

FINAL BILL REPORT

EHB 1121

C 7 L 21

Synopsis as Enacted

Brief Description: Concerning the emergency waiver of graduation requirements.

Sponsors: Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley; by request of State Board of Education.

House Committee on Education
Senate Committee on Early Learning & K-12 Education

Background:

State Board of Education.

With origins predating statehood, the 16-member State Board of Education has various duties and powers, including:

- providing advocacy and strategic oversight of public education;
- establishing high school graduation requirements or equivalencies;
- identifying scores students must meet to achieve standard on statewide assessments; and
- approving and accrediting private schools.

Graduation Requirements—Overview.

To qualify for graduation from a public high school, students must satisfy course and credit requirements established by the SBE, meet any locally established requirements, prepare a high school and beyond plan (HSBP), and complete at least one graduation pathway option.

Instructional Hour and Day Requirements.

School districts must meet annual minimum requirements for provided instructional hours and school days. Students in grades 9 through 12 must be offered a district-wide average of at least 1,080 instructional hours each year, while students in kindergarten through grade 8 must be offered a district-wide annual average of at least 1,000 instructional hours. School districts must also offer a minimum of 180 days of instruction each year to students in all grades.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Novel Coronavirus—Emergency Waivers.

In 2020, in response to the COVID-19 pandemic, the SBE was directed to establish and administer a temporary waiver program for public and private schools. Under the program, school districts, charter schools, and tribal compact schools could apply to the SBE for a waiver of high school graduation requirements or equivalencies for students in the graduating class of 2020 or earlier who could not meet the statewide minimum credit and subject area graduation requirements due to school closures related to the COVID-19 pandemic.

Additionally, the SBE was authorized to waive provisions relating to minimum instructional hours and days, credit-based graduation requirements, and other provisions for the 2019-20 school year for private schools that closed due to the COVID-19 pandemic.

The emergency waiver authority of the SBE expired July 31, 2020.

Summary:

Beginning with the graduating class of 2020, the SBE may authorize school districts to grant individual student emergency waivers from credit and subject area requirements established by the SBE, graduation pathway requirements, or both if:

- the student's ability to complete the requirement was impeded due to a significant disruption resulting from a local, state, or national emergency;
- the school district demonstrates a good faith effort to support the individual student in meeting the requirement before considering an emergency waiver;
- the student was reasonably expected to graduate in the school year that the emergency waiver is granted; and
- the student has demonstrated skills and knowledge indicating preparation for the next steps identified in their HSBP and for success in postsecondary education, gainful employment, and civic engagement.

The SBE must adopt rules for the administration of the emergency waiver program and may revise the rules periodically. The rules may include: an application and approval process for school districts; eligibility criteria; limitations on the number and type of credits that can be waived; and expectations of the school district regarding communication with students and their parents or guardians.

A school district that is granted the authority to issue emergency waivers to students must meet the following requirements:

- adopt by resolution a written plan that describes the process for students to request or decline an emergency waiver, and a process for students to appeal a decision to not grant an emergency waiver;
- maintain a record of courses and requirements waived as part of the individual student record;

- include a notation of waived credits on the student's high school transcript;
- maintain records as necessary and as required by the SBE to demonstrate compliance with waiver requirements;
- report student level emergency waiver data to the Office of the Superintendent of Public Instruction (OSPI) in a manner determined by the SPI in consultation with the SBE; and
- determine if there is disproportionality among student subgroups receiving emergency waivers and, if so, take appropriate corrective actions to ensure equitable administration of the waiver program.

Beginning November 1, 2021, the OSPI must annually provide the locally reported emergency waiver data to the SBE. The SBE, by December 15, 2021, must provide the Legislature with a summary and specified analysis of the emergency waiver data for students in the graduating classes of 2020 and 2021.

The emergency waiver program may also be accessed by charter schools, tribal compact schools, private schools, the Washington State School for the Deaf, the Washington State School for the Blind, and community and technical colleges granting high school diplomas. Any education entity that accesses the emergency waiver program must adhere to the requirements specified for school districts.

For purposes of the emergency waiver program, "emergency" is defined to mean an event or set of circumstances that: demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency. "Emergency" may also include a national declaration of emergency by an authorized federal official.

Votes on Final Passage:

House	85	11
Senate	45	2

Effective: March 2, 3021