CERTIFICATION OF ENROLLMENT

HOUSE BILL 1051

Chapter 355, Laws of 2007

(partial veto)

60th Legislature
2007 Regular Session

HIGH SCHOOL COMPLETION PROGRAMS

EFFECTIVE DATE: 07/22/07

Passed by the House April 22, 2007
Yeas 86  Nays 11

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 22, 2007
Yeas 30  Nays 18

BRAD OWEN
President of the Senate

Approved May 8, 2007, 2:53 p.m., with
the exception of section 9 which is
vetoed.

I, Richard Nafziger, Chief Clerk
of the House of Representatives of
the State of Washington, do hereby
certify that the attached is HOUSE
BILL 1051 as passed by the House
of Representatives and the Senate
on the dates hereon set forth.

RICHARD NAFZIGER
Chief Clerk

CERTIFICATE

FILED
May 10, 2007

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
STATE OF WASHINGTON
AN ACT Relating to high school completion programs; amending RCW 28B.50.535, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.320 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will encourage older students to complete their diplomas. Therefore the legislature intends to create a pilot high school completion program at
two community and technical colleges for older students who have not
yet received a diploma but are eligible for state basic education
support.

Sec. 2. RCW 28B.50.535 and 1991 c 238 s 58 are each amended to
read as follows:

A community or technical college may issue a high school diploma or
certificate, subject to rules ((and regulations promulgated)) adopted
by the superintendent of public instruction and the state board of
education.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW
to read as follows:

(1) A pilot program is created for two community or technical
colleges to make available courses or a program of study, on the
college campus, designed to enable students under the age of twenty-one
who have completed all state and local high school graduation
requirements except the certificate of academic achievement or
certificate of individual achievement to complete their high school
education and obtain a high school diploma.

(a) The colleges participating in the pilot program in this section
may make courses or programs under this section available by entering
into contracts with local school districts to deliver the courses or
programs. Colleges participating in the pilot program that offer
courses or programs under contract shall be reimbursed for each
enrolled eligible student as provided in the contract, and the high
school diploma shall be issued by the local school district;

(b) Colleges participating in the pilot program may deliver courses
or programs under this section directly. Colleges that deliver courses
or programs directly shall be reimbursed for each enrolled eligible
student as provided in section 4 of this act, and the high school
diploma shall be issued by the college;

(c) Colleges participating in the pilot program may make courses or
programs under this section available through a combination of
contracts with local school districts, collaboration with educational
service districts, and direct service delivery. Colleges participating
in the pilot program may also make courses or programs under this
section available for students at locations in addition to the college
campus; or

(d) Colleges participating in the pilot program may enter into
regional partnerships to carry out the provisions of this subsection
(1).

(2) Regardless of the service delivery method chosen, colleges
participating in the pilot program shall ensure that all eligible
students located in school districts within their college district as
defined in RCW 28B.50.040 have an opportunity to enroll in a course or
program under this section.

(3) Colleges participating in the pilot program shall not require
students enrolled under this section to pay tuition or services and
activities fees; however this waiver of tuition and services and
activities fees shall be in effect only for those courses that lead to
a high school diploma.

(4) Nothing in this section or section 4 of this act precludes a
community or technical college from offering courses or a program of
study for students other than eligible students as defined by section
4 of this act to obtain a high school diploma, nor is this section or
section 4 of this act intended to restrict diploma completion programs
offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to
consult with educational service districts in the development and
delivery of programs and courses required under this section.

(5) Community and technical colleges participating in the pilot
program shall not be required to administer the Washington assessment
of student learning.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600
RCW to read as follows:

(1) For purposes of this section and section 3 of this act,
"eligible student" means a student who has completed all state and
local high school graduation requirements except the certificate of
academic achievement under RCW 28A.655.061 or the certificate of
individual achievement under RCW 28A.155.045, who is less than age
twenty-one as of September 1st of the academic year the student enrolls
at a community and technical college under this section, and who meets
the following criteria:
(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school Washington assessment of student learning;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under section 3 of this act from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under section 3 of this act for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under section 3 of this act and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), (c), and (d) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180
RCW, the superintendent shall allocate an amount equal to the per
student state allocation for the transitional bilingual instruction
program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment
reporting, recordkeeping, and accounting requirements necessary to
ensure accountability for the use of basic education, learning
assistance, and transitional bilingual program funds under this section
for the pilot program created under section 3 of this act.

(5) All school districts in the geographic area of the two
community and technical colleges selected pursuant to section 8 of this
act to participate in the pilot program shall provide information about
the high school completion option under section 3 of this act to
students in grades ten, eleven, and twelve and the parents or guardians
of those students.

Sec. 5. RCW 28A.655.061 and 2006 c 115 s 4 are each amended to
read as follows:

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

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

(3) Beginning with the graduating class of 2008, with the exception
of students satisfying the provisions of RCW 28A.155.045, a student who
meets the state standards on the reading, writing, and mathematics
content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

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

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

(7) Beginning in 2006, school districts must make available to students the following options:

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

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of
public instruction and the state board for community and technical
colleges shall jointly identify means by which students in these
programs can be assessed.

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

(9) Subject to available funding, the superintendent shall pilot
opportunities for retaking the high school assessment beginning in the
2004-05 school year. Beginning no later than September 2006,
opportunities to retake the assessment at least twice a year shall be
available to each school district.

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

(b) A student's score on the mathematics portion of the preliminary
scholastic assessment test (PSAT), the scholastic assessment test
(SAT), or the American college test (ACT) may be used as an objective
alternative assessment under this section for demonstrating that a
student has met or exceeded the mathematics standards for the
certificate of academic achievement. The state board of education
shall identify the scores students must achieve on the mathematics
portion of the PSAT, SAT, or ACT to meet or exceed the state standard
for mathematics. The state board of education shall identify the first
scores by December 1, 2006, and thereafter may increase but not
decrease the scores required for students to meet or exceed the state
standard for mathematics.
By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. If applicable, the plan shall also include the high school completion pilot program created under section 3 of this act. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.

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

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

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.
(i) The parent or guardian of a student described in this subsection (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

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

Sec. 6. RCW 28B.15.520 and 1993 sp.s. c 18 s 16 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 (and), who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by section 4 of this act; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by section 4 of this act. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and
(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 7. RCW 28B.15.067 and 2006 c 161 s 6 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under section 3 of this act for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all
revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

(8) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

NEW SECTION. Sec. 8. (1) The office of the superintendent of public instruction and the state board for community and technical colleges shall:

(a) By June 30, 2007, select the two community and technical colleges to be involved in the pilot program created in section 3 of this act. The criteria for selecting the two pilot program sites shall include, but are not limited to: (i) The quality of the courses or program offerings; (ii) having the appropriate type of staff and facility to deliver the program; and (iii) the number of eligible students;

(b) Identify and analyze possible service delivery models in addition to those described in section 3 of this act, particularly to address the challenges faced by community and technical colleges serving school districts dispersed across large geographic areas and with limited staffing and facilities resources for the programs;

(c) Submit a report with an implementation plan for the two community and technical colleges participating in the pilot program created under section 3 of this act and submit findings and recommendations to the education and fiscal committees of the legislature by December 15, 2007; and

(d) By December 15, 2009, submit a report to the education and fiscal committees of the legislature on the progress of the pilot program created under section 3 of this act that shall include the following:

(i) The number of students taking part in the high school completion programs, reported by their high school of last attendance and the community or technical college that offered the program;
(ii) The types of high school completion programs offered at the
two community or technical colleges;
(iii) The number of students successfully receiving a high school
diploma and other identified outcome measures;
(iv) The amount of funds spent in support of this effort compared
to actual reimbursement costs that are provided under section 4(3) (a),
(b), (c), and (d) of this act; and
(v) A plan for implementing the program statewide.

(2) The state institute for public policy shall develop an estimate
of the number of students statewide likely to participate in the
program authorized under section 3 of this act if established on a
statewide basis. The assumptions shall take into account programs and
alternatives offered for fifth-year seniors by school districts and
educational service districts. The institute shall report to the
education and fiscal committees of the legislature by December 15,
2007.

*NEW SECTION. Sec. 9. A new section is added to chapter 28A.320
RCW to read as follows:

(1) Any school district board of directors may adopt a policy to
award a certificate of academic completion to students who complete all
state and local high school graduation requirements except the
certificate of academic achievement under RCW 28A.655.061 or the
certificate of individual achievement under RCW 28A.155.045. Such a
certificate is not the equivalent of a high school diploma.

(2) The office of the superintendent of public instruction shall
notify school districts of their authority to adopt a policy under this
section and shall provide technical assistance upon request.

(3) To be eligible for a certificate of academic completion, a
student must:

(a) Pass all state and local high school graduation requirements
except for obtaining a certificate of academic achievement or a
certificate of individual achievement and have retaken the Washington
assessment of student learning at least once or have taken an
alternative assessment; and

(b) Meet with counselors, teachers, and parents, as appropriate, to
develop a fifth year plan for how the student will meet standard on the
Washington assessment of student learning and obtain a certificate of academic achievement or certificate of individual achievement. 

*Sec. 9 was vetoed. See message at end of chapter.

Passed by the House April 22, 2007.
Passed by the Senate April 22, 2007.
Approved by the Governor May 8, 2007, with the exception of certain items that were vetoed.
Filed in Office of Secretary of State May 10, 2007.

Note: Governor's explanation of partial veto is as follows:
"I am returning, without my approval as to Section 9, House Bill 1051 entitled:
"AN ACT Relating to high school completion programs."

Sections 1 through 8 of this bill provide for the development of two pilot programs at community or technical colleges. The programs are intended to support certain students as they work to meet the State's academic standards in reading, writing, mathematics or science. For these students, demonstrating proficiency in one or more of these subjects is the final step in meeting their high school graduation requirements and obtaining a high school diploma. The legislation outlines the student eligibility and program criteria, authorizes the financial support, waives student tuition and fees, and provides for a study of the program's results in two years' time.

Section 9 of the bill creates and recognizes a new state certificate for high school students who do not meet the requirements for a high school diploma, the Certificate of Academic Completion (Certificate). The Certificate may be conferred by school districts to students who meet all state and local requirements for graduation with the exception of passage of one or more of the high school assessments in reading, writing and mathematics. Our students are working very hard to achieve the skills necessary for success in their endeavors beyond high school. By creating the Certificate of Academic Completion we will be sending a message to these students that they do not need the basic skills required for the high school diploma. This is wrong.

For these reasons, I am vetoing Section 9 of House Bill 1051.
With the exception of Section 9, House Bill 1051 is approved."