

# SENATE BILL REPORT

## ESSB 5414

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As Passed Senate, March 4, 2009

**Title:** An act relating to statewide assessments and curricula.

**Brief Description:** Regarding statewide assessments and curricula.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, King, Oemig and McDermott).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/04/09, 2/09/09 [DPS, w/oRec].  
Passed Senate: 3/04/09, 47-1.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5414 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King, Ranking Minority Member; Brandland, Hobbs, Holmquist, Jarrett and McDermott.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Roach and Tom.

**Staff:** Susan Mielke (786-7422)

**Background:** In order to obtain a Certificate of Academic Achievement (CAA), high school students are required to meet the state standard on the tenth grade Washington Assessment of Student Learning (WASL) in reading, writing, and mathematics. Until 2013, a student who does not meet the state standard on the mathematics WASL may graduate from high school without a CAA if they continue to take mathematics classes and annually take either the mathematics WASL or an approved mathematics alternative. Beginning with the graduating class of 2013 students must also meet the state standards on the science WASL.

In 2007 the Legislature directed the Superintendent of Public Instruction (SPI) to identify no more than three science curricula for elementary, middle, and high school grade spans that align with the new science standards and present them to the State Board of Education (SBE) for formal comment by May 15, 2009. By June 30, 2009, the SBE must comment and make

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recommendations for any changes to SPI prior to SPI adopting the curricula. Subject to funding, at least one of the curricula must be available online at no cost to schools and parents.

Legislation was passed in 2008 directing SPI to develop statewide end-of-course assessments (EOCs) for high school mathematics to be used as the mathematics WASL. The mathematics EOCs were to be available for optional use in the 2009-10 school year and implemented statewide in the 2010-11 school year.

Formative assessments use a variety of strategies to conduct ongoing monitoring of student progress and provides feedback to students and teachers to inform and improve student learning. Summative assessments use information collected at the end of a unit, course, or year of study, in order to sum up achievement and are often used to meet accountability requirements.

In 2008 the Legislature created a work group on the WASL composed of seven legislative members to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. The work group met six times and heard presentations from a number of national and local experts, other states, and local school districts. Each meeting consisted of a work session with an opportunity provided for public comment.

The work group developed both long-term and short-term recommendations. The long-term recommendations start with a list of principles that should be established as legislative intent for the design of a new assessment system. The principles include that an assessment system should improve and inform classroom instruction, support accountability, and provide useful information for all levels of the educational system. Additionally, the assessment system must include multiple formats, (including formative, summative, and classroom-based assessments), enable comparisons of student achievement, and be balanced. Key design elements were identified by the work group.

The long-term recommendations also provide that pre-service and ongoing training should be supplied to teachers and administrators on the effective use of different types of assessments, in order to sustain a strong and viable assessment system; and as the statewide data system is developed, data should be collected for all state-required statewide assessments to be used for accountability and to monitor overall student achievement.

The work group developed five short-term recommendations:

1. SPI should revise the current WASL to reduce the number of open-ended/extended response questions at all grade levels and report back to the Legislature on the changes and provide cost information.
2. The reading and writing WASL and the mathematics EOCs should be maintained as graduation requirements. However, the timelines should be adjusted to use EOCs as a graduation requirement effective when the SBE finds that EOCs are valid and reliable. Additionally, EOCs should be considered for science with the use of the science assessment as a graduation requirement effective when the SBE finds the science assessment valid and reliable.

3. SPI should revisit and make recommendations to the Legislature regarding alternative assessments, the appeals process (including considering local school district authority), and the special education portfolio.
4. To address college and career readiness, the state should pay for students to take the PSAT if the student has passed the high school WASL; and SBE should examine EALRs to determine how to improve alignment of EALRs with college and career readiness and SBE's draft high school credit framework called CORE 24.
5. SPI, with SBE, should begin design on an assessment system that meets the long-term recommendations, conduct a cost analysis, and report back to the Legislature.

**Summary of Engrossed Substitute Bill:** Some of the recommendations of the legislative WASL work group are implemented.

Legislative findings are made that an assessment system should improve and inform classroom instruction, support accountability, and provide useful information to all levels of the educational system; and that the Legislature intends to redesign the current statewide system, in accordance with the recommendations of the legislative WASL work group. In designing formative and summative assessments, SPI must solicit bids for the use of computerized adaptive testing methodologies.

SPI is directed to revise the number of open-ended questions and extended responses in the WASL in grades three through eight and ten while retaining the validity and reliability of the assessment. By December 1, 2009, SPI must report to the Legislature regarding the changes, including the costs.

By December 1, 2009, SPI must revisit the alternative assessments, the appeals process (including considering authorizing local school districts to determine the outcome of an appeal by a student), and the alternative assessment for students with the most significant cognitive disabilities, and make recommendations for improvements to the Legislature.

For the purposes of obtaining a CAA, students in the graduating classes of 2013 and 2014 may use either the mathematics EOCs or the comprehensive mathematics WASL. Beginning with the graduating class of 2015, only the mathematics EOCs and not the comprehensive assessment may be used to earn a CAA.

After the SBE determines that the high school WASL in mathematics and science is sufficient reliable and valid then students must meet the state standards on the assessments in order to earn a certificate of CAA. Beginning no later than the graduating class of 2013, a student must meet the state standards in science in order to earn a CAA.

The timeline for SPI to present three science curricula to the SBE and for the SBE to provide comment is changed. SPI will present no more than three curricula for each of the courses at the high school level in the domains of earth and space science, physical science, and life science.

SPI with the SBE must determine whether to use a comprehensive assessment or the EOCs for science. SPI, SBE, and the Professional Educator Standards Board must develop an implementation plan and strategies to ensure all students have the opportunity to learn the

new science standards. SPI must report to the Governor and Legislature on the assessment method and the implementation plan by December 1, 2009.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2009.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except for Section 6 which has an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: Our current assessments need to be revised to be shorter, provide more diagnostic information to teachers and parents, and use technology so that scores can be returned more quickly – although paper and pencil tests will still be available. SPI has a plan to implement these changes without lowering the rigor of the assessments. The assessments in grades three through eight should measure student progress and the high school assessment should be a proficiency assessment to determine that a student has the skills to continue on and be successful. Expectations for schools and students must be realistic and fair. It is morally and ethically wrong to give an assessment to students you know are not sufficiently prepared to be successful. We need to remove the barriers to student success. Reading, writing, and math should be a graduation requirement, but it is unclear that science is being taught at the same level and, therefore, the science graduation requirement needs to be delayed or contingent on the SBE finding that the assessment is valid and reliable. The SBE will need resources to be able to make the determination of valid and reliable. We are encouraged that the bill requires SPI to review the special education assessment and the appeals process and recommend improvements. The special education assessment is not an appropriate measurement tool for students with multiple or significant cognitive disabilities. These students are working on life skills to increase their independence and what is tested is grade-level academic standards which are not reflective of standards that these students are able to meet.

CON: The requirement to pass the math and science WASL for high school graduation should not be delayed further than the current implementation year of 2013, which is 20 years after the promise was made in HB 1209 in 1993 for a twenty-first century education system. Despite the angst of the adults in the education system, the students have risen to the challenge and a high percentage of them are passing the reading, writing, and even the math WASL. This is a huge success. The WASL as a graduation requirement creates a barrier that some students will never be able to overcome and should be removed. The graduation requirement is not something that is required by federal law. The current budget shortfall gives us an opportunity to look at where the state is spending money and focus the spending on teachers and students instead of on an assessment.

OTHER: A PSAT waiver will require payment by someone – who will pay? The resources need to be there to cover the costs of any changes on the districts. Clearly the EALRS are culturally biased, which makes the assessment that assesses the EALRS also culturally biased. Therefore, the requirement to pass the assessment to graduate from high school needs to be eliminated because it is unfair to our students of color. For our students to be

successful, it is important to have language and culture included so that they can fully understand. The tribes are using their own funds to provide additional help to our kids to pass the WASL but we still have too many who will not pass.

**Persons Testifying:** PRO: Senator McAuliffe, prime sponsor; Randy Dorn, Superintendent of Public Instruction; Allan Burke, Joe Willhoft, Office of the Superintendent of Public Instruction; Wendy Rader-Konafalski, Washington Education Association; Veronica Cook, Shoreline Schools Special Education Teacher; Michelle Menegas, Clarkston High School Special Education Teacher; Mark Anderson, Disability Coordinator for Washington Education Association; Juanita Doyon, Parent Empowerment Network; Lisa Macfarlane, League of Education Voters; Liv Finne, Washington Policy Center.

CON: Brian Jefferies, Washington Roundtable; Christine Perkins, Washington State Special Education Coalition.

OTHER: Suzi Wright, Valda Gobin, Tulalip Tribe; Ben Kodama, Equitable Opportunity Caucus; Barbara Mertens, Washington Association of School Administrators.