

# SENATE BILL REPORT

## EHB 1121

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 8, 2021

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

**Committee Activity:** Early Learning & K-12 Education: 2/05/21, 2/08/21 [DP].

### Brief Summary of Bill

- Allows the State Board of Education (SBE) to authorize public and private schools to grant individual student waivers from graduation requirements due to a local, state, or national emergency.
- Requires school districts to maintain records and report on waiver usage.
- Directs the SBE to provide waiver data on the graduating classes of 2020 and 2021 to the Legislature.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

**Staff:** Benjamin Omdal (786-7442)

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*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.*

**Background:** State Board of Education. 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, 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. Washington State students must meet various requirements in order to graduate high school and receive a diploma. Students must:

- complete 24 credits in specified subject areas as determined by the SBE, including seven elective credits;
- complete a High School and Beyond Plan;
- meet the requirements of at least one graduation pathway, such as meeting statewide assessment standards, earning credit in dual credit courses, or achieving a particular score on an advanced placement exam, the SAT, or ACT; and
- satisfy any local requirements.

Instructional Hour and Day Requirements. School districts must meet annual minimum requirements for providing instructional hours and school days. Districts must offer students a district-wide average of at least 1080 hours for students in grades 9 through 12 and a minimum of 1000 instructional hours for students in kindergarten through grade 8. School districts must also offer a minimum of 180 days of instruction each year to students in all grades.

COVID-19 Waivers of Graduation Requirements. In response to the COVID-19 pandemic, the Legislature directed the SBE in March 2020 to adopt rules to create an emergency waiver program. Under EHB 2965, school districts, charter schools, and tribal compact schools were able to apply to the SBE to waive high school graduation requirements for the graduating class of 2020 or earlier. The SBE was authorized to approve waivers that met criteria including demonstration of a good faith effort to address core course requirements and credit deficiencies through other mechanisms.

The Legislature permitted the SBE to waive provisions relating to the number of instructional hours, the number of school days, and other provisions for the 2019-20 school year for private schools that closed due to COVID-19.

This waiver authority expired on July 31, 2020.

**Summary of Bill:** Student Emergency Waivers. Beginning with the class of 2020, the SBE may authorize school districts to grant individual student emergency waivers from credit and subject area graduation requirements, the graduation pathway requirement, 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 is 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 High School and Beyond plan and for success in postsecondary education, gainful employment, and civic engagement.

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.

School District Requirements. School districts granted emergency waiver authority must maintain a record of waived courses and requirements as part of the individual student record, maintain records, and report student-level waiver data to Office of the Superintendent of Public Instruction (OSPI).

Districts must also adopt a written plan that describes the district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district if the district decides not to grant an emergency waiver.

School districts must determine if there is disproportionality among student subgroups receiving emergency waivers and take appropriate corrective actions to ensure equitable administration.

State Board of Education Requirements. By December 15, 2021, the SBE shall provide the education committees of the Legislature with a summary of emergency waiver data provided by OSPI for students in the graduating classes of 2020 and 2021. The summary must include the total number of emergency waivers requested and issued, by school district and an analysis of any concerns regarding school district implementation.

Emergency Definition. "Emergency" is defined as 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.

An emergency may also include a national declaration of emergency by an authorized federal official.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: The nature of an emergency means we do not know when, where, and how it will happen. Authority is needed to take action when needed. The emergency definition was added in the House to make sure the definition was not overly broad. School districts need flexibility in order to determine on an individual basis to help students meet graduation requirements. Without many elements of the school year taking place, flexibility is necessary for credits and pathway requirements. Districts last year worked hard to help students meet all credits. The bill has strong accountability measures. Students are struggling even in districts that have been in-person for the entire school year. Many pathway requirements have been difficult for students to meet. Students should not be held back due to inflexible requirements.

**Persons Testifying:** PRO: Representative Sharon Tomiko Santos, Prime Sponsor; Cindy McMullen, Washington State School Directors' Association; Roz Thompson, Association of Washington School Principals; Randy Spaulding, State Board of Education; Jim Kowalkowski, Davenport School District and Rural Education Center; Lucinda Young, Washington Education Association; Kim Reykdal, Office of Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** No one.