

HOUSE BILL REPORT

HB 1519

As Reported by House Committee On:
Education
Education Appropriations & Oversight

Title: An act relating to school assessments for students with cognitive disabilities.

Brief Description: Regarding school assessments for students with cognitive disabilities.

Sponsors: Representatives Hope, Dunshee, Anderson, Haler, Pettigrew, Fagan, Sells, Johnson, Orwall, Haigh, Kenney, Kelley and Ormsby.

Brief History:

Committee Activity:

Education: 2/10/11, 2/11/11 [DPS];

Education Appropriations & Oversight: 2/17/11, 2/18/11 [DP2S(w/o sub ED)].

Brief Summary of Second Substitute Bill

- Requires the Office of the Superintendent of Public Instruction to continue to work with teachers and special education programs in the development and implementation of a process to transition from the current portfolio assessment, to a performance task-based system, for students with significant cognitive challenges.
- Tasks the Office of the Superintendent of Public Instruction to coordinate efforts to ease some of the difficulties with the current portfolio assessment pending implementation of the new performance task-based system.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Lytton, Vice Chair; Dammeier, Ranking Minority Member; Angel, Billig, Dahlquist, Fagan, Finn, Haigh, Hargrove, Hunt, Klippert, Kretz, Ladenburg, Liias, Maxwell, McCoy, Probst and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Ahern.

Staff: Cece Clynch (786-7195).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Washington Alternate Assessment System (WAAS) is an alternate assessment that is an option only for students with significant cognitive challenges. The term "significantly cognitively challenged" is a designation applied to a small number of students, generally 10 percent or less of those eligible for special education and related services, participating in the statewide testing program.

The decision about how a special education student participates in the statewide assessment system is an individualized educational program (IEP) team decision. There is no limit on the number of students in a district to whom the WAAS can be administered. However, there is a limit upon the number of students who successfully pass the WAAS that can be counted for federal adequate yearly progress (AYP) purposes. This cap is 1 percent of the total student population being tested in the required grades for the state and 1 percent of the total student population being tested in the required grades for each district.

The WAAS is a portfolio assessment that is individualized by a teacher for each individual student and is consistent with the IEP, which forms the basis of instruction for that student. A task assessment, by contrast, provides a specified test map, along with items or tasks that provide the same basis for scoring and interpreting results.

Summary of Substitute Bill:

The Legislature finds that one of the difficult issues facing states and districts across the country is the inclusion of students with the most significant cognitive disabilities in their state assessment and accountability systems. Assessing academic knowledge and skills of students with unique and significant cognitive disabilities is not only challenging and time consuming, but such assessments may provide only limited information.

The Office of Superintendent of Public Instruction (OSPI) is tasked with continuing to work with teachers and special education programs in the development and implementation of a process to transition from the current system to a performance task based system.

In the meantime, and within existing resources, the OSPI must also coordinate efforts to:

- align academic goals in a student's IEP with the current assessment system by identifying detailed statewide alternate achievement benchmarks for use by teachers;
- develop a transparent and reliable scoring process;
- efficiently use technology; and
- develop a sensible approval process to shorten the time involved in developing and collecting assessment data.

The act is null and void unless specifically funded in the budget.

Substitute Bill Compared to Original Bill:

The OSPI is tasked with continuing to work with teachers and special education programs in the development and implementation of a process to transition from the current system to a performance task based system. The requirement that the OSPI develop and implement a common task assessment as soon as possible is removed.

A provision is added that, in the meantime and within existing resources, the OSPI must also coordinate efforts to:

- align academic goals in a student's IEP with the current assessment system by identifying detailed statewide alternate achievement benchmarks for use by teachers;
- develop a transparent and reliable scoring process;
- efficiently use technology; and
- develop a sensible approval process to shorten the time involved in developing and collecting assessment data.

A clause is added providing that the act is null and void unless specifically funded in the budget.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 10, 2011.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Assessing students with significant cognitive disabilities is a huge challenge that all states face. This bill is about flexibility and the freedom to develop a better way to assess these students. The WAAS portfolio assessment is extremely time consuming and the forms and requirements are always changing. Sometimes students fail the assessment because the teacher was unaware of the change in forms or requirements. In one case, similar assessment forms were submitted for two students and one passed and the other failed. No explanation was given despite a request for one. The WAAS does not provide a measurement of the students and it is not relevant to the goals for these significantly cognitively challenged students. For instance, a 12-year-old student with cerebral palsy who functions at a 1-year-old level is supposed to order positive and negative integers. This is not a goal for this student, nor should it be. Not a single special education teacher thinks the WAAS is worthwhile. There is a huge disconnect between the WAAS and the goals and plans for these students. The WAAS does not judge a student's progress based on his or her goals. Parents are frustrated by the number of hours teachers have to spend on the assessment. This is time better spent on teaching. This proposed substitute bill moves the state forward toward an improved assessment which is much needed. The Superintendent has a stakeholder work group in place. There is an IEP pilot project that has begun and the proposed substitute bill supports this. Everyone is in agreement that something needs to be done to change the way these students are assessed.

(In support with concerns) The state must still meet federal AYP requirements. The portfolio system has huge problems. Washington hopes to work with other states in a consortium to fix these problems and utilize a different assessment for these students. The proposed substitute bill will allow this. In the meantime, the OSPI will continue to work with the stakeholder workgroup.

(Opposed) None.

Persons Testifying: (In support) Representative Hope, prime sponsor; Justin Fox-Bailey, Emma Packard, and Troy Welker, Snohomish School District; Paula Wood, Bremerton School District; Wendy Rader-Konofalski, Washington Education Association; and Pat Steinburg, Washington State Special Education Coalition.

(In support with concerns) Alan Burke, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS & OVERSIGHT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 18 members: Representatives Haigh, Chair; Probst, Vice Chair; Anderson, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Dahlquist, Fagan, Frockt, Hargrove, Hope, Maxwell, Nealey, Orwall, Rolfes, Santos, Seaquist, Sells, Short and Stanford.

Staff: Ben Rarick (786-7349).

Summary of Recommendation of Committee On Education Appropriations & Oversight Compared to Recommendation of Committee On Education:

The second substitute bill eliminates the null and void clause in section 3.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Washington Education Association (WEA) is strongly supportive of this legislation. The WEA appreciates the ongoing work to address the concerns of teachers concerning the current portfolio assessment. The current methodology is time consuming, costly for districts, and not relevant to many of the students learning capacities. If our most severely challenged students are going to be tested, the test needs to be meaningful. One

particular student who was tested with the portfolio has complete hearing and vision loss, and has severely impaired mental functioning. Every touch caused a startled response, and it was a significant achievement to help her learn to anticipate a spoon coming into her mouth. The portfolio assessment introduces concepts like comparing fractions or coming up with a scientific experiment, which are not realistic for this student. The Office of the Superintendent of Public Instruction (OSPI) supports this bill. Superintendent of the OSPI Dorn has heard about this issue during the campaign. One proposed amendment would be to take out the null and void clause, as the OSPI already have the resources to do this work.

(Opposed) None.

Persons Testifying: Representative Hope, prime sponsor; Wendy Rader-Konfalski, Washington Education Association; Emma Packard; and Bob Butts, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.