



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: **Academic Achievement and Accountability Commission**

Permanent Rule XXX
Emergency Rule
Expedited Adoption
Expedited Repeal

(1) Date of adoption: **April 7, 2003**

(2) Purpose: As provided by RCW 28A.655.030(1)(a), the Academic Achievement and Accountability Commission is authorized to adopt and revise performance improvement goals. The purpose of this rule making is to provide school districts and schools with minimum performance improvement goals thereby encouraging improved student learning as measured by increasing percentages of students meeting the reading and mathematics standards on the Washington assessment of student learning and to align these goals with goals required under the federal No Child Left Behind Act. In addition, school districts and high schools are required to set high school graduation rate improvement goals.

(3) Citation of existing rules affected by this order:

Repealed: WAC 3-20-100
Amended:
Suspended:

(4) Statutory authority for adoption: RCW 28A.655.030(1)(a)

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 03-05-101 on February 19, 2003.
Describe any changes other than editing from proposed to adopted version: [See attached sheets]

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule. Reasons for this finding

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

May 24, 2003

Permanent Rules

31 days after filing

Other (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print) Christopher M Thompson

Signature

Title Executive Director

Date April 23, 2003

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 23 2003

TIME 10:47 AM

WSR 03-09-144 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>2</u>	Amended	_____	Repealed	<u>1</u>
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Changes from Proposed to Final Rule (Page 1)

- 1) School and school district annual reading and math goals through 2013 will be determined using federal requirements rather than based on a 10 percent reduction in the percentage of students at the school or district not meeting standard compared to the preceding year.
- 2) Reading and math goals for 2003 are added; they were not included in proposed rule.
- 3) If elementary and middle schools and school districts with 4th and 7th grade students tested on the Washington Assessment of Student Learning meet the goal for unexcused absences as defined in the Washington State Accountability Plan, they may use a substitute calculation representing satisfactory progress rather than the performance improvement goal. If high schools and school districts with 10th grade students tested on the Washington Assessment of Student Learning meet the graduation rate goals provided in WAC 3-20-300, they may use a substitute calculation representing satisfactory progress rather than the performance improvement goal. These provisions were not in the proposed rule. The substitute calculation is based on an expected 10 percent reduction in the percentage of students at the school or district not meeting standard compared to the preceding year.
- 4) The final rule removes the exemption for schools and districts with fewer than 10 students in a grade who are eligible to be tested in reading and math; schools and districts with fewer than 10 students must adopt the goals, but are not required to publish the goals.
- 5) The high school graduation goals under the final rule are to be not less than the lesser of the statewide average graduation rate in 2002 (rather than the statewide average graduation rate in 2003, as had been provided in the proposed rule) or the high school's or school district's own graduation rate in 2003 plus one percentage point.
- 6) High schools and school districts in which there are fewer than 10 students in a graduating class, including students who have dropped out, had been exempt from the requirement to establish graduation goals under the proposed rule, but are not exempt under the final rule. Schools and districts with fewer than 10 students in the graduating class, including students who have dropped out, are not required to publish goals and are not required to publish performance relative to the goals.
- 7) The Commission will review these goals in 2004 after more data on the graduation rates for the class of 2003 are available. Such provision was not included in the proposed rule.

Changes from Proposed to Final Rule, cont. (Page 2)

The reason for adopting the changes is that they were recommended by the Office of Superintendent of Public Instruction (OSPI). In an electronic message to the executive director of the Academic Achievement and Accountability Commission dated April 21, 2003, the OSPI Deputy Superintendent for Teaching and Learning provided the following additional information regarding the principal reasons OSPI requested the changes:

“WAC 3-20-200

Goals for Reading and Mathematics

(1) (a) *Original document* used the term “ESTABLISH” district-wide performance improvement goals . . .

Final document used the term “ADOPT” district-wide performance improvement goals . . .

Rationale: The federal legislation, “No Child Left Behind” requires one accountability system. The law specifies the setting of state performance targets with required formulas to determine these goals. Once calculated and established, they must apply to all schools, districts, the state, and each of the required subgroups specified in the law. Therefore, it is not necessary for schools or districts to “establish” their own goals, they simply need to “adopt” the required measures.

(1) (a), (b), and (2) the addition of “using the federal requirements to determine” . . . was added.

Rationale: Federal requirements must be followed in making the determinations of improvement goals. The addition of this language allows for any changes or flexibility developed in federal regulations to be accessed as the NCLB law is implemented in Washington State.

(2) *Original document* stated that schools and districts were not required to “establish” numerical improvement goals in which there were fewer than ten students eligible to be assessed.

Final document used the term “publish” referencing numerical improvement goals

Rationale: Similar to the rationale for using “adopt” vs. “establish” in section (1)(a), the formula for establishing the goals are identified in NCLB. These state goals apply to all schools, districts, the state, and all subgroup information. When the “n” size for any of these groups of students is less than ten, this change maintains the intent to protect the privacy of students and maintenance of confidentiality of statewide data files. This information will not be reported or published. However, the target goals are still “established” and apply to all. Therefore, “publish” is a more accurate term in this section.

(4) (a) *Original document* language eliminated
Final document restated the original intent”

Changes from Proposed to Final Rule, cont. (Page 3)

“Rationale: The language in this section was determined to be confusing so (a) was eliminated and replaced with identifying the requirement of schools and districts to use the starting point and annual goals established by NCLB. This change does not alter the original requirement; the clarity of the adopted language was simplified.

(3) (b) *Original document* did not include “other indicator” that was required in NCLB

Final document added language to include the other indicators for elementary and high schools

Rationale: The other indicators are required in NCLB

WAC 3-20-300 High School Graduation

Throughout the new section, reference to “on time” graduation was removed and “9th grade” was added to the references for cohort graduation rates.

Rationale: NCLB requires a cohort graduation rate for every high school. The required formula for reporting cohort measure calculations are specified in the law. Since the regulations allow states to develop “extended graduation rates” we will report a 9th grade cohort measure, and add ALL successful graduates (who earn a HS diploma) to each high school’s graduation rate. Though this does not eliminate the cohort measure requirement, “on time” graduates will only be one calculation. This allows the intended validation of all successful graduates regardless of the number of years required to develop the skills necessary to earn a meaningful diploma.”

The information quoted above was provided by:

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1 Academic Achievement and Accountability Commission

2
3 Performance Improvement Goals

4 Adopted April 7, 2003

5
6 **NEW SECTION**

7
8 **WAC 3-20-200 Reading and mathematics.** (1) Each school
9 district board of directors shall by December 15, 2003:

10 (a) Adopt district-wide performance improvement goals using the federal
11 requirements to determine the increase in the percentage of students who meet
12 or exceed the standard on the Washington assessment of student learning for
13 reading and mathematics in grades four, seven, and ten; and

14 (b) Direct each school in the district that administers the Washington
15 assessment of student learning for grade four, seven, or ten to adopt
16 performance improvement goals using the federal requirements to determine the
17 increase in the percentage of students meeting the standard for its fourth,
18 seventh, or tenth grade students in reading and mathematics.

19 (2) School districts and schools shall establish separate district-wide and
20 school reading and mathematics improvement goals using the federal
21 requirements to determine the increase in requirements under subsection (1) of
22 this section for each of the following groups of students:

23 (a) All students;

24 (b) Students of each major racial and ethnic group;

25 (c) Economically disadvantaged students;

26 (d) Students with disabilities; and

27 (e) Students with limited English proficiency.

28 (3) School districts and schools are not required to publish numerical
29 improvement goals in a grade level for reading and mathematics for 2004 or in
30 any year thereafter for any student group identified in subsection (2) of this

1 section in which there were fewer than ten students eligible to be assessed on
2 the Washington assessment of student learning in the prior year. However, this
3 subsection shall not be construed to affect WAC 180-16-220 #(2)(b) or any other
4 requirements for school and school district improvement plans.

5 (4) Annual performance improvement goals for both school districts and
6 schools shall be determined:

7 (a) By using the starting point and annual goals established using the
8 federal requirements for determining starting points in the 2003 Washington
9 State No Child Left Behind (NCLB) Accountability Plan.

10 (b) If the performance improvement goals established by using the federal
11 requirements to determine the increase for assessments administered in the
12 spring of 2003 and each year thereafter through and including assessments
13 administered in the spring of 2013 are not met, but the other indicator is met [the
14 other indicator for high schools is the graduation goal (WAC 3-20-300) and the
15 other indicator for elementary and middle schools is the unexcused absences
16 goal (Washington State Accountability System under NCLB 2001)] then a
17 substitute calculation may be made. That substitute calculation representing
18 satisfactory progress shall not be less than the sum of:

19 (i) The percentage of students meeting standard on the assessments
20 administered in the spring of the preceding year for the relevant student group,
21 grade level and subject; and

22 (ii) The percentage of students who did not meet standard on the
23 assessments administered in the spring of the preceding year for the relevant
24 student group, grade level and subject, multiplied by ten percent.

25 (c) The performance improvement goals for assessments administered in
26 the spring of 2014 shall be that all students eligible to be assessed meet
27 standard on the Washington assessment of student learning.

28 (5) School districts and schools shall be deemed to have met the
29 performance improvement goals established pursuant to this chapter if the
30 school district or school achieves the minimum improvement goal required under
31 subsection (4) of this section, even if the school district or school does not

1 achieve the performance improvement goals established by using the federal
2 requirements to determine the increase.

3 (6) No performance improvement goal for a group in a subject and grade
4 established pursuant to this section shall be used for state or federal
5 accountability purposes if fewer than thirty students in the group for a subject and
6 grade are eligible to be assessed on the Washington assessment of student
7 learning.

1 **NEW SECTION**

2
3 **WAC 3-20-300 High school graduation.** (1) Each school district board
4 of directors shall by December 15, 2003:

5 (a) Establish district-wide goals to increase the percentage of students
6 who graduate in each 9th grade cohort group from high school with a regular
7 diploma beginning with the graduating class of 2004 cohort; and

8 (b) Direct each high school in the district to establish goals to increase the
9 percentage of students who graduate in each cohort group from high school with
10 the 9th grade cohort with a regular diploma beginning with the graduating class of
11 2004 cohort, subject to approval by the board.

12 (2) High school cohort graduation rate goals for both school districts and
13 schools shall be determined as follows:

14 (a) The school district and high school cohort graduation rate goals for the
15 class of 2004 cohort shall not be less than the lesser of:

16 (i) The statewide percentage of public school students in the class of 2002
17 cohort who graduate with the 9th grade cohort with a regular diploma; or

18 (ii) The percentage of students in each cohort who graduated with the 9th
19 grade cohort with a regular diploma from the relevant school district or high
20 school in 2003 plus one percentage point.

21 (b) The school district and high school cohort graduation rate goals for the
22 class of 2005 cohort through and including the graduation rate goals for the class
23 of 2013 cohort shall not be less than the lesser of:

24 (i) The statewide percentage of public school students in the class of 2002
25 cohort who graduate with the 9th grade cohort with a regular diploma; or

26 (ii) The prior year target level percentage of students graduating from the
27 relevant school district or high school with the 9th grade cohort with a regular
28 diploma plus one percentage point.

29 (c) The school district and high school cohort graduation rate goals for the
30 class of 2014 cohort shall be that the percentage of students who graduate in

1 that cohort group with the 9th grade cohort with a regular diploma meet or exceed
2 eighty-five percent for each group of students listed in WAC 3-20-200 (2).

3 (3) School districts and high schools in which fewer than ten students are
4 enrolled with the graduating class of 2003 cohort or would be enrolled with the
5 class of 2003 cohort but have dropped out of high school are not required to
6 publish numerical graduation rate improvement goals. In 2004 or any
7 subsequent year school districts and high schools in which the number of
8 students enrolled with their graduating class cohort combined with the number of
9 students who would be enrolled with their graduating class cohort but have
10 dropped out of high school is fewer than ten are not required to publish
11 performance relative to the cohort graduation rate goals.

12 (4) Performance improvement goals established pursuant to this section
13 shall not be used for state or federal accountability purposes in any school district
14 or high school in which the number of students who are enrolled in a graduating
15 class, including any who have dropped out of that graduating class, is less than
16 thirty.

17 (5) The Commission will review these goals in 2004 after more data are
18 available on cohort graduation rates for the class of 2003.

19
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21
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23 **REPEALER**

24
25 The following section of the Washington Administrative Code is repealed:

26 **WAC 3-20-100 Reading and mathematics.**
27
28