
SUBSTITUTE HOUSE BILL 2761

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Education (originally sponsored by Representatives McCoy, Santos, Quall, Pettigrew, McDermott, D. Simpson, O'Brien, Lovick, Kenney, Haigh, Chase and Veloria)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to transforming state and local educational systems
2 to meet adequate yearly progress; amending RCW 28A.655.070 and
3 28A.655.090; adding a new section to chapter 28A.655 RCW; and creating
4 a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that on January 8,
7 2002, President George Bush signed the no child left behind act of
8 2001, reauthorizing and amending federal education programs established
9 under the elementary and secondary education act of 1965. The
10 legislature further finds that the major focus of the no child left
11 behind act is to provide all children with a fair, equal, and
12 significant opportunity to obtain a high-quality education. In
13 response to the no child left behind legislation, Washington has
14 developed a single statewide accountability system that is required to
15 ensure that: All K-12 public school students are included in the state
16 assessment system; at least ninety-five percent of the students
17 enrolled in the tested grades are assessed; all student groups reach
18 the state's proficiency level in reading and mathematics by 2013-14;

1 schools and districts that do not meet the state's adequate yearly
2 progress requirements are identified as needing improvement.

3 The legislature finds that in 2003 over one-third of school
4 districts in Washington did not make adequate yearly progress and more
5 dramatically, the state, itself, did not meet its adequate yearly
6 progress goal overall. The legislature finds that failure to meet this
7 goal was most apparent with students from the historically marginalized
8 groups such as African-American, American Indian/Alaskan Native,
9 Hispanic-American, special education, English language learners, and
10 low socio-economic status.

11 The legislature further finds that the office of the superintendent
12 of public instruction's comprehensive research entitled, *Addressing the*
13 *Achievement Gap: A Challenge for Washington State Educators* (November,
14 2002) concludes that, low-income and minority students encounter fewer
15 opportunities to learn, inadequate instruction and support, and lower
16 expectations from their schools and teachers. Research has also
17 pointed out that schools are more reflective of white, middle-class
18 society. This can lead to a disconnect between students who come from
19 different cultures and family conditions and the traditional school
20 structure and expectations.

21 The legislature recognizes that the multiethnic think tank, brought
22 together by the superintendent of public instruction under the unity
23 project, identifies five contributing factors to inequitable education:
24 The existing euro-centric paradigm; the cultural biases of the testing
25 instruments; the socio-economic disparities; postsecondary education
26 and work force ramifications; and insufficient data collection and
27 reporting.

28 The legislature also recognizes that the national association of
29 state boards of education reports that: Disproportionate numbers of
30 students of color are placed in special education and other lower-track
31 programs; students of color get a lower-level curriculum; most students
32 do not get a full curriculum that presents a complete picture of
33 diverse contributions to the American way of life; diverse learning
34 styles are not addressed in many schools; and schools do not encourage
35 students to engage in cultural inquiry based on shared values.

36 The legislature acknowledges that the Washington state school
37 directors association reports that: Serious attention must be given to
38 creating learning environments that are intolerant of racism and

1 exclusion and in which high expectations are held for all students;
2 curriculum and teaching practices must recognize differences in
3 ethnicity, language, and culture and teachers must be skilled in
4 teaching students unlike themselves; and in order to close the
5 achievement gap, there must be understanding of the impact of language,
6 culture, race, and poverty on student achievement.

7 The legislature finds that the social, economic, and psychological
8 fallout from failure to meet adequate yearly progress threatens all
9 levels of our society and its stability. The legislature intends to
10 transform systems to enable the state and school districts to meet
11 adequate yearly progress, particularly with historically marginalized
12 students.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.655
14 RCW to read as follows:

15 (1) The superintendent of public instruction shall convene a work
16 group to:

17 (a) Review, evaluate, and recommend refinements to the essential
18 academic learning requirements and grade level expectations for
19 learning goals one through four in RCW 28A.150.210 to ensure that the
20 requirements and expectations respect and value the diversity among all
21 people, and that all students learn to effectively live and communicate
22 with diverse people in cross-culturally appropriate ways;

23 (b) Make recommendations on whether a new learning goal is
24 necessary to ensure that all students are able to understand, accept,
25 and demonstrate the value of various cultures and heritages; become
26 responsible and respectful citizens in multicultural settings; and use
27 their cultural knowledge as a foundation to achieve personal and
28 academic success;

29 (c) Advise the superintendent on the types of assessments or other
30 strategies that have been found to be valid and reliable with persons
31 of different learning styles based on race, culture, gender, and
32 disability and that should be used to determine student achievement of
33 any new or revised learning goals that may be developed as a result of
34 the work group's recommendations;

35 (d) Make recommendations on the minimum number of students that
36 should be included in a subgroup for which scores are separately
37 reported for state purposes;

1 (e) Make recommendations on a set of effective strategies and best
2 practices that districts may use to eliminate the achievement gap among
3 children in subgroups for which scores are separately reported under
4 the no child left behind act of 2001. The superintendent of public
5 instruction shall post on the agency's web site, information on the
6 strategies and best practices identified by the work group;

7 (f) Make recommendations on ways to ensure that teacher preparation
8 programs and professional development opportunities provide new and
9 experienced teachers with the knowledge and skill to work effectively
10 and respectfully with students with diverse learning styles based on
11 the students' race, culture, gender, and disability;

12 (g) Make recommendations on effective strategies to recruit and
13 retain teachers from racial and ethnic minorities; and

14 (h) Report their findings and recommendations on (a) through (g) of
15 this subsection to the governor, the legislative education committees,
16 the superintendent's multiethnic think tank, the academic achievement
17 and accountability commission, the professional educator standards
18 board, and the state board of education by October 5, 2006.

19 (2) The work group shall include, but need not be limited to:
20 Educators, including educators who work primarily with children in one
21 or more of the subgroups for which scores are separately reported under
22 the no child left behind act of 2001; members of the superintendent's
23 multiethnic think tank; parents of children who are in each of the
24 subgroups for which scores are separately reported under the no child
25 left behind act of 2001; principals; administrators; school directors;
26 and members of organizations representing employees and employers. The
27 work group shall proportionately reflect the subgroups that are not
28 meeting the requirements for adequate yearly progress under federal
29 law.

30 (3) During its deliberations, the work group shall consult widely
31 with organizations and agencies concerned with the educational
32 achievement of children in each of the subgroups for which scores are
33 separately reported under the no child left behind act of 2001, the
34 Washington state commissions on African-American affairs, Asian Pacific
35 American affairs, and Hispanic affairs, the multiethnic think tank, the
36 Washington association of multicultural education, the first peoples'
37 language/culture committee, and other interested parties.

1 **Sec. 3.** RCW 28A.655.070 and 1999 c 388 s 501 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall identify the
4 knowledge and skills all public school students need to know and be
5 able to do based on the student learning goals in RCW 28A.150.210,
6 develop student assessments, and implement the accountability
7 recommendations and requests regarding assistance, rewards, and
8 recognition of the academic achievement and accountability commission.

9 (2) The superintendent of public instruction, in consultation with
10 educators, parents, and others, including persons concerned with the
11 educational achievement of children in each of the subgroups for which
12 scores are separately reported under the no child left behind act of
13 2001, shall periodically revise the essential academic learning
14 requirements, as needed, based on the student learning goals in RCW
15 28A.150.210. Goals one and two shall be considered primary. To the
16 maximum extent possible, the superintendent shall integrate goal four
17 and the knowledge and skill areas in the other goals in the essential
18 academic learning requirements.

19 (3) In consultation with the academic achievement and
20 accountability commission, educators, parents, and others, including
21 persons concerned with the educational achievement of children in each
22 of the subgroups for which scores are separately reported under the no
23 child left behind act of 2001, the superintendent of public instruction
24 shall maintain and continue to develop and revise a statewide academic
25 assessment system for use in the elementary, middle, and high school
26 years designed to determine if each student has mastered the essential
27 academic learning requirements identified in subsection (1) of this
28 section. The academic assessment system shall include a variety of
29 assessment methods, including criterion-referenced and performance-
30 based measures.

31 (4) The assessment system shall be designed so that the results
32 under the assessment system are used by educators as tools to evaluate
33 instructional practices, and to initiate appropriate educational
34 support for students who have not mastered the essential academic
35 learning requirements at the appropriate periods in the student's
36 educational development.

37 (5) To the maximum extent possible, the superintendent shall
38 integrate knowledge and skill areas in development of the assessments.

1 (6) Assessments for goals three and four of RCW 28A.150.210 shall
2 be integrated in the essential academic learning requirements and
3 assessments for goals one and two.

4 (7) The superintendent shall develop assessments that are directly
5 related to the essential academic learning requirements, and are not
6 biased toward persons with different learning styles, racial or ethnic
7 backgrounds, or on the basis of gender.

8 (8) The superintendent shall consider methods to address the unique
9 needs of special education students when developing the assessments
10 under this section.

11 (9) The superintendent shall consider methods to address the unique
12 needs of highly capable students when developing the assessments under
13 this section.

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

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

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

24 (a) The percentage of students meeting the standards, including
25 students as a whole, and students by subgroups as required under the no
26 child left behind act of 2001;

27 (b) The percentage of students performing at each level of the
28 assessment; and

29 (c) A learning improvement index that shows changes in student
30 performance within the different levels of student learning reported on
31 the Washington assessment of student learning.

32 (3) The reports shall contain data regarding the different
33 characteristics of schools, such as poverty levels, percent of English
34 as a second language students, dropout rates, attendance, percent of
35 students in special education, and student mobility so that districts
36 and schools can learn from the improvement efforts of other schools and
37 districts with similar characteristics.

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

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

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

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

13 (8) The superintendent of public instruction shall monitor the
14 percentage and number of special education and limited English-
15 proficient students exempted from taking the assessments by schools and
16 school districts to ensure the exemptions are in compliance with
17 exemption guidelines.

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