
SUBSTITUTE SENATE BILL 5146

State of Washington

66th Legislature

2019 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Wellman, Hunt, and Wilson, C.; by request of State Board of Education)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to flexibility in high school graduation
2 requirements; amending RCW 28A.230.090, 28A.345.080, and 28A.655.065;
3 creating new sections; providing expiration dates; and declaring an
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28A.230.090 and 2018 c 229 s 1 are each amended to
7 read as follows:

8 (1) The state board of education shall establish high school
9 graduation requirements or equivalencies for students, except as
10 provided in RCW 28A.230.122 and except those equivalencies
11 established by local high schools or school districts under RCW
12 28A.230.097. The purpose of a high school diploma is to declare that
13 a student is ready for success in postsecondary education, gainful
14 employment, and citizenship, and is equipped with the skills to be a
15 lifelong learner.

16 (a) Any course in Washington state history and government used to
17 fulfill high school graduation requirements shall consider including
18 information on the culture, history, and government of the American
19 Indian peoples who were the first inhabitants of the state.

20 (b) The certificate of academic achievement requirements under
21 RCW 28A.655.061 or the certificate of individual achievement

1 requirements under RCW 28A.155.045 are required for graduation from a
2 public high school but are not the only requirements for graduation.

3 (c) (i) Each student must have a high school and beyond plan to
4 guide the student's high school experience and prepare the student
5 for postsecondary education or training and career.

6 (ii) A high school and beyond plan must be initiated for each
7 student during the seventh or eighth grade. In preparation for
8 initiating that plan, each student must first be administered a
9 career interest and skills inventory.

10 (iii) The high school and beyond plan must be updated to reflect
11 high school assessment results in RCW 28A.655.070(3)(b) and to review
12 transcripts, assess progress toward identified goals, and revised as
13 necessary for changing interests, goals, and needs. The plan must
14 identify available interventions and academic support, courses, or
15 both, that are designed for students who have not met the high school
16 graduation standard, to enable them to meet the standard. School
17 districts are encouraged to involve parents and guardians in the
18 process of developing and updating the high school and beyond plan,
19 and the plan must be provided to the students' parents or guardians
20 in their native language if that language is one of the two most
21 frequently spoken non-English languages of students in the district.
22 Nothing in this subsection (1)(c)(iii) prevents districts from
23 providing high school and beyond plans to parents and guardians in
24 additional languages that are not required by this subsection.

25 (iv) All high school and beyond plans must, at a minimum, include
26 the following elements:

27 (A) Identification of career goals, aided by a skills and
28 interest assessment;

29 (B) Identification of educational goals;

30 (C) Identification of dual credit programs and the opportunities
31 they create for students, including but not limited to career and
32 technical education programs, running start programs, and college in
33 the high school programs;

34 (D) Information about the college bound scholarship program
35 established in chapter 28B.118 RCW;

36 (E) A four-year plan for course taking that:

37 (I) Includes information about options for satisfying state and
38 local graduation requirements;

39 (II) Satisfies state and local graduation requirements;

1 (III) Aligns with the student's secondary and postsecondary
2 goals;

3 (IV) Identifies dual credit programs and the opportunities they
4 create for students; and

5 (V) Includes information about the college bound scholarship
6 program; and

7 (F) By the end of the twelfth grade, a current resume or activity
8 log that provides a written compilation of the student's education,
9 any work experience, and any community service and how the school
10 district has recognized the community service pursuant to RCW
11 28A.320.193.

12 (d) Any decision on whether a student has met the state board's
13 high school graduation requirements for a high school and beyond plan
14 shall remain at the local level. Effective with the graduating class
15 of 2015, the state board of education may not establish a requirement
16 for students to complete a culminating project for graduation. A
17 district may establish additional, local requirements for a high
18 school and beyond plan to serve the needs and interests of its
19 students and the purposes of this section.

20 (e)(i) The state board of education shall adopt rules to
21 implement the career and college ready graduation requirements
22 proposal adopted under board resolution on November 10, 2010, and
23 revised on January 9, 2014, to take effect beginning with the
24 graduating class of 2019 or as otherwise provided in this subsection
25 (1)(e). The rules must include authorization for a school district to
26 waive up to two credits for individual students based on (~~unusual~~)
27 individual student circumstances under RCW 28A.345.080 and in
28 accordance with written school district policies and procedures that
29 must be adopted by each board of directors of a school district that
30 grants diplomas. The rules must (~~also~~) provide that the content of
31 the third credit of mathematics and the content of the third credit
32 of science may be chosen by the student based on the student's
33 interests and high school and beyond plan with agreement of the
34 student's parent or guardian or agreement of the school counselor or
35 principal. The state board of education may update rules under this
36 subsection as needed.

37 (ii) School districts may apply to the state board of education
38 for a waiver to implement the career and college ready graduation
39 requirement proposal beginning with the graduating class of 2020 or
40 2021 instead of the graduating class of 2019. In the application, a

1 school district must describe why the waiver is being requested, the
2 specific impediments preventing timely implementation, and efforts
3 that will be taken to achieve implementation with the graduating
4 class proposed under the waiver. The state board of education shall
5 grant a waiver under this subsection (1)(e) to an applying school
6 district at the next subsequent meeting of the board after receiving
7 an application.

8 (iii) A school district must update the high school and beyond
9 plans for each student who has not earned a score of level 3 or level
10 4 on the middle school mathematics assessment identified in RCW
11 28A.655.070 by ninth grade, to ensure that the student takes a
12 mathematics course in both ninth and tenth grades. This course may
13 include career and technical education equivalencies in mathematics
14 adopted pursuant to RCW 28A.230.097.

15 (2)(a) In recognition of the statutory authority of the state
16 board of education to establish and enforce minimum high school
17 graduation requirements, the state board shall periodically
18 reevaluate the graduation requirements and shall report such findings
19 to the legislature in a timely manner as determined by the state
20 board.

21 (b) The state board shall reevaluate the graduation requirements
22 for students enrolled in vocationally intensive and rigorous career
23 and technical education programs, particularly those programs that
24 lead to a certificate or credential that is state or nationally
25 recognized. The purpose of the evaluation is to ensure that students
26 enrolled in these programs have sufficient opportunity to earn a
27 certificate of academic achievement, complete the program and earn
28 the program's certificate or credential, and complete other state and
29 local graduation requirements.

30 (c) The state board shall forward any proposed changes to the
31 high school graduation requirements to the education committees of
32 the legislature for review. The legislature shall have the
33 opportunity to act during a regular legislative session before the
34 changes are adopted through administrative rule by the state board.
35 Changes that have a fiscal impact on school districts, as identified
36 by a fiscal analysis prepared by the office of the superintendent of
37 public instruction, shall take effect only if formally authorized and
38 funded by the legislature through the omnibus appropriations act or
39 other enacted legislation.

1 (3) Pursuant to any requirement for instruction in languages
2 other than English established by the state board of education or a
3 local school district, or both, for purposes of high school
4 graduation, students who receive instruction in American sign
5 language or one or more American Indian languages shall be considered
6 to have satisfied the state or local school district graduation
7 requirement for instruction in one or more languages other than
8 English.

9 (4) If requested by the student and his or her family, a student
10 who has completed high school courses before attending high school
11 shall be given high school credit which shall be applied to
12 fulfilling high school graduation requirements if:

13 (a) The course was taken with high school students, if the
14 academic level of the course exceeds the requirements for seventh and
15 eighth grade classes, and the student has successfully passed by
16 completing the same course requirements and examinations as the high
17 school students enrolled in the class; or

18 (b) The academic level of the course exceeds the requirements for
19 seventh and eighth grade classes and the course would qualify for
20 high school credit, because the course is similar or equivalent to a
21 course offered at a high school in the district as determined by the
22 school district board of directors.

23 (5) Students who have taken and successfully completed high
24 school courses under the circumstances in subsection (4) of this
25 section shall not be required to take an additional competency
26 examination or perform any other additional assignment to receive
27 credit.

28 (6) At the college or university level, five quarter or three
29 semester hours equals one high school credit.

30 **Sec. 2.** RCW 28A.345.080 and 2014 c 217 s 203 are each amended to
31 read as follows:

32 (1) The Washington state school directors' association shall
33 adopt a model policy and procedure that school districts may use for
34 granting waivers to individual students of up to two credits required
35 for high school graduation based on (~~unusual~~) individual student
36 circumstances. The purpose of the model policy and procedure is to
37 assist school districts in providing all students the opportunity to
38 complete graduation requirements without discrimination and without
39 disparate impact on groups of students. The model policy must take

1 into consideration (~~(the unique limitations of a)~~) individual student
2 (~~(that may be associated with such)~~) circumstances (~~(as)~~) including,
3 but not limited to, homelessness, limited English proficiency,
4 medical conditions that impair a student's opportunity to learn, or
5 disabilities, regardless of whether the student has an individualized
6 education program or a plan under section 504 of the federal
7 rehabilitation act of 1973, and other circumstances that directly
8 compromise a student's ability to learn. The model policy must also
9 address waivers if the student has not been provided with an
10 opportunity to retake classes or enroll in remedial classes free of
11 charge during the first four years of high school.

12 (2) The Washington state school directors' association must
13 distribute the model policy and procedure to all school districts in
14 the state that grant high school diplomas by June 30, (~~(2015)~~) 2020.

15 **Sec. 3.** RCW 28A.655.065 and 2017 3rd sp.s. c 31 s 2 are each
16 amended to read as follows:

17 (1) The legislature has made a commitment to rigorous academic
18 standards for receipt of a high school diploma. The primary way that
19 students will demonstrate that they meet the standards in reading,
20 writing, mathematics, and science is through the statewide student
21 assessment. Only objective assessments that are comparable in rigor
22 to the state assessment are authorized as an alternative assessment.
23 Before seeking an alternative assessment, the legislature expects
24 students to make a genuine effort to meet state standards, through
25 regular and consistent attendance at school and participation in
26 extended learning and other assistance programs.

27 (2) Under RCW 28A.655.061, beginning in the 2006-07 school year,
28 the superintendent of public instruction shall implement objective
29 alternative assessment methods as provided in this section for
30 students to demonstrate achievement of the state standards in content
31 areas in which the student has not yet met the standard on the high
32 school statewide student assessment. A student may access an
33 alternative if the student meets applicable eligibility criteria in
34 RCW 28A.655.061 and this section and other eligibility criteria
35 established by the superintendent of public instruction, including
36 but not limited to attendance criteria and participation in the
37 remediation or supplemental instruction contained in the student
38 learning plan developed under RCW 28A.655.061. A school district may

1 waive attendance and/or remediation criteria for special, unavoidable
2 circumstances.

3 (3) For the purposes of this section, "applicant" means a student
4 seeking to use one of the alternative assessment methods in this
5 section.

6 (4) One alternative assessment method shall be a combination of
7 the applicant's grades in applicable courses and the applicant's
8 highest score on the high school statewide student assessment, as
9 provided in this subsection. A student is eligible to apply for the
10 alternative assessment method under this subsection (4) if the
11 student has a cumulative grade point average of at least 3.2 on a
12 four point grading scale. The superintendent of public instruction
13 shall determine which high school courses are applicable to the
14 alternative assessment method and shall issue guidelines to school
15 districts.

16 (a) Using guidelines prepared by the superintendent of public
17 instruction, a school district shall identify the group of students
18 in the same school as the applicant who took the same high school
19 courses as the applicant in the applicable content area. From the
20 group of students identified in this manner, the district shall
21 select the comparison cohort that shall be those students who met or
22 slightly exceeded the state standard on the statewide student
23 assessment.

24 (b) The district shall compare the applicant's grades in high
25 school courses in the applicable content area to the grades of
26 students in the comparison cohort for the same high school courses.
27 If the applicant's grades are equal to or above the mean grades of
28 the comparison cohort, the applicant shall be deemed to have met the
29 state standard on the alternative assessment.

30 (c) An applicant may not use the alternative assessment under
31 this subsection (4) if there are fewer than six students in the
32 comparison cohort.

33 (5) The superintendent of public instruction shall implement:

34 (a) By June 1, 2006, a process for students to appeal the score
35 they received on the high school assessments;

36 (b) By January 1, 2007, guidelines and appeal processes for
37 waiving specific requirements in RCW 28A.655.061 pertaining to the
38 certificate of academic achievement and to the certificate of
39 individual achievement for students who: (i) Transfer to a Washington
40 public school in their junior or senior year with the intent of

1 obtaining a public high school diploma, or (ii) have special,
2 unavoidable circumstances;

3 (c) (i) (~~For the graduating classes of 2014, 2015, 2016, 2017,~~
4 ~~and 2018,~~) An expedited appeal process for waiving specific
5 requirements in RCW 28A.655.061 pertaining to the certificate of
6 academic achievement and the certificate of individual achievement
7 for eligible students who have not met the state standard on the
8 English language arts statewide student assessment, the mathematics
9 high school statewide student assessment, the science statewide
10 student assessment, or (~~both~~) all three. The student or the
11 student's parent, guardian, or principal may initiate an appeal with
12 the district and the district has the authority to determine which
13 appeals are submitted to the superintendent of public instruction for
14 review and approval. The superintendent of public instruction may
15 only approve an appeal if it has been demonstrated that the student
16 has the necessary skills and knowledge to meet the high school
17 graduation standard and that the student has the skills necessary to
18 successfully achieve the college or career goals established in his
19 or her high school and beyond plan. Pathways for demonstrating the
20 necessary skills and knowledge may include, but are not limited to:

21 (A) Successful completion of a college-level class in the
22 relevant subject area;

23 (B) Admission to a higher education institution or career
24 preparation program;

25 (C) Award of a scholarship for higher education; or

26 (D) Enlistment in a branch of the military.

27 (ii) A student in the class of 2014, 2015, 2016, or 2017 is
28 eligible for the expedited appeal process in (c)(i) of this
29 subsection if he or she has met all other graduation requirements
30 established by the state and district.

31 (iii) A student in the class of 2018 is eligible for the
32 expedited appeal process in (c)(i) of this subsection if he or she
33 has met all other graduation requirements established by the state
34 and district and has attempted at least one alternative assessment
35 option as established in (~~RCW 28A.655.065~~) this section.

36 (6) The state board of education shall examine opportunities for
37 additional alternative assessments, including the possible use of one
38 or more standardized norm-referenced student achievement tests and
39 the possible use of the reading, writing, or mathematics portions of
40 the ACT ASSET and ACT COMPASS test instruments as objective

1 alternative assessments for demonstrating that a student has met the
2 state standards for the certificate of academic achievement. The
3 state board shall submit its findings and recommendations to the
4 education committees of the legislature by January 10, 2008.

5 (7) The superintendent of public instruction shall adopt rules to
6 implement this section.

7 NEW SECTION. **Sec. 4.** (1) The state board of education shall
8 convene and lead a competency-based education work group by June 1,
9 2019. The purpose of the work group is to facilitate student access
10 to relevant and robust pathways aligned to their personal goals for
11 their career and further education as reflected in their high school
12 and beyond plans. The work group shall coordinate the:

13 (a) Development of a competency-based pathway to the diploma; and
14 (b) Expansion of options for competency-based credit that meet
15 graduation requirements.

16 (2) The work group may not exceed twenty-one members and must
17 include the following members:

18 (a) Two students as selected by the association of Washington
19 student leaders;

20 (b) Two parents as selected by the Washington state parent
21 teacher association;

22 (c) One representative from the Washington state commission on
23 African-American affairs as selected by the governor;

24 (d) One representative from the Washington state commission on
25 Asian Pacific American affairs as selected by the governor;

26 (e) One representative from the Washington state commission on
27 Hispanic affairs as selected by the governor;

28 (f) One representative from the governor's office of Indian
29 affairs as selected by the governor;

30 (g) One representative from the educational opportunity gap
31 oversight and accountability committee as selected by the educational
32 opportunity gap oversight and accountability committee;

33 (h) One high school principal as selected by the association of
34 Washington school principals;

35 (i) One high school certificated teacher as selected by the
36 Washington education association;

37 (j) One high school counselor as selected by the Washington
38 education association;

1 (k) One school district board member as selected by the
2 Washington state school directors' association;

3 (l) One school district superintendent as selected by the
4 Washington association of school administrators;

5 (m) One community or technical college instructor or
6 administrator as selected by the Washington state board for community
7 and technical colleges;

8 (n) One university faculty or administrator as selected by the
9 Washington student achievement council;

10 (o) One representative from the office of the superintendent of
11 public instruction as selected by the superintendent of public
12 instruction;

13 (p) One representative from the state board of education as
14 selected by the chair of the state board of education; and

15 (q) Three representatives from business or industry as selected
16 by the workforce training and education coordinating board.

17 (3) The state board of education shall:

18 (a) Provide leadership of the work group;

19 (b) Coordinate work group membership to ensure member diversity,
20 including racial, ethnic, gender, geographic, community-size, and
21 expertise diversity;

22 (c) Provide staff support to the work group; and

23 (d) Submit an interim report outlining preliminary findings and
24 potential recommendations to the governor and the legislature by
25 December 1, 2019, and a final report detailing all findings and
26 recommendations related to the work group's purpose and tasks
27 described in subsection (1) of this section by December 1, 2020.

28 (4) This section expires March 1, 2021.

29 NEW SECTION. **Sec. 5.** (1) By December 1, 2021, the state board
30 of education shall report to the legislature on the data, successes,
31 and challenges in implementing two-credit waivers under RCW
32 28A.230.090 and expedited appeals under RCW 28A.655.065.

33 (2) This section expires June 30, 2022.

34 NEW SECTION. **Sec. 6.** Sections 3 and 4 of this act are necessary
35 for the immediate preservation of the public peace, health, or

1 safety, or support of the state government and its existing public
2 institutions, and take effect immediately.

--- **END** ---