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SENATE BILL 5414

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators McAuliffe, King, Oemig, and McDermott

Read first time 01/21/09. Referred to Committee on Early Learning & K-12 Education.

1            AN ACT Relating to high school assessment recommendations of the  
2 WASL legislative work group; amending RCW 28A.655.061, 28A.655.066, and  
3 28A.655.0611; adding new sections to chapter 28A.300 RCW; and creating  
4 a new section.

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

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 28A.300  
7 RCW to read as follows:

8            (1) The legislature finds that a statewide student assessment  
9 system should improve and inform classroom instruction, support  
10 accountability, and provide useful information to all levels of the  
11 educational system, including students, parents, teachers, schools,  
12 school districts, and the state. The legislature intends to redesign  
13 the current statewide system, in accordance with the recommendations of  
14 the Washington assessment of student learning legislative work group,  
15 to:

16            (a) Include multiple assessment formats, including both formative  
17 and summative, as necessary to provide information to help improve  
18 instruction and inform accountability;

1 (b) Enable collection of data that allows both statewide and  
2 nationwide comparisons of student learning and achievement; and

3 (c) Be balanced so that the information used to make significant  
4 decisions that affect school accountability or student educational  
5 progress includes many data points and does not rely on solely the  
6 results of a single assessment.

7 (2) The legislature further finds that one component of the  
8 assessment system should be instructionally supportive formative  
9 assessments. The key design elements or characteristics of an  
10 instructionally supportive assessment must:

11 (a) Be aligned to state standards in areas that are being assessed;

12 (b) Measure student growth and competency at multiple points  
13 throughout the year in a manner that allows instructors to monitor  
14 student progress and have the necessary trend data with which to  
15 improve instruction;

16 (c) Provide rapid feedback;

17 (d) Link student growth with instructional elements in order to  
18 gauge the effectiveness of educators and curricula;

19 (e) Provide tests that are appropriate to the skill level of the  
20 student;

21 (f) Support instruction for students of all abilities, including  
22 highly capable students and students with learning disabilities;

23 (g) Be culturally, linguistically, and cognitively relevant,  
24 appropriate, and understandable to each student taking the assessment;

25 (h) Inform parents and draw parents into greater participation of  
26 the student's study plan;

27 (i) Provide a way to analyze the assessment results relative to  
28 characteristics of the student such as, but not limited to, English  
29 language learners, gender, ethnicity, poverty, age, and disabilities;

30 (j) Strive to be computer-based and adaptive; and

31 (k) Engage students in their learning.

32 (3) The legislature further finds that a second component of the  
33 assessment system should be a state-administered summative achievement  
34 assessment that can be used as a check on the educational system in  
35 order to guide state expectations for the instruction of children and  
36 satisfy legislative demands for accountability. The key design  
37 elements or characteristics of the state administered achievement  
38 assessment must:

- 1 (a) Be aligned to state standards in areas that are being assessed;
- 2 (b) Maintain and increase academic rigor;
- 3 (c) Measure student learning growth over years; and
- 4 (d) Strengthen curriculum.

5 (4) The legislature further finds that a third component of the  
6 assessment system should include classroom-based assessments, which may  
7 be formative, summative, or both. Depending on their use, classroom-  
8 based assessments should have the same design elements and  
9 characteristics described in this section for formative and summative  
10 assessments.

11 (5) The legislature further finds that to sustain a strong and  
12 viable assessment system, preservice and ongoing training should be  
13 provided for teachers and administrators on the effective use of  
14 different types of assessments.

15 (6) The legislature further finds that as the statewide data system  
16 is developed, data should be collected for all state-required statewide  
17 assessments to be used for accountability and to monitor overall  
18 student achievement.

19 (7) The superintendent of public instruction, in consultation with  
20 the state board of education, shall begin design and development of an  
21 overall assessment system that meets the principles and characteristics  
22 described in this section. Beginning December 1, 2009, and annually  
23 thereafter, the superintendent and state board shall jointly report to  
24 the legislature regarding the assessment system, including a cost  
25 analysis of any changes and costs to expand availability and use of  
26 instructionally supportive formative assessments.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300  
28 RCW to read as follows:

29 The superintendent of public instruction shall:

30 (1) Revise the number of open-ended questions and extended  
31 responses in the statewide achievement assessment in grades three  
32 through eight and ten to reduce the cost and time of administering the  
33 assessment while retaining validity and reliability of the assessment  
34 and retaining assessment of critical thinking skills. By December 1,  
35 2009, the superintendent shall report to the legislature regarding the  
36 changes, including a cost analysis of the changes;

1 (2) Revisit the alternative assessments, the appeals process,  
2 including considering authorizing local school districts to determine  
3 the outcome of an appeal by a student to demonstrate that he or she has  
4 the level of understanding of a content area assessed on the Washington  
5 assessment of student learning necessary to meet the state standard but  
6 was unable to demonstrate that understanding on the assessment or an  
7 alternative assessment, and the Washington alternative assessment  
8 system portfolios for students with the most significant cognitive  
9 disabilities. By December 1, 2009, the superintendent shall make  
10 recommendations to the legislature for improvements;

11 (3) Beginning in the 2010-11 school year, encourage college and  
12 career readiness by arranging for a fee waiver for eligible students  
13 who want to take the PSAT, at no cost to the student. Students are  
14 eligible if they have obtained a certificate of academic achievement.

15 NEW SECTION. **Sec. 3.** (1) As part of the duties of the state board  
16 of education under RCW 28A.305.130 to promote achievement of the  
17 student goals and under RCW 28A.230.090 to establish high school  
18 graduation requirements, the board shall examine the essential academic  
19 learning requirements in all subjects to determine how to improve  
20 alignment of the requirements with college and career readiness and the  
21 board's draft high school graduation credit framework called CORE 24.

22 (2) By December 1, 2009, the board shall make initial  
23 recommendations to the legislature.

24 (3) Final recommendations to the legislature shall be made by  
25 November 1, 2011.

26 **Sec. 4.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to  
27 read as follows:

28 (1) The high school assessment system shall include but need not be  
29 limited to the Washington assessment of student learning, opportunities  
30 for a student to retake the content areas of the assessment in which  
31 the student was not successful, and if approved by the legislature  
32 pursuant to subsection (10) of this section, one or more objective  
33 alternative assessments for a student to demonstrate achievement of  
34 state academic standards. The objective alternative assessments for  
35 each content area shall be comparable in rigor to the skills and

1 knowledge that the student must demonstrate on the Washington  
2 assessment of student learning for each content area.

3 (2) Subject to the conditions in this section, a certificate of  
4 academic achievement shall be obtained by most students at about the  
5 age of sixteen, and is evidence that the students have successfully met  
6 the state standard in the content areas included in the certificate.  
7 With the exception of students satisfying the provisions of RCW  
8 28A.155.045 or 28A.655.0611, acquisition of the certificate is required  
9 for graduation from a public high school but is not the only  
10 requirement for graduation.

11 (3) Beginning with the graduating class of 2008, with the exception  
12 of students satisfying the provisions of RCW 28A.155.045, a student who  
13 meets the state standards on the reading(~~(r)~~) and writing(~~(r) and~~  
14 ~~mathematics~~) content areas of the high school Washington assessment of  
15 student learning or an objective alternative assessment shall earn a  
16 certificate of academic achievement. After a determination is made by  
17 the state board of education that the high school Washington assessment  
18 of student learning in the content areas of mathematics and science is  
19 sufficiently reliable and valid, with the exception of students  
20 satisfying the provisions of RCW 28A.155.045, students must also meet  
21 the state standards on the mathematics and science content areas of the  
22 Washington assessment of student learning or an objective alternative  
23 assessment in order to earn a certificate of academic achievement. The  
24 state board of education may make a separate determination for the  
25 mathematics and the science content areas of the assessment. The  
26 determination by the state board of education must be adopted by rule  
27 by September 1st of the freshman school year of the graduating class to  
28 which the graduation requirement under subsection (2) of this section  
29 applies. In making the determination, the state board of education  
30 shall obtain information and conclusions from recognized, independent,  
31 national assessment experts and other objective sources of expertise as  
32 the board deems necessary.

33 (4) If a student does not successfully meet the state standards in  
34 one or more content areas required for the certificate of academic  
35 achievement, then the student may retake the assessment in the content  
36 area up to four times at no cost to the student. If the student  
37 successfully meets the state standards on a retake of the assessment  
38 then the student shall earn a certificate of academic achievement.

1 Once objective alternative assessments are authorized pursuant to  
2 subsection (10) of this section, a student may use the objective  
3 alternative assessments to demonstrate that the student successfully  
4 meets the state standards for that content area if the student has  
5 taken the Washington assessment of student learning at least once. If  
6 the student successfully meets the state standards on the objective  
7 alternative assessments then the student shall earn a certificate of  
8 academic achievement.

9 ~~((4) Beginning no later than with the graduating class of 2013, a  
10 student must meet the state standards in science in addition to the  
11 other content areas required under subsection (3) of this section on  
12 the Washington assessment of student learning or the objective  
13 alternative assessments in order to earn a certificate of academic  
14 achievement. The state board of education may adopt a rule that  
15 implements the requirements of this subsection (4) beginning with a  
16 graduating class before the graduating class of 2013, if the state  
17 board of education adopts the rule by September 1st of the freshman  
18 school year of the graduating class to which the requirements of this  
19 subsection (4) apply. The state board of education's authority under  
20 this subsection (4) does not alter the requirement that any change in  
21 performance standards for the tenth grade assessment must comply with  
22 RCW 28A.305.130.))~~

23 (5) The state board of education may not require the acquisition of  
24 the certificate of academic achievement for students in home-based  
25 instruction under chapter 28A.200 RCW, for students enrolled in private  
26 schools under chapter 28A.195 RCW, or for students satisfying the  
27 provisions of RCW 28A.155.045.

28 (6) A student may retain and use the highest result from each  
29 successfully completed content area of the high school assessment.

30 (7) School districts must make available to students the following  
31 options:

32 (a) To retake the Washington assessment of student learning up to  
33 four times in the content areas in which the student did not meet the  
34 state standards if the student is enrolled in a public school; or

35 (b) To retake the Washington assessment of student learning up to  
36 four times in the content areas in which the student did not meet the  
37 state standards if the student is enrolled in a high school completion  
38 program at a community or technical college. The superintendent of

1 public instruction and the state board for community and technical  
2 colleges shall jointly identify means by which students in these  
3 programs can be assessed.

4 (8) Students who achieve the standard in a content area of the high  
5 school assessment but who wish to improve their results shall pay for  
6 retaking the assessment, using a uniform cost determined by the  
7 superintendent of public instruction.

8 (9) Opportunities to retake the assessment at least twice a year  
9 shall be available to each school district.

10 (10)(a) The office of the superintendent of public instruction  
11 shall develop options for implementing objective alternative  
12 assessments, which may include an appeals process for students' scores,  
13 for students to demonstrate achievement of the state academic  
14 standards. The objective alternative assessments shall be comparable  
15 in rigor to the skills and knowledge that the student must demonstrate  
16 on the Washington assessment of student learning and be objective in  
17 its determination of student achievement of the state standards.  
18 Before any objective alternative assessments in addition to those  
19 authorized in RCW 28A.655.065 or (b) of this subsection are used by a  
20 student to demonstrate that the student has met the state standards in  
21 a content area required to obtain a certificate, the legislature shall  
22 formally approve the use of any objective alternative assessments  
23 through the omnibus appropriations act or by statute or concurrent  
24 resolution.

25 (b)(i) A student's score on the mathematics, reading or English, or  
26 writing portion of the (~~scholastic assessment test~~(-))SAT((+)) or the  
27 (~~American college test~~(-))ACT((+)) may be used as an objective  
28 alternative assessment under this section for demonstrating that a  
29 student has met or exceeded the state standards for the certificate of  
30 academic achievement. The state board of education shall identify the  
31 scores students must achieve on the relevant portion of the SAT or ACT  
32 to meet or exceed the state standard in the relevant content area on  
33 the Washington assessment of student learning. The state board of  
34 education shall identify the first scores by December 1, 2007. After  
35 the first scores are established, the state board may increase but not  
36 decrease the scores required for students to meet or exceed the state  
37 standards.

1 (ii) Until August 31, 2008, a student's score on the mathematics  
2 portion of the (~~(preliminary scholastic assessment test~~(~~+~~))PSAT(~~(+)~~))  
3 may be used as an objective alternative assessment under this section  
4 for demonstrating that a student has met or exceeded the state standard  
5 for the certificate of academic achievement. The state board of  
6 education shall identify the score students must achieve on the  
7 mathematics portion of the PSAT to meet or exceed the state standard in  
8 that content area on the Washington assessment of student learning.

9 (iii) A student who scores at least a three on the grading scale of  
10 one to five for selected AP examinations may use the score as an  
11 objective alternative assessment under this section for demonstrating  
12 that a student has met or exceeded state standards for the certificate  
13 of academic achievement. A score of three on the AP examinations in  
14 calculus or statistics may be used as an alternative assessment for the  
15 mathematics portion of the Washington assessment of student learning.  
16 A score of three on the AP examinations in English language and  
17 composition may be used as an alternative assessment for the writing  
18 portion of the Washington assessment of student learning. A score of  
19 three on the AP examinations in English literature and composition,  
20 macroeconomics, microeconomics, psychology, United States history,  
21 world history, United States government and politics, or comparative  
22 government and politics may be used as an alternative assessment for  
23 the reading portion of the Washington assessment of student learning.

24 (~~(11) ((By December 15, 2004, the house of representatives and~~  
25 ~~senate education committees shall obtain information and conclusions~~  
26 ~~from recognized, independent, national assessment experts regarding the~~  
27 ~~validity and reliability of the high school Washington assessment of~~  
28 ~~student learning for making individual student high school graduation~~  
29 ~~determinations.~~

30 (~~(12)~~)) To help assure continued progress in academic achievement as  
31 a foundation for high school graduation and to assure that students are  
32 on track for high school graduation, each school district shall prepare  
33 plans for and notify students and their parents or legal guardians as  
34 provided in this subsection (~~((12))~~) (11).

35 (a) Student learning plans are required for eighth through twelfth  
36 grade students who were not successful on any or all of the content  
37 areas of the Washington assessment for student learning during the  
38 previous school year or who may not be on track to graduate due to



1 credit deficiencies or absences. The parent or legal guardian shall be  
2 notified about the information in the student learning plan, preferably  
3 through a parent conference and at least annually. To the extent  
4 feasible, schools serving English language learner students and their  
5 parents shall translate the plan into the primary language of the  
6 family. The plan shall include the following information as  
7 applicable:

8 (i) The student's results on the Washington assessment of student  
9 learning;

10 (ii) If the student is in the transitional bilingual program, the  
11 score on his or her Washington language proficiency test II;

12 (iii) Any credit deficiencies;

13 (iv) The student's attendance rates over the previous two years;

14 (v) The student's progress toward meeting state and local  
15 graduation requirements;

16 (vi) The courses, competencies, and other steps needed to be taken  
17 by the student to meet state academic standards and stay on track for  
18 graduation;

19 (vii) Remediation strategies and alternative education options  
20 available to students, including informing students of the option to  
21 continue to receive instructional services after grade twelve or until  
22 the age of twenty-one;

23 (viii) The alternative assessment options available to students  
24 under this section and RCW 28A.655.065;

25 (ix) School district programs, high school courses, and career and  
26 technical education options available for students to meet graduation  
27 requirements; and

28 (x) Available programs offered through skill centers or community  
29 and technical colleges.

30 (b) All fifth grade students who were not successful in one or more  
31 of the content areas of the fourth grade Washington assessment of  
32 student learning shall have a student learning plan.

33 (i) The parent or guardian of the student shall be notified,  
34 preferably through a parent conference, of the student's results on the  
35 Washington assessment of student learning, actions the school intends  
36 to take to improve the student's skills in any content area in which  
37 the student was unsuccessful, and provide strategies to help them  
38 improve their student's skills.

1 (ii) Progress made on the student plan shall be reported to the  
2 student's parents or guardian at least annually and adjustments to the  
3 plan made as necessary.

4 **Sec. 5.** RCW 28A.655.066 and 2008 c 163 s 3 are each amended to  
5 read as follows:

6 (1) In consultation with the state board of education, the  
7 superintendent of public instruction shall develop statewide end-of-  
8 course assessments for high school mathematics that measure student  
9 achievement of the state mathematics standards. The superintendent  
10 shall take steps to ensure that the language of the assessments is  
11 responsive to a diverse student population. The superintendent shall  
12 develop end-of-course assessments in algebra I, geometry, integrated  
13 mathematics I, and integrated mathematics II ~~((The superintendent  
14 shall make the algebra I and integrated mathematics I end-of-course  
15 assessments available to school districts on an optional basis in the  
16 2009-10 school year. The end-of-course assessments in algebra I,  
17 geometry, integrated mathematics I, and integrated mathematics II))~~ and  
18 the assessments shall be implemented statewide in the 2010-11 school  
19 year.

20 (2) ~~((For the graduating class of 2013 and for purposes of the  
21 certificate of academic achievement under RCW 28A.655.061, results from  
22 the algebra I end-of-course assessment plus the geometry end-of-course  
23 assessment or results from the integrated mathematics I end-of-course  
24 assessment plus the integrated mathematics II end-of-course assessment  
25 may be used to demonstrate that a student meets the state standard on  
26 the mathematics content area of the high school Washington assessment  
27 of student learning.~~

28 ~~(3))~~ Beginning with the ~~((graduating class of 2014 and for  
29 purposes of the certificate of academic achievement under RCW  
30 28A.655.061,))~~ 2010-11 school year the mathematics content area of the  
31 Washington assessment of student learning shall be assessed using  
32 either the algebra I end-of-course assessment plus the geometry end-of-  
33 course assessment or the integrated mathematics I end-of-course  
34 assessment plus the integrated mathematics II end-of-course assessment.  
35 All of the objective alternative assessments available to students  
36 under RCW 28A.655.061 and 28A.655.065 shall be available to any student

1 who has taken the sequence of end-of-course assessments once but does  
2 not meet the state mathematics standard on the sequence of end-of-  
3 course assessments.

4 ~~((+4))~~ (3) By December 1, 2009, the superintendent of public  
5 instruction and the state board of education shall jointly recommend to  
6 the governor and legislature whether the high school science assessment  
7 should continue to be a comprehensive assessment or be changed to one  
8 or more science end-of-course assessments.

9 (4) The superintendent of public instruction shall report at least  
10 annually or more often if necessary to keep the education committees of  
11 the legislature informed on each step of the development and  
12 implementation process under this section.

13 **Sec. 6.** RCW 28A.655.0611 and 2007 c 354 s 4 are each amended to  
14 read as follows:

15 ~~((+1))~~ Beginning with the graduating class of 2008 and ~~((through~~  
16 ~~no later than the graduating class of 2012,))~~ until the state board of  
17 education makes the validity and reliability determination for the  
18 mathematics end-of-course assessments and the science assessment under  
19 section 4 of this act, in order to graduate from high school students  
20 ~~((may graduate from high school without earning a certificate of~~  
21 ~~academic achievement or a certificate of individual achievement))~~ shall  
22 be required to successfully earn two additional mathematics credits or  
23 career and technical course equivalent, including courses offered at  
24 skill centers, after the student's tenth grade year intended to  
25 increase the student's mathematics proficiency toward meeting or  
26 exceeding the mathematics standards assessed on the high school  
27 Washington assessment of student learning and continue to take the  
28 appropriate mathematics assessment at least once annually until  
29 graduation if they:

30 ~~((+a))~~ (1) Have not successfully met the mathematics standard on  
31 the high school Washington assessment of student learning, an approved  
32 objective alternative assessment, or an alternate assessment developed  
33 for eligible special education students;

34 ~~((+b))~~ (2) Have successfully met the state standard in the other  
35 content areas required for a certificate under RCW 28A.655.061 or  
36 28A.155.045; and

1        ~~((c)) (3) Have met all other state and school district graduation~~  
2 ~~requirements( (i) and~~  
3        ~~(d)(i) For the graduating class of 2008, successfully earn one~~  
4 ~~additional high school mathematics credit or career and technical~~  
5 ~~course equivalent, including courses offered at skill centers, after~~  
6 ~~the student's eleventh grade year intended to increase the student's~~  
7 ~~mathematics proficiency toward meeting or exceeding the mathematics~~  
8 ~~standards assessed on the high school Washington assessment of student~~  
9 ~~learning and continue to take the appropriate mathematics assessment at~~  
10 ~~least once annually until graduation; and~~  
11        ~~(ii) For the remaining graduating classes under this section,~~  
12 ~~successfully earn two additional mathematics credits or career and~~  
13 ~~technical course equivalent, including courses offered at skill~~  
14 ~~centers, after the student's tenth grade year intended to increase the~~  
15 ~~student's mathematics proficiency toward meeting or exceeding the~~  
16 ~~mathematics standards assessed on the high school Washington assessment~~  
17 ~~of student learning and continue to take the appropriate mathematics~~  
18 ~~assessment at least once annually until graduation.~~  
19        ~~(2) The state board of education may adopt a rule that ends the~~  
20 ~~application of this section with a graduating class before the~~  
21 ~~graduating class of 2012, if the state board of education adopts the~~  
22 ~~rule by September 1st of the freshman school year of the graduating~~  
23 ~~class to which the provisions of this section no longer apply. The~~  
24 ~~state board of education's authority under this section does not alter~~  
25 ~~the requirement that any change in performance standards for the tenth~~  
26 ~~grade assessment must comply with RCW 28A.305.130.~~  
27        ~~(3) This section expires August 31, 2013)).~~

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