



Strategic Plan Priority | Student Transitions & Diploma

Goal: Students successfully transition into, through, and out of the P-12 system, and graduate from Washington state high schools ready for civic engagement, careers, post-secondary education, and lifelong learning.

Emergency Waiver Rulemaking Considerations:

PREPARED FOR THE MARCH 26, 2020 SPECIAL BOARD MEETING

Information Item

Materials included in packet:

- OSPI Bulletin [Bulletin 022-20](#)

Background

The State Legislature passed a new law (EHB 2965) supporting the state's response to the novel coronavirus. This law includes a provision (see Section 10 included below) that allows the State Board of Education to grant an emergency waiver to local education agencies (e.g., school districts, etc.) and private schools. The waiver will provide flexibility so students in the graduating Class of 2020 or earlier, who were on track to graduate, are not held back by school closures due to the novel coronavirus.

Under the emergency waiver program, public school districts, charter schools, and tribal compact schools may be able to apply to the State Board of Education for a waiver of certain high school graduation requirements. To get the waiver, schools and districts must demonstrate a good faith effort to address core course requirements and credit deficiencies. In addition, the State Board of Education may waive credit-based graduation requirements in addition to school day and instructional hour requirements for private schools.



Statutory authority from [EHB 2965.SL](#), Section 10

25 NEW SECTION. **Sec. 10.** (1) (a) Recognizing that schools and
26 districts throughout Washington have different needs and resources to
27 respond to the impact of the novel coronavirus (COVID-19) outbreak,
28 within existing resources, the state board of education may
29 administer an emergency waiver program to grant local education
30 agencies and private schools flexibility so that students in the
31 graduating class of 2020 or earlier who were on track to graduate
32 before the gubernatorial declaration of emergency of February 29,
33 2020, and any subsequent amendments to that proclamation, are not
34 negatively impacted by measures taken by the local education agency
35 or private school in response to the novel coronavirus (COVID-19).

36 (b) Consistent with the intent of the emergency waiver program,
37 the state board of education may adopt rules to allow:

1 (i) School districts, charter schools established under chapter
2 28A.710 RCW, and tribal compact schools operated according to the
3 terms of state-tribal education compacts authorized under chapter
4 28A.715 RCW to apply to the state board of education for a waiver of
5 high school graduation requirements or equivalencies established
6 under RCW 28A.230.090 for students in the graduating class of 2020 or
7 earlier who cannot meet the statewide minimum credit and subject area
8 graduation requirements due to school closures related to the novel
9 coronavirus (COVID-19). The state board of education may approve
10 waivers that meet criteria including demonstration of a good faith
11 effort to address core course requirements and credit deficiencies
12 through other mechanisms; and

13 (ii) The state board of education to waive provisions relating to
14 the number of instructional hours, the number of school days, credit-
15 based graduation requirements, and other provisions for the 2019-20
16 school year for private schools established under chapter 28A.195 RCW
17 that close due to the novel coronavirus (COVID-19).

18 (2) This section expires July 31, 2020.



Timeline

Rulemaking

Monday, March 16 at 3:00 – 4:00	Private School Partners Zoom
Thursday, March 19 at 2:30 – 4:00	K-12 Partners Zoom
Friday, March 20 at 9:30 – 11:00	K-12 Partners Zoom
Monday, March 23 at 3:00 – 4:00	Higher Ed Partners Zoom
Monday, March 23 at 3:00 – 4:00	Private School Partners Zoom
Monday, March 23	Sent out announcement of emergency rulemaking and Special Board Meeting to distribution list
Thursday, March 26 at 1:30 – 3:30	Special Board Meeting to review draft timeline and considerations for rulemaking
Thursday, March 26	Send out post-meeting recap to stakeholders
Monday, March 30 at 3:00 – 4:00	Private School Partners Zoom
Wednesday, April 1	Draft rules shared with Board and partners for feedback
Friday, April 3	Feedback on rules due from Board and partners
Monday, April 6	Revised draft rules to Board for consideration
Monday, April 6 at 3:00 – 4:00	Private School Partners Zoom
Tuesday, April 7 by 3:00 PM	Deadline for submitting written public comment
Wednesday, April 8 at 1:30 – 3:30	Special Board Meeting to adopt rules (and potentially resolution and CR-101)
Wednesday, April 8	Press release regarding rules
Thursday, April 9	If adopted, rules become effective

Note: Additional stakeholder meetings may be added as needed

Application

Thursday, April 16	Application opens
Friday, May 1	Applications due (though late applications will be accepted)
April 16 – July 31	Staff Approval of Applications within 3 business days*
May 13-14	Board Meeting , Staff Report on Waiver Approvals to Date
July 8-9	Board Meeting , Staff Report on Waiver Approvals to Date
Friday, July 31	Authority expires

*Goal is to respond within 3 business days, depending on number of applications received

Intent of waiver program

- Temporary solution for immediate problem at hand, to provide flexibility in light of school closures due to COVID-19
 - To provide districts authority to waive certain credit requirements for individual students who were on track to graduate this school year (public and private) and were unable to complete required credits despite a good faith effort on the part of the district to help the student earn the credit
 - To provide for hour or day waivers for private schools for the 2019-20 academic year



Scope of waiver for Local Education Agencies (LEAs)

LEAs including school districts, charter schools, and tribal compact schools

- Who is the waiver for?
 - SBE approves the applicant/LEA's authority to grant individual student waivers
 - Language is permissive: Allows LEAs to waive credit requirements for graduating students, but does not require
 - Limited to students in the graduating Class of 2020 or earlier who were on track to graduate before the gubernatorial declaration of emergency of February 29, 2020, and any subsequent amendments to that proclamation, who cannot meet the statewide minimum credit and subject area graduation requirements due to school closures related to the novel coronavirus.
 - **TBD in rule:** "On track to graduate"
 - SBE staff initial thinking: "On track to graduate" should mean the student has completed or is enrolled in courses that would allow them to meet the state graduation requirements by the end of the 2020 school year. Note: if a term had not yet started by February 29, 2020 (e.g., trimester schools or Running Start), then the student's planned coursework may also count toward "on-track."
 - The waiver does not address potential impacts on earlier grades or students graduating after this school year.
- What can be waived?
 - High school graduation requirements or equivalencies established under [RCW 28A.230.090](#), focused on credit-based graduation requirements
 - SBE staff initial thinking: The waiver does not serve to grant credits, but rather waives the need for the credits in order to earn the diploma.
 - Note the potential downstream impact on college admissions (discussed with higher ed partners)
 - Previously limited to waiving up to two elective credits, Section 11 of the bill lifts that limit for the emergency waiver program and also allows for waiver of core credit.
 - **TBD in rule:** How many credits and what type
 - Considerations: Should there be a limit on credits waived? Should core and elective be treated differently? Is there a built-in safeguard given that students needed to be "on track to graduate"?
 - This waiver is not for:
 - Waiving local graduation requirements, which local school districts have the authority to waive
 - Waiving hours/days for public schools, which are addressed by OSPI
- Condition for LEAs to receive waiver
 - **TBD in rule:** "Demonstration of a good faith effort to address core course requirements and credit deficiencies through other mechanisms"
 - SBE staff initial thinking: Certification by LEA that they demonstrated a "good faith effort" based on OSPI's guidance for supporting seniors ([Bulletin 022-20](#))
 - **Question:** Any other conditions? (keep simple)
 - Assurance of equity



Process for LEAs

- School districts, charter schools, and tribal compact schools must apply to the State Board of Ed
- SBE staff initial thinking:
 - Expect all LEAs with high school seniors to apply given statewide closure
 - Application should be short and simple
 - Criteria for approval are simple and will focus on “good faith effort”
 - SBE staff initial thinking: Certification by LEA based on OSPI’s guidance
 - **Question:** Any other criteria? (keep simple)
 - Application should be signed by Superintendent or designee if not available
 - WSSDA expected to draft a model policy to support implementation
 - State Board would adopt a resolution to delegate approval authority to the Executive Director.
 - Waiver will very likely be granted if application is complete
 - Schools and districts to be responsible for reviewing individual student circumstances and determining number and type of credits to waive in accordance with program rules
 - It would be good to build in a reporting requirement to collect information from LEAs on how many graduating Seniors used the waiver
 - Working with OSPI on potential data collection opportunities
 - **Question:** Can transcripts indicate if the student received the waiver? This is important for higher ed admissions.
 - Exploring options with OSPI

Scope of waiver for private schools

- For context: Private schools law regarding minimal state controls ([RCW 28A.195.010](#))
- What can be waived?
 - Credit-based graduation requirements
 - **TBD in rule**
 - SBE staff initial thinking: Would be defined same as above for LEAs
 - Number of instructional hours for the 2019-20 school year
 - **TBD in rule:** Parameters
 - SBE staff initial thinking: Align with the existing waiver for public schools
 - Note: a wavier would not be required and hours would be deemed met for private schools that convert to an online program (see [RCW 28A.195.090](#)).
 - Number of school days for the 2019-20 school year
 - **TBD in rule:** Parameters
 - SBE staff initial thinking: Align with the existing waiver for public schools
 - Other provisions for the 2019-20 school year under [RCW 28A.195](#)
 - **Question:** Are there other provisions that may need to be waived?
- Conditions for receiving waiver: Minimal, aligned with intent, **TBD in rule**
- SBE will draft a disclaimer about what the waiver does and does not address (e.g., contractual requirements, etc.)



Process for private schools

- Private schools do not need to apply, but SBE may require notification/reporting

Other Questions

- What about other requirements for graduation?
 - Pathway requirement
 - OSPI has indicated that they believe they have sufficient flexibility under [RCW 28A.655.065](#) to waive this through the expedited appeal process.
 - HSBP requirements
 - There are more requirements now, but schools can work one-on-one with Class of 2020 students to complete this even if not done before closures. LEA determines if this requirement is met.
 - SBE staff initial thinking: Do not require schools to incorporate the emergency waiver into the student's HSBP, but provide an option for parents or students to opt out of receiving the waiver.
- Should this waiver extend to community colleges and similar institutions? (regular high schools, re-engagement programs, and dual credit)
- Any special considerations for students in Running Start? College in the High School?
- What other flexibility might we need in the future to address impact of these closures?
 - Expand expedited appeal
 - Impact on earlier grades

