
HOUSE BILL 2778

State of Washington

57th Legislature

2002 Regular Session

By Representatives Clements and Schindler

Read first time 01/28/2002. Referred to Committee on Education.

1 AN ACT Relating to assessments of student learning; amending RCW
2 28A.655.010, 28A.655.060, and 28A.655.090; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the success of
5 the state's education reform efforts were intended to be evaluated
6 using a variety of assessment measures. The legislature finds that
7 those measures were to include criterion-referenced and performance-
8 based measures that were intended for use by educators to evaluate
9 those educators' instructional practices. The legislature also finds
10 that, to date, only state level criterion-referenced measures have been
11 developed for these purposes. The legislature further finds that
12 performance-based measures need to be developed and that school
13 districts should be able to develop their own performance-based and
14 criterion-referenced assessments to measure the progress of students
15 toward meeting state and district academic standards. The legislature
16 intends to implement the original provisions of House Bill No. 1209
17 from the 1993 legislative session by giving to school districts and
18 educational service districts the authority to develop and use locally

1 developed assessments in lieu of the state-developed assessment of
2 student learning.

3 **Sec. 2.** RCW 28A.655.010 and 1993 c 336 s 201 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout RCW (~~(28A.630.885)~~) 28A.655.060 and
7 28A.300.130.

8 (1) "Commission" means the commission on student learning created
9 in RCW (~~(28A.630.885)~~) 28A.655.060.

10 (2) "Student learning goals" (~~(mean[s])~~) means the goals
11 established in RCW 28A.150.210.

12 (3) "Essential academic learning requirements" means more specific
13 academic and technical skills and knowledge, based on the student
14 learning goals, as determined under RCW (~~(28A.630.885(3)(a))~~)
15 28A.655.060(3)(a). Essential academic learning requirements shall not
16 limit the instructional strategies used by schools or school districts
17 or require the use of specific curriculum.

18 (4) "Performance standards" or "standards" means the criteria used
19 to determine if a student has successfully learned the specific
20 knowledge or skill being assessed as determined under RCW
21 (~~(28A.630.885(3)(b))~~) 28A.655.060(3)(b). The standards should be set
22 at internationally competitive levels.

23 (5) "Assessment system" or "student assessment system" means a
24 series of assessments used to determine if students have successfully
25 learned the essential academic learning requirements. The assessment
26 system shall be called the Washington assessment of student learning
27 and shall include state assessments, local assessments, and alternative
28 assessments developed under RCW (~~(28A.630.885(3)(b))~~)
29 28A.655.060(3)(b). The system shall also include assessments developed
30 in response to the federal elementary and secondary education act of
31 1965 (20 U.S.C. Sec. 6301 et seq.) as amended in 2002.

32 (6) "Performance-based education system" means an education system
33 in which a significantly greater emphasis is placed on how well
34 students are learning, and significantly less emphasis is placed on
35 state-level laws and rules that dictate how instruction is to be
36 provided. The performance-based education system does not require that
37 schools use an outcome-based instructional model. Decisions regarding

1 how instruction is provided are to be made, to the greatest extent
2 possible, by schools and school districts, not by the state.

3 **Sec. 3.** RCW 28A.655.060 and 2001 2nd sp.s. c 20 s 1 are each
4 amended to read as follows:

5 (1) The Washington commission on student learning is hereby
6 established. The primary purposes of the commission are to identify
7 the knowledge and skills all public school students need to know and be
8 able to do based on the student learning goals in RCW 28A.150.210, to
9 develop student assessment and school accountability systems, to review
10 current school district data reporting requirements and make
11 recommendations on what data is necessary for the purposes of
12 accountability and meeting state information needs, and to take other
13 steps necessary to develop a performance-based education system. The
14 commission shall include three members of the state board of education,
15 three members appointed by the governor before July 1, 1992, and five
16 members appointed no later than June 1, 1993, by the governor elected
17 in the November 1992 election. The governor shall appoint a chair from
18 the commission members, and fill any vacancies in gubernatorial
19 appointments that may occur. The state board of education shall fill
20 any vacancies of state board of education appointments that may occur.
21 In making the appointments, educators, business leaders, and parents
22 shall be represented, and nominations from statewide education,
23 business, and parent organizations shall be requested. Efforts shall
24 be made to ensure that the commission reflects the racial and ethnic
25 diversity of the state's K-12 student population and that the major
26 geographic regions in the state are represented. Appointees shall be
27 qualified individuals who are supportive of educational restructuring,
28 who have a positive record of service, and who will devote sufficient
29 time to the responsibilities of the commission to ensure that the
30 objectives of the commission are achieved.

31 (2) The commission shall establish advisory committees. Membership
32 of the advisory committees shall include, but not necessarily be
33 limited to, professionals from the office of the superintendent of
34 public instruction and the state board of education, and other state
35 and local educational practitioners and student assessment specialists.

36 (3) The commission, with the assistance of the advisory committees,
37 shall:

1 (a) Develop essential academic learning requirements based on the
2 student learning goals in RCW 28A.150.210. Essential academic learning
3 requirements shall be developed, to the extent possible, for each of
4 the student learning goals in RCW 28A.150.210. Goals one and two shall
5 be considered primary. Essential academic learning requirements for
6 RCW 28A.150.210(1), goal one, and the mathematics component of RCW
7 28A.150.210(2), goal two, shall be completed no later than March 1,
8 1995. Essential academic learning requirements that incorporate the
9 remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and
10 four, shall be completed no later than March 1, 1996. To the maximum
11 extent possible, the commission shall integrate goal four and the
12 knowledge and skill areas in the other goals in the development of the
13 essential academic learning requirements;

14 (b)(i) The commission and superintendent of public instruction
15 shall develop a statewide academic assessment system for use in the
16 elementary, middle, and high school years designed to determine if each
17 student has learned the essential academic learning requirements
18 identified in (a) of this subsection. The academic assessment system
19 shall include a variety of assessment methods, including criterion-
20 referenced and performance-based measures. Performance standards for
21 determining if a student has successfully completed an assessment shall
22 be determined by the commission and the superintendent of public
23 instruction in consultation with the advisory committees required in
24 subsection (2) of this section. School districts shall assess
25 elementary, middle, and high school students in language arts,
26 mathematics, and science, and may assess them in social studies, the
27 arts, and health and fitness, using either the state assessment or a
28 comparable assessment developed by the school district or an
29 educational service district. School districts shall assess students
30 in the fourth, seventh, and tenth grades and may add assessments in
31 other grades as assessments are developed at the state or local level.
32 The locally developed assessments shall be submitted to the office of
33 the superintendent of public instruction for its review before the
34 assessments are used and the office may require the modification of the
35 assessments before they are used in lieu of the state assessment. Until
36 locally developed assessments are ready for use, school districts shall
37 use the state assessments. The assessment system shall also include
38 alternative performance-based assessments that may be developed by the
39 office of the superintendent of public instruction or an educational

1 service district or a school district and that may include portfolios
2 for high school students. The results of all such assessments shall be
3 reported to parents, the superintendent of public instruction, and the
4 public, using a format developed by the superintendent of public
5 instruction and as required under RCW 28A.655.090 and 28A.655.100.

6 (ii) The assessment system shall be designed so that the results
7 under the assessment system are used by educators as tools to evaluate
8 instructional practices, and to initiate appropriate educational
9 support for students who have not learned the essential academic
10 learning requirements at the appropriate periods in the student's
11 educational development.

12 (iii) Assessments measuring the essential academic learning
13 requirements shall be available for voluntary use by school districts
14 and shall be required to be administered by school districts according
15 to the following schedule unless the legislature takes action to delay
16 or prevent implementation of the assessment system and essential
17 academic learning requirements.

	Assessments available for voluntary use (School years)	Assessments required to be administered (School years)
22	((Reading, Writing,	
23	Communication)) <u>Language Arts,</u>	
24	<u>Mathematics</u>	
25	- Elementary school 1996-97	1997-98
26	- Middle school 1997-98	2000-01
27	- High school 1998-99	2000-01
28	Science	
29	- High school 2002-03	2003-04
30	- Middle school 2002-03	2003-04
31	- Elementary school 2003-04	2004-05
32	Social Studies	
33	- Elementary, middle, 2004-05	((2007-08))
34	and high school	
35	Arts	
36	- Middle and high 2005-06	((2008-09))
37	school	

1 - Elementary school 2005-06 ((2009-10))

2 **Health, Fitness**

3 - Middle and high 2005-06 ((2008-09))
4 school

5 - Elementary school 2005-06 ((2009-10))

6 The completed assessments and assessments still in development
7 shall be transferred by the commission on student learning to the
8 superintendent of public instruction by June 30, 1999.

9 (iv) To the maximum extent possible, the commission and the
10 superintendent of public instruction shall integrate knowledge and
11 skill areas in development of the assessments.

12 Assessments for goals three and four of RCW 28A.150.210 shall be
13 integrated in the essential academic learning requirements and
14 assessments for goals one and two.

15 (v) The commission on student learning may modify the essential
16 academic learning requirements and the assessments, as needed, before
17 June 30, 1999. The superintendent of public instruction may modify the
18 essential academic learning requirements and the assessments, as
19 needed, after June 30, 1999. The commission and superintendent shall,
20 upon request, provide opportunities for the education committees of the
21 house of representatives and the senate to review the assessments and
22 proposed modifications to the essential academic learning requirements
23 before the modifications are adopted.

24 (vi) The commission and the superintendent of public instruction
25 shall develop assessments that are directly related to the essential
26 academic learning requirements, and are not biased toward persons with
27 different learning styles, racial or ethnic backgrounds, or on the
28 basis of gender;

29 (c) After a determination is made by the state board of education
30 that the high school assessment system has been implemented and that it
31 is sufficiently reliable and valid, successful completion of the high
32 school assessment in language arts and mathematics shall lead to a
33 certificate of mastery. The certificate of mastery shall be obtained
34 by most students at about the age of sixteen, and is evidence that the
35 student has successfully mastered the essential academic learning
36 requirements in language arts and mathematics during his or her
37 educational career. The certificate of mastery shall be required for
38 graduation but shall not be the only requirement for graduation.

1 School districts may waive the certificate of mastery graduation
2 requirement for a student who has taken but not successfully completed
3 the high school assessment in language arts and mathematics and who has
4 obtained at least four credits in language arts and mathematics beyond
5 those required to meet district graduation requirements. The
6 commission shall make recommendations to the state board of education
7 regarding the relationship between the certificate of mastery and high
8 school graduation requirements. Upon achieving the certificate of
9 mastery, schools shall provide students with the opportunity to pursue
10 career and educational objectives through educational pathways that
11 emphasize integration of academic and vocational education.
12 Educational pathways may include, but are not limited to, programs such
13 as work-based learning, school-to-work transition, tech prep,
14 vocational-technical education, running start, and preparation for
15 technical college, community college, or university education. Any
16 middle school, junior high school, or high school using educational
17 pathways shall ensure that all participating students will continue to
18 have access to the courses and instruction necessary to meet admission
19 requirements at baccalaureate institutions. Students shall be allowed
20 to enter the educational pathway of their choice. Before accepting a
21 student into an educational pathway, the school shall inform the
22 student's parent of the pathway chosen, the opportunities available to
23 the student through the pathway, and the career objectives the student
24 will have exposure to while pursuing the pathway. Parents and students
25 dissatisfied with the opportunities available through the selected
26 educational pathway shall be provided with the opportunity to transfer
27 the student to any other pathway provided in the school. Schools may
28 not develop educational pathways that retain students in high school
29 beyond the date they are eligible to graduate, and may not require
30 students who transfer between pathways to complete pathway requirements
31 beyond the date the student is eligible to graduate;

32 (d) Consider methods to address the unique needs of special
33 education students when developing the assessments in (b) and (c) of
34 this subsection;

35 (e) Consider methods to address the unique needs of highly capable
36 students when developing the assessments in (b) and (c) of this
37 subsection;

38 (f) Develop recommendations on the time, support, and resources,
39 including technical assistance, needed by schools and school districts

1 to help students achieve the essential academic learning requirements.
2 These recommendations shall include an estimate for the legislature,
3 superintendent of public instruction, and governor on the expected cost
4 of implementing the academic assessment system;

5 (g) Develop recommendations for consideration by the higher
6 education coordinating board for adopting college and university
7 entrance requirements for public school students that are consistent
8 with the essential academic learning requirements and the certificate
9 of mastery;

10 (h) Review current school district data reporting requirements for
11 the purposes of accountability and meeting state information needs.
12 The commission on student learning shall report recommendations to the
13 joint select committee on education restructuring by September 15,
14 1996, on:

15 (i) What data is necessary to compare how school districts are
16 performing before the essential academic learning requirements and the
17 assessment system are implemented with how school districts are
18 performing after the essential academic learning requirements and the
19 assessment system are implemented; and

20 (ii) What data is necessary pertaining to school district reports
21 under the accountability systems developed by the commission on student
22 learning under this section;

23 (i) Recommend to the legislature, governor, state board of
24 education, and superintendent of public instruction:

25 (i) A statewide accountability system to monitor and evaluate
26 accurately and fairly at elementary, middle, and high schools the level
27 of learning occurring in individual schools and school districts with
28 regard to the goals included in RCW 28A.150.210 (1) through (4). The
29 accountability system must assess each school individually against its
30 own baseline, schools with similar characteristics, and schools
31 statewide. The system shall include school-site, school district, and
32 state-level accountability reports;

33 (ii) A school assistance program to help schools and school
34 districts that are having difficulty helping students meet the
35 essential academic learning requirements as measured by performance on
36 the elementary, middle school, and high school assessments;

37 (iii) A system to intervene in schools and school districts in
38 which significant numbers of students persistently fail to learn the
39 essential academic learning requirements or meet the standards

1 established for the elementary, middle school, and high school
2 assessments; and

3 (iv) An awards program to provide incentives to school staff to
4 help their students learn the essential academic learning requirements,
5 with each school being assessed individually against its own baseline,
6 schools with similar characteristics, and the statewide average.
7 Incentives shall be based on the rate of percentage change of students
8 achieving the essential academic learning requirements and progress on
9 meeting the statewide average. School staff shall determine how the
10 awards will be spent.

11 The commission shall make recommendations regarding a statewide
12 accountability system for reading in grades kindergarten through four
13 by November 1, 1997. Recommendations for an accountability system in
14 the other subject areas and grade levels shall be made no later than
15 June 30, 1999;

16 (j) Report annually by December 1st to the legislature, the
17 governor, the superintendent of public instruction, and the state board
18 of education on the progress, findings, and recommendations of the
19 commission; and

20 (k) Make recommendations to the legislature and take other actions
21 necessary or desirable to help students meet the student learning
22 goals.

23 (4) The commission shall coordinate its activities with the state
24 board of education and the office of the superintendent of public
25 instruction.

26 (5) The commission shall seek advice broadly from the public and
27 all interested educational organizations in the conduct of its work,
28 including holding periodic regional public hearings.

29 (6) The commission shall select an entity to provide staff support
30 and the office of the superintendent of public instruction shall
31 provide administrative oversight and be the fiscal agent for the
32 commission. The commission may direct the office of the superintendent
33 of public instruction to enter into subcontracts, within the
34 commission's resources, with school districts, teachers, higher
35 education faculty, state agencies, business organizations, and other
36 individuals and organizations to assist the commission in its
37 deliberations.

38 (7) Members of the commission shall be reimbursed for travel
39 expenses as provided in RCW 43.03.050 and 43.03.060.

1 (8)(a) By September 30, 1997, the commission on student learning,
2 the state board of education, and the superintendent of public
3 instruction shall jointly present recommendations to the education
4 committees of the house of representatives and the senate regarding the
5 high school assessments, the certificate of mastery, and high school
6 graduation requirements.

7 In preparing recommendations, the commission on student learning
8 shall convene an ad hoc working group to address questions, including:

9 (i) What type of document shall be used to identify student
10 performance and achievement and how will the document be described?

11 (ii) Should the students be required to pass the high school
12 assessments in all skill and content areas, or only in select skill and
13 content areas, to graduate?

14 (iii) How will the criteria for establishing the standards for
15 passing scores on the assessments be determined?

16 (iv) What timeline should be used in phasing-in the assessments as
17 a graduation requirement?

18 (v) What options may be used in demonstrating how the results of
19 the assessments will be displayed in a way that is meaningful to
20 students, parents, institutions of higher education, and potential
21 employers?

22 (vi) Are there other or additional methods by which the assessments
23 could be used to identify achievement such as endorsements, standards
24 of proficiency, merit badges, or levels of achievement?

25 (vii) Should the assessments and certificate of mastery be used to
26 satisfy college or university entrance criteria for public school
27 students? If yes, how should these methods be phased-in?

28 (b) The ad hoc working group shall report its recommendations to
29 the commission on student learning, the state board of education, and
30 the superintendent of public instruction by June 15, 1997. The
31 commission shall report the ad hoc working group's recommendations to
32 the education committees of the house of representatives and senate by
33 July 15, 1997. Final recommendations of the commission on student
34 learning, the state board of education, and the superintendent of
35 public instruction shall be presented to the education committees of
36 the house of representatives and the senate by September 30, 1997.

37 (9) The Washington commission on student learning shall expire on
38 June 30, 1999.

1 **Sec. 4.** RCW 28A.655.090 and 1999 c 388 s 301 are each amended to
2 read as follows:

3 (1) By September 10, 1998, and by September 10th each year
4 thereafter, the superintendent of public instruction shall report to
5 schools, school districts, and the legislature on the results of the
6 Washington assessment of student learning and state-mandated norm-
7 referenced standardized tests.

8 (2) The reports shall include the assessment results by school and
9 school district, and include changes over time. For the Washington
10 assessment of student learning, results shall be reported as follows:

11 (a) The percentage of students meeting the standards;

12 (b) The percentage of students performing at each level of the
13 assessment; and

14 (c) A learning improvement index that shows changes in student
15 performance within the different levels of student learning reported on
16 the Washington assessment of student learning.

17 (3) The reports shall contain data regarding the different
18 characteristics of schools, such as poverty levels, percent of English
19 as a second language students, dropout rates, attendance, percent of
20 students in special education, and student mobility so that districts
21 and schools can learn from the improvement efforts of other schools and
22 districts with similar characteristics.

23 (4) The reports shall contain student scores on mandated tests by
24 comparable Washington schools of similar characteristics.

25 (5) The reports shall contain information on public school choice
26 options available to students, including vocational education.

27 (6) The reports shall be posted on the superintendent of public
28 instruction's internet web site.

29 (7) To protect the privacy of students, the results of schools and
30 districts that test fewer than ten students in a grade level shall not
31 be reported. In addition, in order to ensure that results are reported
32 accurately, the superintendent of public instruction shall maintain the
33 confidentiality of statewide data files until the superintendent
34 determines that the data are complete and accurate.

35 (8) The superintendent of public instruction shall monitor the
36 percentage and number of special education and limited English-
37 proficient students exempted from taking the assessments by schools and
38 school districts to ensure the exemptions are in compliance with
39 exemption guidelines. The assessment results of limited English-

1 proficient students who have been in the public schools in the United
2 States for fewer than three consecutive years shall not be included in
3 the assessment results for a school or school district.

--- END ---