

# HOUSE BILL REPORT

## HB 2803

---

---

### As Reported By House Committee On:

Education  
Appropriations

**Title:** An act relating to the Washington assessments of student learning.

**Brief Description:** Allowing private school students and students receiving home-based education to take the Washington assessments of student learning at district expense.

**Sponsors:** Representatives Lambert, Koster, Benson, Talcott, Cox, D. Schmidt, Esser, Lantz and Rockefeller.

### Brief History:

#### Committee Activity:

Education: 1/27/00, 2/4/00 [DP];

Appropriations: 2/5/00, 2/8/00 [DPS].

#### Brief Summary of Substitute Bill

- Individual home-schooled and individual private school students may take the WASL assessments at public schools at no cost as part of the school districts' ancillary programs (puts current practice in statute).
- If a significant number of students who attend the same approved private school wish to take the assessments at the private school, the assessment contractor may give the assessments at the private school and have the private school administer the assessments. The state pays the cost of the test itself for each student, including processing the results, to the assessment contractor.

---

HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 13 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Thomas and Wensman.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Schual-Berke.

**Staff:** Charlie Gavigan (786-7340).

**Background:**

A state-wide academic assessment process for use in elementary school, middle school, and high school is being developed, with some components finished and implemented, and others still being developed. These assessments are the Washington Assessment of Student Learning (WASL). At the elementary school level, the WASL is currently required in reading, writing, communication (listening), and math. There are statutory time lines for implementing the WASL at the elementary level in science, social studies, health, fitness, and the arts.

There also are statutory time lines for implementing a middle and high school level WASL in reading, writing, communication (listening), math, science, history, civics, geography, arts, and health and fitness.

Public school students are required to take the WASL assessments, while private school students and home-schooled students may voluntarily take the assessments. Generally, individual home-schooled and individual private school students may take the assessments at public schools at no cost as part of the school districts' ancillary programs. Private schools that wish to provide the assessments to their students must purchase the test from the assessment contractor (about \$23 per test).

Article IX, Section 4, of the state constitution provides that all schools maintained or supported wholly or in part by public funds must remain free of sectarian control or influence. Some programs have been declared unconstitutional under this provision because they provided too great a benefit to private religious schools, such as transporting private school students on district school buses. Other programs have been allowed where the benefit received by the private school was indirect or remote enough not to violate the constitution; one example is a higher education tax exempt construction bond program. Also, the attorney general opined that the K-20 education network, which includes private religious schools in this public system, likely is constitutional.

---

**Summary of Bill:**

Individual home-schooled and individual private school students may take the WASL assessments at public schools at no cost as part of the school districts' ancillary programs. If a significant number of students who attend the same private school wish to take the assessments at the private school, the assessment contractor may give the assessments at the private school and have the private school administer the assessments. The state pays the cost of the test itself for each student, including processing the results, to the assessment contractor. The private school cannot be reimbursed for any of the costs of administering the test.

---

**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2000.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This is a state test paid for by all the citizens of Washington through their taxes and should be available to all students. It is important to have as many students as possible take the WASL to adequately evaluate how well the state is doing in meeting education reform and other education goals. It is better for the student to take these tests in his or her private school classroom where the student is more comfortable. Public schools would have a difficult time handling numerous private school students if the private school decided to send all their students to the public school to take the test. There are possible concerns regarding doing this in a constitutional manner.

**Testimony Against:** None.

**Testified:** (In support) Representative Kathy Lambert, prime sponsor; Glen Blomgren, Christa McAuliffe Academy; Bob Minnerly; Chuck Pasma, Bellevue Christian School; and Bob Higley, WERG.

(Concerns) George Hofbauer, Principal, St. Joseph School; Servando B. Patlan, Harry Purpur, Archdiocese of Seattle; Dan Sherman; Dan Steele, Washington State School Director's Association; Ken Kanikeberg, Office of the Superintendent of Public Instruction.

---

## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Cody and McIntire.

**Staff:** Julie Salvi (786-7349).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Education:** The option for a contractor to provide the WASL test and for the Office of the Superintendent of Public Instruction to pay the contractor's costs applies only to approved private schools under chapter 28A.195 RCW. A severability clause is added. Reference in the appropriations act is required for the bill to take effect.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed; however, the bill is null and void unless funded in the budget.

**Testimony For:** This is not a change in policy. It is a matter of convenience.

**Testimony Against:** While there is an interest in having all students take the test, there are questions about the constitutionality of this proposal.

**Testified:** Representative Gigi Talcott; and Ken Kanikebeg, Office of the Superintendent of Public Instruction.