The SBE looks forward to working with lawmakers, state agencies, school districts and other interested persons on legislation to help ensure that every child has the high-quality, High School and Beyond Plan needed to reach educational and career goals.

43. **COMMENT:** The requirements for the High School and Beyond Plan should encourage students to do workplace experience activities (job shadowing, internship, apprenticeship). For some students not understanding the link between high school and career, the High School and Beyond Plan makes that relationship stronger. Planning is seen in a number of comprehensive school-to-career programs in the state. . . . I agree with the Workforce Board that the High School and Beyond Plan should include a "work-based experience."



**RESPONSE:** The SBE appreciates this comment and takes it under advisement for possible legislation on the High School and Beyond plan and any rules to implement.

44. **COMMENT:** The SBE has exceeded the intent and scope of the bill by requiring the High School and Beyond Plan (HSBP) to begin in the 8<sup>th</sup> grade. While we agree that the most promising practices indicate that HSBPs begin in the 7<sup>th</sup> or 8<sup>th</sup> grade, we did not get to this issue with any depth in the legislation. Therefore enacting a rule to require it in the 7<sup>th</sup> or 8<sup>th</sup> grade violates the law at this time. . . Including HSBP in middle school would be a new policy which has not been vetted through the legislative process and is outside the authority of the SBE to mandate in rule.

**RESPONSE:** WAC 180-51-068 as adopted deletes the subsections in the proposed rule that included the provision for a four-year plan for course-taking initiated in middle school grades. The SBE agrees that the most promising practices indicate that HSBP's should begin in the 7<sup>th</sup> or 8<sup>th</sup> grade, rather than when students have already entered high school. The SBE looks forward to working with interested persons to develop legislation on high-quality HSBP's in the 2015 session.

45. **COMMENT:** Under RCW 28A.230.090, the State Board of Education has broad authority to establish the content of the high school graduation requirements and there are only two exceptions to this authority. The State Board has properly used this broad authority to establish the content of the high school graduation requirements to include the High School and Beyond Plan. 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.

**RESPONSE:** Because of concerns heard in public comment, the SBE chose to delete provisions in proposed WAC 180-51-068 related to the minimum content of the High School and Beyond Plan. The SBE remains strongly committed to the implementation of high-quality HSBP's for every student, and looks forward to working with interested persons on proposed legislation on this subject.

46. **COMMENT:** Provide a process to ensure strong parental engagement in the High School and Beyond Plan. Ensure that parents with limited English proficiency can access information about the courses available to students and the implications of the High School and Beyond Plan. Require parent sign-off on the High School and Beyond Plan.

**RESPONSE:** The SBE places a high value on access to information about the High School and Beyond Plan for parents with limited English proficiency. The SBE will take this comment under advisement, and continue to explore avenues for ~~promoting access~~promoting access to information on the HSBP for all parents.

47. **COMMENT:** I like the fact that the Career and College Ready Diploma will prepare all students for further education and the job market. I do believe there are areas that could be improved on regarding the parent engagement and academic rigor. Without re-evaluation of these two key areas we run a huge risk of leaving behind a group of students that are minorities, the disenfranchised, low income, special education and ELL students. Parent engagement will allow

students, staff and parents to collaborate through Middle School-High School and Beyond Plans to create a pathway for success. Equipping parents with the tools for engagement and advocacy and educating our parents on the laws and rule that apply to all students regardless of race or socioeconomic status. By engagement, advocating, equipping, educating, empowering and mentoring families today we will save our kids tomorrow.

**RESPONSE:** The SBE appreciates this comment. WAC 180-51-068 (10) provides that “Students shall create their high school and beyond plans in cooperation with parents/guardians and school staff. The SBE is committed to seeking avenues for active and ongoing engagement of parents in the development and revision of High School and Beyond Plans through legislation, rule-making, and dissemination of best practices.

48. **COMMENT:** Thank you for supporting the College and Career Ready Diploma (E2SSB 6552) which will prepare all students for further education and for Washington’s job market. I am asking you as a concerned parent, stepparent and foster parent to set a standard to protect our youth, give them a voice through the parents, and protect their futures and dreams. Set the strongest possible rules on academic rigor and parent engagement. If not we will risk leaving behind groups of students of low income, of color, special education, and ELL.

**RESPONSE:** The SBE appreciates this comment, and refers readers to the responses to Comments 16 and 47.

49. **COMMENT:** I want to thank you for supporting the College and Career Ready Diploma which will prepare all students for further education. I am a daughter of a Mexican immigrant. My husband is Mexican and my children are Mexican American. In our house we hold in honor the name we carry, and with the name there comes a standard. That standard is in jeopardy. My kids are to do their best and to work for what they want. It has been built in them from the long line of their heritage. If there is such a high standard in our home, why should education be reduced to such a level as not to fight for their future? I do not want education to hand them a shortcut that in the long run will shorten their life with regrets and frustrations. Please pass the strongest rules possible in two areas: academic rigor and parent engagement. Otherwise we risk leaving behind groups of students.

**RESPONSE:** The SBE strongly appreciates this comment, and refers readers to the responses to Comments 16 and 47.

50. **COMMENT:** Thank you for preparing students for college and the job market. I am here because my school serves a lot of English Language Learner students but I have seen them fail to serve many students. Why did no one help them to take the right credits to prepare them for a university? What about the students who do not have anyone to advocate for them in the right language? I am speaking of a friend who relied on district staff to guide her into the right courses. However, I was not guided into the right courses. Passing the rules with the requirements to take the most rigorous courses for the diploma is important. Please pass the rules with the most rigor.

51. **RESPONSE:** The SBE appreciates this comment. The SBE has a strong interest in ensuring that English Language Learners are well served in the K-12 system, as required by law, and prepared to be successful in postsecondary education and career. The SBE will take this comment under advisement as it works on possible legislation on the High School and Beyond Plan and any rule-making that may be needed to support it.

52. **COMMENT:** Our company has been in the area for 120 years. I speak to you as an employer, and also as a parent with two students in college. Having students be prepared for college and life beyond is very important. The Career and College Ready diploma is a great step forward. Fifty percent of students who go to college today need remediation. It is not fair to have that cost on the colleges and on the economy, and it is not fair for the kids who graduate with diplomas that are not as meaningful as they expect. Continuing with progress on the 24-credit diploma is crucially important in this era.

**RESPONSE:** The SBE strongly concurs with this comment. The adopted WACs seek to address these concerns as effectively as possible consistent with the requirements of Chapter 217, Laws of 2014.

53. **COMMENT:** Strengthen language within the rules to ensure that students in special education have access to the high school and beyond plan. The high school and beyond plan can be a protection against special needs students being tracked onto a path that removes the opportunity for receiving a college and career ready high school diploma. There will be times when an Individualized Education Plan (IEP) team, with the agreement of the parents, decides that a student's transition plan within their IEP is an appropriate replacement of a high school and beyond plan. In that instance we ask that there is a specific document that families need to sign waiving out the requirement for a high school and beyond plan. . . . I am a parent of a student with developmental disabilities, and a member of the Spokane County Parent Coalition. I agree with the Special Needs PTA.

**RESPONSE:** The SBE appreciates this comment. WAC 180-51-068 as adopted deletes provisions in the proposed rules on the content of High School and Beyond Plans. The SBE does not believe it has clear authority under E2SSB 6552 to adopt rules related to waiver of the HSBP requirement for students with IEPs. The SBE will take this comment under advisement for development of possible legislation on the High School and Beyond Plan and any rule-making that may be required.

54. **COMMENT:** The enhanced graduation requirements are needed. All of our students need to be prepared for college and/or career after high school. I am concerned about students with disabilities. Will students with disabilities, ranging from students with learning disabilities to those with intellectual or developmental disabilities, be given supports to accomplish the new graduation requirements? Will those with ID/DD have equal access to high expectations and high supports to accomplish the new standards?

**RESPONSE:** The SBE appreciates this comment. The state's paramount duty under Article IX of the Washington Constitution includes that of ensuring the opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in state and federal law. (RCW 28A.150.220(3)(c). RCW 28A.155.010.) This includes the opportunity to meet minimum requirements for high school graduation. That obligation was there before enactment of Chapter 217, Laws of 2014 and continues, with the same force of law, after it. The SBE notes that WAC 180-51-115 provides for procedures for granting high school graduation credits for students with special educational needs. That rule is unaltered by rules to implement E2SSB 6552. It provides, in part, that "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." The SBE further notes that WAC 180-51-068(10), providing that "Each student shall have a high school and beyond plan to guide his or her high school experience, including plans for post-secondary education or training and career" applies equally to students with disabilities as to other students. (The comparable provision of the previous SBE rules on graduation requirements, WAC 180-51-067, applied equally to such students as well). The SBE takes this comment under advisement for development of possible legislation on the High School and Beyond Plan and any rules needed to implement it.

55. **COMMENT:** I am writing to support the rules on draft graduation requirements that reference "laboratory science" for a third credit. The third credit of science allows for laboratory science in "outdoor spaces" where students interact directly with the material world, using the tools, data collection techniques, models and theories of science. The third credit of science in "outdoor spaces" meets the intent of the Next Generation Science Standards for students to experience the scientific practices of a range of scientists.

**RESPONSE:** The SBE appreciates and concurs with this comment. The intent of the definition of "laboratory science" in Section (14) of WAC 180-51-068 is to reflect the best current practices in science instruction, while, together with other provisions, affording flexibility for schools and students in fulfilling the requirement of three science credits for graduation.

56. **COMMENT:** SB 6552 does not contain a definition for Lab science. . . . SBE proposed rules, WAC 180-51-068(14)(a), defines laboratory science as "any instruction that provides opportunities for students to interact directly with the material world, or with data drawn from the material world, using the tools, data collection techniques, models and theories of science. A laboratory science course meeting the requirement of this section may include courses conducted in classroom facilities specially designed for laboratory science, or coursework in traditional classrooms, outdoor spaces, or other settings which accommodate elements of laboratory science as identified in this subsection." We think this definition might be a good idea as it provides flexibility for schools and teachers in the delivery of lab science courses. However, insofar as it also might impinge negatively on a district's funding requests or needs for traditional lab classroom, we would suggest an addition to this definition. It appears that the definition the SBE used here comes from the National Science Teachers Association. That being the case, there is another part to the NSTA definition which would clarify the issue and we suggest all of salient portions of it be included in the SBE proposed rules definition of lab science: . . .

- An adequate facility where labs can be conducted. At the preschool and elementary levels, this means a classroom with sufficient work space, including flat moveable desks or tables and chairs, equipment, and access to water and electricity . . .
- Adequate storage space for all materials . . .
- Funding for yearly educator training on how to manage materials and guide inquiry-based learning during labs.

- A budget for regular maintenance of facilities and equipment, as well as annual costs for new or replacement equipment . . .
- A budget that recognizes additional costs for field experiences.
- Laboratory occupancy load limits . . . Science classes should have no more than 24 students even if the occupancy load limit might accommodate more . . .

**RESPONSE:** The definition of “laboratory science” in proposed WAC 180-51-068(14)(a) does not come from the National Science Teachers Association. It comes from the National Research Council publication *America’s Lab Report: Investigations in High School Science* (Washington, D.C.: National Academies Press, 2005), with additional assistance from the Office of the Superintendent of Public Instruction. The suggested addition to the definition, which encompasses specific features of facilities, budgets and funding, is well beyond the authority of the SBE for rule-making to E2SSB 6552.

57. **COMMENT:** In order to receive a waiver from the requirement for student access to career and technical education equivalencies under Section 104 of E2SSB 6552, a district with under 2,000 students should have to demonstrate, not just state, that students enrolled in the district do not and cannot be provided reasonable access, through the means specified in Section 103, to at least one CTE course equivalent to a math or science course as determined by the Superintendent of Public Instruction.

**RESPONSE:** The SBE concurs with this comment, and has incorporated this proposal in WAC 180-18-100.