

HOUSE BILL REPORT

EHB 1121

As Passed Legislature

Title: An act relating to the waiver of certain high school graduation requirements in times of emergency.

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.

Brief History:

Committee Activity:

Education: 1/15/21, 1/19/21 [DP].

Floor Activity:

Passed House: 1/27/21, 85-11.

Passed Senate: 2/16/21, 45-2.

Passed Legislature.

Brief Summary of Engrossed Bill

- Authorizes the State Board of Education to permit public and private schools to grant individual student emergency waivers from credit and subject area graduation requirements, graduation pathway requirements, or both, due to a significant disruption from a local, state, or national emergency.
- Makes students in the graduating class of 2020 and subsequent classes eligible for the emergency waiver program.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 7 members: Representatives Santos, Chair; Dolan, Vice Chair; Berg, Bergquist, Callan, Ortiz-Self and Stonier.

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.

Minority Report: Do not pass. Signed by 6 members: Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin, McEntire, Rude and Steele.

Staff: Ethan Moreno (786-7386).

Background:

State Board of Education.

With origins predating statehood, the 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school board directors, one member elected by private school directors, seven members appointed by the Governor, the Superintendent of Public Instruction (SPI), and two non-voting student members.

The SBE has various duties and powers prescribed in statute, 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 according to requirements established by the SBE.

Graduation Requirements—Overview.

To qualify for graduation from a public high school in Washington, students must satisfy course and credit requirements established by the SBE, meet any locally established requirements, complete a high school and beyond plan (HSBP), and meet the requirements of 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.

Novel Coronavirus—Emergency Waivers.

Legislation adopted in 2020 in response to the novel coronavirus (COVID-19) pandemic directed the SBE to establish and administer a new and temporary waiver program for public and private schools impacted by the pandemic. Engrossed House Bill 2965 (enacted as Chapter 7, Laws of 2020), authorized school districts, charter schools, and tribal compact schools to 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 cannot meet the statewide minimum credit and subject area graduation requirements due to school closures

related to COVID-19.

The legislation also authorized the SBE to waive provisions relating to the number of instructional hours, the number of school days, credit-based graduation requirements, and other provisions for the 2019-20 school year for private schools that closed due to COVID-19.

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

Summary of Engrossed Bill:

Beginning with the graduating class of 2020, the SBE may authorize school districts and other delineated education entities 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 when 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 is directed to 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 school district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district 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.

Beginning November 1, 2021, the OSPI must annually provide the emergency waiver data it receives from school districts to the SBE. The SBE, by December 15, 2021, must provide the education committees of the Legislature with a summary and specified analysis of the emergency waiver data provided by the OSPI for students in the graduating classes of 2020 and 2021.

In addition to school districts, the emergency waiver program may 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.

For purposes of the emergency waiver program, "emergency" is defined through an existing definition 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Lawmakers were just beginning to learn about COVID-19 at the end of the 2020 Legislative Session. On the last day of session, the Legislature adopted legislation in response to emerging needs, but the impacts of the virus were unknown. The legislation included temporary waiver provisions, administered by the SBE, that were essential for the graduating class of 2020. This bill establishes a permanent waiver system to respond to known and unforeseen challenges impacting students.

The waivers authorized by the bill will grant flexibility and hope that is needed for students during emergencies. The Legislature should continue to provide flexibility as the COVID-19 challenges continue and compliance with graduation requirements was impossible for some students. The bill has significant bumpers to limit the waivers to circumstances when

they would be most effective, and school districts hope it will deter students from giving up or dropping out.

High school students are in crisis. This bill will help with the COVID-19 crisis, a crisis that will be affecting students for years to come. This bill will allow most students to graduate this year, despite an ongoing pandemic that impacts students' abilities to access graduation pathways and required coursework. The bill also requires a careful look at data to check for disproportionality. The bill will help students move on to the next chapter in their lives.

Thousands of students were at risk of not graduating last spring due to circumstances beyond their control, but the temporary waivers enacted last year enabled them to do so. The temporary waiver authority expired and there is no ongoing waiver mechanism. Credit flexibility is important, but the graduation pathway flexibility might be the most important aspect of the bill as it impacts a greater number of students. Without the legislation, hands are tied and students will not be able to graduate. This legislation is modeled after last year's legislation, but with stronger guardrails.

This bill should be adopted quickly, as students and districts are awaiting certainty. This bill will provide needed certainty and hope for students and staff. Many traditional components of the school year have been impacted, including access to assessments and SAT exams.

Students are experiencing major disruptions through no fault of their own. They are also learning other life lessons through circumstances that recent generations have not faced. This bill recognizes that students who are very close to graduating are, with the agreement of the district, deserving of a diploma and should be spared from the potential harm of being denied a diploma.

The bill should be supported but it is unclear as to how it would apply to students with disabilities.

(Opposed) None.

Persons Testifying: Representative Santos, prime sponsor; Rob Perkins, Evergreen Public Schools; Cindy McMullen, Washington State School Directors' Association; Curt Guaglianone, Mt. Adams School District; Lucinda Young, Washington Education Association; Preston Dwoskin; Roz Thompson, Association of Washington School Principals; Maddy Aroney Thompson, Office of the Governor; and Randy Spaulding, State Board of Education.

Persons Signed In To Testify But Not Testifying: None.