

MEMORANDUM

DATE: September 2005

TO: Interested Parties

FROM: Office of the Attorney General (AGO)
Office of Superintendent of Public Instruction (OSPI)
State Board for Community and Technical Colleges (SBCTC)
Higher Education Coordinating Board (HECB)
State Board of Education (SBE)

SUBJECT: Running Start Program — Questions and Answers

The Running Start Program was initiated by the Legislature as a component of the 1990 parent and student “Choice” Act (Chapter 9, Laws of 1990, 1st Ex. Sess.). It is intended to provide students a program option consisting of attendance at certain institutions of higher education and the simultaneous earning of high school and college/university credit.

Eleventh and twelfth grade students have a right granted by the Legislature to participate in Running Start at public expense. The exercise of that right is subject only to minimal eligibility and procedural requirements, which are spelled out, in state administrative rules.

This document is the 2005 updated version of the “brochure” first printed in April 1997. The answers have been developed in collaboration with a variety of K-12 and higher education representatives and the Office of the Attorney General. The answers reflect how schools, school districts, and higher education institutions need to implement or administer various elements of Running Start in order to be in compliance with state statutes. There are a total of 59 questions distributed among the following categories:

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The applicable statutes are RCW 28A.600.300 through 28A.600.380, RCW 28A.150.260, and RCW 28A.150.290 (see Appendix A).

The applicable implementing rules are found in Chapter 392-169 WAC (OSPI rules) (see Appendix B).

RUNNING START PROGRAM

Questions and Answers

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For additional information contact:

Kyra Kester
Office of Superintendent of Public
Instruction
P.O. Box 47200
Olympia, WA 98504-7200
(360) 725-6255
kkester@ospi.wednet.edu

Sally Zeiger Hanson
State Board for Community and
Technical Colleges
P.O. Box 42495
Olympia, WA 98504-2495
(360) 704-4334
shanson@sbctc.ctc.edu

Ricardo Sanchez
Higher Education Coordinating Board
P.O. Box 43430
Olympia, WA 98504-3430
(360) 753-7824
ricardos@hecb.wa.gov

Larry Davis
State Board of Education
P.O. Box 47206
Olympia, WA 98504-7206
(360) 753-6715
ldavis@ospi.wednet.edu

RUNNING START QUESTIONS AND ANSWERS

Eligibility

Q-1. May a school district condition a student's eligibility for enrollment of a student in the Running Start Program upon a determination by school district personnel that the student is academically qualified to take college or university course work?

A. No. The determination of whether or not a student is competent to profit from college or university course work is within the jurisdiction and authority of the college or university to make.

Q-2. May a school district condition a student's eligibility for enrollment in the Running Start Program upon the maintenance of a particular grade point average?

A. No. The eligibility requirements for participation in the Running Start Program are set forth in statute and rule to the exclusion of any GPA requirement. Nothing in statute or rule implies any authority for school districts to impose additional requirements or conditions upon a student who meets the minimum requirements imposed by law.

Q-3. May a second year senior enroll in the Running Start Program? (WAC 392-169-055)

A. A second year senior is generally understood as being a student who has failed to meet high-school graduation requirements as of the end of the student's 12th grade academic year. A second year senior may enroll in the Running Start Program, but may enroll only for those specific courses needed to graduate from high school.

Q-4. May a high school deny Running Start participation to students under the age of 21?

A. No, not if the student meets eligibility requirements.

Q-5. How is junior/senior standing determined?

A. It is the responsibility of the common school district to establish junior/senior standing. Any criteria used to establish grade placement must be applied uniformly to all students.

Q-6. Are Running Start students subject to the compulsory attendance laws?

A. Yes, Running Start students are subject to the compulsory attendance law, as set out in RCW 28A.225.010.

Q-7. May a student expelled from high school for a serious offense enroll in Running Start?

A. Yes. Each institution handles the violation of student conduct rules separately. That is to say, a student could be expelled by a high school and continue to participate in college classes. The reverse is also true.

Q-8. If a currently enrolled Running Start student moves out of the high school district, can the student continue Running Start through the original district?

A. Yes. A Running Start student who changes his or her school district of residence, following enrollment in Running Start, solely for the purpose of attending an institution of higher education, shall be deemed to have retained his or her residence in the school district of initial Running Start enrollment for high school graduation, funding, and other purposes under the Running Start Program.

Q-9. May a district require that a student attend the high school for the purpose of completing a culminating requirements project?

A. Yes, if the project is required for high school graduation and the requirement cannot be met otherwise. See the answer to EQ-12 below.

Q-10. Do Running Start students need to meet the new graduation requirements including the culminating project and a high school and beyond education plan?

A. Yes, otherwise the student does not qualify for a high school diploma. Running Start does not exempt students from meeting graduation requirements.

Q-11. May a Running Start student be enrolled full-time at the college or university and also enroll in classes at the high school?

A. Yes. A student may be counted up to two FTEs between the high school and the college or university with a maximum of one FTE at each institution. This change was to accommodate the student who was jointly enrolled for a total of 1.2 or 1.3 FTEs, for example. This requires very close counseling and agreement by representatives of both institutions. The student is reported on the high school's enrollment report, as well as the enrollment report at the college or university.

Q-12. May Running Start students be excused from the statewide testing required by OSPI because the testing conflicts with college classes?

A. Generally speaking, no. Arrangements should be made at the college to accommodate the student who is taking the high school test required by the state.

Q-13. If a Running Start student withdraws from the college, can the high school prohibit the student from returning to the high school?

A. No. It is the duty of the high school to provide an education for students residing in the district.

Q-14. How do potential Running Start students learn about the program?

A. The school district is required to inform all 10th and 11th graders and their parents/guardians about the program.

Q-15. Who determines which college or technical school the students will attend?

A. The student and their parents. Normally the student will attend the institution closest to their high school district.

Q-16. Is a school district required to provide transportation to a student with disabilities who wants to take classes through Running Start?

A. A school district would be responsible for necessary transportation of a Running Start student to and from college if the student's Individualized Education Plan (IEP) provides for Running Start enrollment in an institution of higher education.

Q-17. Can a school district deny a student from applying for Running Start enrollment if the student does not want a diploma from the district or the high school?

A. Under current rules, the answer is no. If the student meets all eligibility requirements, the school district cannot keep a student from participating.

Q-18. Is there any legal authority that allows a community college to limit the proportion of Running Start students in any individual class?

- A. A policy placing a blanket restriction on Running Start enrollment to a fixed percentage of any class is unlikely to fit within authorized community or technical college enrollment restrictions. The burden would be on the college to establish a sufficient rationale for any policy adopted to limit Running Start enrollment. Any such policy: 1) must be generally applicable; and 2) must be related to: physical facility limitations, or operating funds limitations, or academically efficient class size, or a student's ability to benefit from a particular class, course or program.

Q-19. Can a school district impose a registration deadline for Running Start?

- A. No. However, the college can impose a registration deadline. It is recommended that the high schools and colleges work together to define a mutually agreeable deadline for registration.

Q-20. Can colleges ask for students' immigration and/or residency status on Running Start application forms?

- A. No. Residency and immigration status are not a factor for Running Start students. Students' residency is established by their eligibility to enroll in their home high school. Colleges have been asked to remove this question from their Running Start application forms.

Q-21. Can schools that have accepted non-resident students under the "choice" legislation send a student back to their home high school if they want to participate in Running Start?

- A. School districts must have a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications for nonresident attendance. If a student meets the districts criteria for acceptance, we are unable to see how participation in the Running Start program thereafter renders the student no longer acceptable. If a district were to attempt to revoke an acceptance of a nonresident student mid-year, the student would have an appeal right to OSPI under RCW 28A.225.230 and WAC 392 137-230. Running Start participation is not among the rejection criteria for non-resident students specified in RCW 28A.225.225(3).

Q-22. How long is a student with an IEP eligible for Running Start?

- A. Running Start is intended to provide the equivalent of two academic years of eligibility for dual credit. An IEP, however, may indicate a student's need to extend the length of time required to complete his or her secondary education. It is also possible that the academic and calendar year may not coincide under the IEP. Eligibility for Running

Start may continue, if appropriate to the IEP, while the student continues work toward the diploma so long as the courses being taken continue to earn credit in both the secondary and postsecondary system and the student is otherwise eligible.

Q-23. Can high schools limit registration times so that students have restricted periods during which they can declare their intent to do Running Start (to accommodate the district's review of the proposed course for high school credit) OR since campuses have rolling admissions (and open admission for some courses) are districts required to accommodate the campus schedule?

A. No, high schools may not limit registration times. However, the college can impose a registration deadline. It is recommended that the high schools and colleges work together to define a mutually agreeable deadline for registration. High schools may establish a schedule for reviewing course equivalencies. Schedules must include enough flexibility to not impeded students' Running Start participation.

Homeschool/Private School Students

Q-1. Can you clarify the impact of SB 5289?

- A. Senate Bill 5289 was passed by the 2005 legislature and resulted in the following language changes to statute related to Running Start:

Sec. 1 RCW 28A.600.310 and 1994 c 205 s 2 are each amended to read as follows:

(1) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma ((~~or its equivalent~~)) and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education. A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements.

This changed language means two things:

- 1) Home school students who participate in Running Start will not be reflected in the home high school's annual accountability data.
- 2) A student who has completed all the credits needed for high school graduation is no longer eligible for Running Start.

Q-2. May home schooled and private schooled students enroll in the Running Start Program?

- A. Yes. The students must enroll through the local public high school and have obtained junior or senior standing. The home school student so enrolled does not have to attend classes in the public high school in order to participate in Running Start.

Q-3. How is junior/senior standing determined for private schools and home schooled students who wish to participate in Running Start? (WAC 28A-200-010)

- A. It is the responsibility of the common school district to establish grade placement criteria. Some schools consider age appropriateness; others review credits and prior learning. In other cases, a standardized achievement test may be used in the absence of adequate documentation of a student's home-based education.

Graduation Requirements

Q-1. Can the district require "progress toward the diploma" and require that students not only earn credits, but complete the other requirements for graduation, such as portfolios and plans?

A. Yes. Districts are reminded that the statute prohibits them from impeding a student's participation in Running Start. Thus, they should not create procedures for those requirements that cannot be reconciled with Running Start participation. Requiring daily attendance at a portfolio class, for example, would logically hinder participation, but students should be able to accommodate a monthly meeting or class required to demonstrate evidence of progress.

Q-2. Can a student have all the credits for a diploma and still attend Running Start if they do not take the step of graduating?

A. No. This was clarified by the 2005 legislature passing Senate Bill 5289. Students who have completed all the credits needed for graduation are no longer eligible to participate in RS. It must be noted that student eligibility is determined at the beginning of each school year and does not change mid-year (WAC 392-169-020)

Transcripts

Q-1. When a student in Running Start drops a class at the college, and receives a "W" on their college transcript, should the high school post the grade as an "F" on the high school transcript?

A. It must be posted as a "W" on the high school transcript.

Q-2. If a Running Start student fails to pay his fees to a college, but otherwise completes the coursework satisfactorily, can the college withhold his grades? Can the student be prevented from graduating from high school?

A. The answer to the first question lies in the applicable policy of the particular institution. The answer to the second question is no. The failure to pay college fees related to the earning of college credit via Running Start is separate from the issue of whether the student satisfactorily met the course requirements to pass and apply the earned credits toward high school graduation. The college is limited to withholding the student's grades only pertaining to issuing the student's college transcript. In the situation described above, the high school counselor and the Running Start coordinator at the college must communicate with one another in order for the high school to be apprised of the student's grade. It is possible for a student to receive high school credit, but not college credit, in the situation described.

Q-3. Are all Running Start courses shown on the high school transcript?

A. WAC 392-169-015 states that Running Start is, "for the purpose of earning at least high school credit to be awarded by a school district, and such additional college level or university level credit as may be awarded by the institution of higher education." Therefore, Running Start courses do need to be recorded on the transcript.

Q-4. How does the high school transcribe a grade from a college class through Running Start if the college uses a different grading scale than the high school? (e.g., the college bases a B- on a 2.6 and the high school uses 2.7). Will the student have different grades on the high school and college transcripts?

A. It is possible that the respective transcripts will show different grades. However, the high school transcript needs to record the grade in compliance with WAC 180-57-050. The high school would transcribe the grade appropriate to the rules for K-12 and the college would transcribe the grade appropriate to its policy.

Q-5. Can a transcript be altered for a student who took an AP class, but did not take the test, to indicate an Honors class rather than an AP class?

A. This is a local decision. State Board rules are silent on the issue.

Q-6. Students seem to be disadvantaged by taking high school honor classes rather than College-in-the-High School or Running Start courses. Does the SBE have a policy regarding this?

A. No. The issue is one of course delivery, a matter over which the State Board has no jurisdiction. A college representative comments: "There are different advantages and disadvantages to each route. Many highly selective colleges will not recognize College-In-The-High School or Running Start credits, but look favorably on honors classes".

Q-7. Should a school/district award dual credit to a student who successfully completes a College in the High School class?

A. "Yes." If the student passes the class and earns the credits, the transcript must record the high school credit earned. The college credit that is earned is recorded on the transcript of the college the student will attend, subject to that institution's credit recognition policy.

Student Activities

Q-1. May Running Start students participate in college or university campus activities, such as student government, organizations, and clubs?

A. Yes. Running start students may participate in any activities on the college/university campus, except intercollegiate sports. Running Start students may also participate in any high school activities, but may not compete in the same activity at both the high school and college level. Example: a debate student may not participate in high school and college debate teams. The students must choose one level for competition.

Q-2. Can a school district or high school preclude a student from being eligible to be senior class valedictorian or senior class salutatorian if the student enrolls in one or more classes via Running Start?

A. Such preclusion could violate equal protection principles. A 12th grade Running Start student and a 12th grade regular high school student are each entitled to participate equally in a high school graduation ceremony. A school should have criteria, other than mere status as a Running Start student, for these honors. For example, if the sole criterion for being selected were a high grade point average (GPA), a Running Start student with a high GPA would be just as eligible as a non-Running Start student with a high GPA. On the other hand, if the eligibility threshold is a high GAP, coupled with a certain level of participation in class or school activities (e.g., serving as class officer or other leadership activity), it is possible that a Running Start student would have a more difficult time qualifying.

Credit

Q-1. May a high school district elect to reduce the rate of credit granted a Running Start student for five-quarter (credit) hours of college work to less than one credit?

A. No. State law has established that five-quarter (credit) hours shall equal one high school credit. School districts therefore, are required to grant one full high school credit for every five-quarter credit hours of work successfully completed by a Running Start student.

Q-2. May high school districts split the credits between required and elective courses?

A. Yes, but not on a uniform rate basis, but rather on a case by case evaluation of the extent to which a college course is the equivalent of required high school course work. An arbitrary uniform rate is squarely at odds with the course-by-course comparison and judgment required by WAC 392-169-050. It is permissible for the common school district superintendent, on an individual course basis, to split the credit for a course that is not comparable, following consultation with a college representative. The total credit awarded must still equate to the five-quarter credits equals one high school credit basis.

Q-3. May a high school restrict Running Start students from taking two like subjects in the same academic year? (example: English 101 and 102).

A. No.

Q-4. Are Running Start students allowed to take on-line and telecourse classes?

A. It depends on local School Board policy applicable to all students. If School Board policy states that credit will not be granted for Distance Ed courses and the policy applies to all students, not just Running Start students, the District can deny the credit.

Q-5. May a Running Start student "challenge" a course and have the high school pay for the credits?

A. No.

Q-6. Do credits earned in private school count toward a public high school diploma?

A. Credits earned in a private school may count toward a public high school diploma. It is up to the district and/or high school to determine if a private school student's credits satisfy the district and/or high school graduation requirements.

Q-7. May a school district or school award a diploma to a private school student who enrolls in the public district, but takes classes only through Running Start?

A. The general rule is that a district's high school graduation policy must apply equally to all students. Thus, if a public school student is enrolled in Running Start and is completing remaining graduation requirements solely via Running Start, and is otherwise eligible to be awarded a diploma, it is fundamentally no different from the private school student who does the same thing by enrolling in the district, but attending classes only through Running Start.

Fees

Q-1. May a high school seek reimbursement from a Running Start student for failure of a course?

A. No.

Q-2. How can colleges determine which fees Running Start students can be charged?

A. Each fee must each be evaluated individually for its impact on course work and related activities and charged (or not) based on that determination. Fees subject to this analysis include, but are not limited to the following: Mandatory, student approved fees, such as transportation demand management fees; facility use fees; other optional use fees, such as those required for participation in student activities not directly related to the course work; fees for parking, student I.D. cards, recreation center access fees; and computer lab fees (unrelated to course work).

A college may not require a Running Start student to pay any tuition or fee as a condition to the student's full participation in college or university course work and related activities, or as a condition to the award of credit. A useful way of approaching a question about any particular fee is to ask whether the Running Start student can participate as fully and effectively in the educational program as other students if the Running Start student were not to receive the services/materials supported by the fee. If the fee can be legitimately characterized as a consumable cost and does not restrict access to the student's full participation in course work and instruction-related activities, it is likely allowable. Students may be charged for consumable supplies, texts, or other materials to be retained by the student. Colleges should consult with their assigned assistant attorney general before deciding to pass any new fee along to Running Start students.

Colleges may also internally charge costs to the Running Start income received from the school district for the Running Start enrollments.

Q-3. What is the credit maximum for student tuition and when do colleges charge extra tuition for overloads taken by students?

A. With the exception of vocational program enrollments, the first credit beyond the 18 credit maximum allowed in the Running Start rules, as amended, should be charged as the first state credit at appropriate per-credit rates and the two-credit minimum would apply. For students enrolled in vocational programs, where program requirements necessitate enrollment for more than 18 credits per quarter (or five clock hours for technical colleges), the college can waive the credits above 18. Student enrollment in classes beyond program requirements should be charged at regular state rates.

Q-4. Can school districts assess a fine or fee against students for failing running start courses, withdrawing from Running Start courses, or never showing up for a Running Start course?

- A. There is no basis for such a fee, particularly for academic failure. Assessing a penalty against one subset of students for failing academically is inequitable and raises an equal protection question. Under RCW 28A.225.210, each district is to admit all students residing within its borders on a tuition free basis. Under RCW 28A.600, participation in Running Start is an option open to all student who attain junior or senior status. Thus, assessing a financial penalty for poor academic performance is contrary to the tuition-free provision of basic education services

Regarding assessment of a fee for withdrawing or not attending Running Start classes, there is a general rule regarding government's imposition of fees that holds fees are collectible only when and to the extent authorized by law. There is no express authority to assess such fees. Further, the Running Start legislation makes it clear that schools cannot condition running start participation in any way on payment of fees.

Parental Rights and Responsibilities

- Q-1. May the parent of a Running Start student request attendance and grade information from the college or university?**
- A.** Running Start students have the same rights and responsibilities as other college students. Student information is confidential and may be released to a parent if a student gives permission by completing a release form or if the parent supplies proof that the student is listed as a dependent on the parent's federal income tax return. There is one exception to parental access without student consent, and that involves those cases in which a parent claims the student a dependent for income tax purposes.
- Q-2. May Running Start students participate in field trips that are scheduled as a part of the college course?**
- A.** Yes, but written parental permission should be obtained for all field trips. If parents do not give permission, alternative options must be arranged by faculty.

Foreign Exchange/International Students

Q-1. Are foreign exchange students eligible to participate in Running Start?

A. Yes, Running Start satisfies high school credit and attendance requirements. The exception is that students with an F-1 visa who are paying full tuition to attend high school are not eligible to participate.

Other

- Q-1. Under Running Start, is it the college or the high school/school district that determines if a college course is vocational and can a vocational education course be reimbursed to K-12 under Running Start?**
- A. There is no clear answer to the first half of the question, but state budget language does authorize the Superintendent of Public Instruction to approve secondary vocational offerings for purposes of receiving vocational education funding. The answer to the second half of the question is yes; the vocational education enhancement is funded under Running Start.
- Q-2. If a student has completed graduation requirements, but has not yet graduated, and drops out of any courses being taken through Running Start, is the student considered truant? (See also Eligibility Q-9)**
- A. Technically, meeting graduation requirements with or without a diploma satisfies the compulsory attendance requirement.
- Q-3. Can a student withdraw from a class taken through Running Start without the permission of the high school or school district?**
- A. Technically, yes, but there needs to be coordination, and perhaps enrollment in high school to avoid being truant.
- Q-4. Can a high school or school district impose a sequence requirement on Running Start students?**
- A. A rational course sequence requirement could be imposed as long as it applied to all high school students.
- Q-5. Can a high school that operates a seven-period schedule convert one period to allow the offering of college courses under Running Start and still claim a full FTE amount of funding under the basic education funding formula, and can the participating college claim a full or partial FTE for students enrolled in a course through Running Start under this scenario?**
- A. The course cannot, for funding purposes, be both a basic education offering and a college course for Running Start. It is conceivable that both regular high school courses, and Running Start courses, could be offered at different times on a high school campus, and separately generate basic education allocation (BEA) and Running Start funding. However, the conduct of the courses by the high school and by a college or university should be demonstrably separate and distinct.

Q-6. Who is responsible for covering the costs associated with ADA / section 504 accommodations for Running Start students?

A. The college.

Q-7. Who is responsible for covering the costs associated with special education services that are outlined in a student's Individualized Education Plan (IEP)?

A. Generally, high schools are responsible for providing or paying for the services outlined in an IEP. Colleges and high schools should work together to ensure that students' needs are being met.