
HOUSE BILL 2761

State of Washington

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2004 Regular Session

By Representatives McCoy, Santos, Quall, Pettigrew, McDermott, Simpson, D., O'Brien, Lovick, Kenney, Haigh, Chase and Veloria

Read first time 01/20/2004. Referred to Committee on Education.

1 AN ACT Relating to transforming state and local educational systems
2 to meet adequate yearly progress; amending RCW 28A.150.210,
3 28A.655.060, and 28A.410.210; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that on January 8,
6 2002, President George Bush signed the no child left behind act of
7 2001, reauthorizing and amending federal education programs established
8 under the elementary and secondary education act of 1965. The
9 legislature further finds that the major focus of the no child left
10 behind act is to provide all children with a fair, equal, and
11 significant opportunity to obtain a high-quality education. In
12 response to the no child left behind legislation, Washington has
13 developed a single statewide accountability system that is required to
14 ensure that: All K-12 public school students are included in the state
15 assessment system; at least ninety-five percent of the students
16 enrolled in the tested grades are assessed; all student groups reach
17 the states proficiency level in reading and mathematics by 2013-14;
18 schools and districts that do not meet the state's adequate yearly
19 progress requirements are identified as needing improvement.

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

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

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

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

34 The legislature acknowledges that the Washington state school
35 directors association reports that: Serious attention must be given to
36 creating learning environments that are intolerant of racism and
37 exclusion and in which high expectations are held for all students;
38 curriculum and teaching practices must recognize differences in

1 ethnicity, language, and culture and teachers must be skilled in
2 teaching students unlike themselves; and in order to close the
3 achievement gap, there must be understanding of the impact of language,
4 culture, race, and poverty on student achievement.

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

11 **Sec. 2.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to
12 read as follows:

13 The goal of the Basic Education Act for the schools of the state of
14 Washington set forth in this chapter shall be to provide students with
15 the opportunity to become responsible citizens, to contribute to their
16 own economic well-being and to that of their families and communities,
17 and to enjoy productive and satisfying lives. To these ends, the goals
18 of each school district, with the involvement of parents and community
19 members, shall be to provide opportunities for all students to develop
20 the knowledge and skills essential to:

21 (1) Read with comprehension, write with skill, and communicate
22 effectively and responsibly in a variety of ways and settings that
23 respect and value the diversity among all people;

24 (2) Know and apply the core concepts and principles of mathematics;
25 social, physical, and life sciences; civics and history; geography;
26 arts; and health and fitness in ways that are culturally inclusive;

27 (3) Think analytically, logically, and creatively in a cross-
28 cultural and appropriate manner, and to integrate experience and
29 knowledge to form reasoned judgments and solve problems; (~~and~~)

30 (4) Understand the importance of work and how performance, effort,
31 (~~and~~) decisions, and effective interpersonal communication with
32 diverse people directly affect future career and educational
33 opportunities; and

34 (5) Understand, accept, and demonstrate the value of various
35 cultures and heritages; become responsible and respectful citizens in
36 multicultural settings; and use one's cultural knowledge as a
37 foundation to achieve personal and academic success.

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

3 (1) The Washington commission on student learning is hereby
4 reestablished. The primary purposes of reestablishing the commission
5 are to identify the knowledge and skills all public school students
6 need to know and be able to do based on the student learning goals in
7 RCW 28A.150.210, to develop student assessment and school
8 accountability systems, to review current school district data
9 reporting requirements and make recommendations on what data is
10 necessary for the purposes of accountability and meeting state
11 information needs, and to take other steps necessary to develop a
12 performance-based education system. The revised membership of the
13 reestablished commission shall include three members of the state board
14 of education, (~~((three))~~) five members appointed by the governor before
15 July 1, (~~((1992))~~) 2004, and (~~((five))~~) three members appointed no later
16 than June 1, (~~((1993))~~) 2005, by the governor elected in the November
17 (~~((1992))~~) 2004 election. The governor shall appoint a chair from the
18 reestablished commission members, and fill any vacancies in
19 gubernatorial appointments that may occur. The state board of
20 education shall fill any vacancies of state board of education
21 appointments that may occur. In making the appointments, the
22 Washington multiethnic think tank, educators, business leaders, and
23 parents shall be represented, and nominations from statewide education,
24 business, multiethnic think tank, and parent organizations shall be
25 requested. Efforts shall be made to ensure that the commission
26 reflects the racial and ethnic diversity of the state's K-12 student
27 population and that the major geographic regions in the state are
28 represented. Appointees shall be qualified individuals who are
29 supportive of educational restructuring, who have a positive record of
30 service, and who will devote sufficient time to the responsibilities of
31 the reestablished commission to ensure that the objectives of the
32 reestablished commission are achieved.

33 (2) The reestablished commission shall establish advisory
34 committees. Membership of the advisory committees shall include, but
35 not necessarily be limited to, professionals from Washington's
36 multiethnic think tank, the office of the superintendent of public
37 instruction, and the state board of education, and other state and
38 local educational practitioners and student assessment specialists.

1 (3) The reestablished commission, with the assistance of the
2 advisory committees, shall:

3 (a) (~~Develop~~) Revise essential academic learning requirements
4 based on the student learning goals in RCW 28A.150.210. Essential
5 academic learning requirements shall integrate multicultural and
6 technological learning objectives and be developed, to the extent
7 possible, for each of the student learning goals in RCW 28A.150.210.
8 Goals one and two shall be considered primary. Essential academic
9 learning requirements for RCW 28A.150.210(1), goal one, and the
10 mathematics component of RCW 28A.150.210(2), goal two, shall be
11 (~~completed~~) revised no later than March 1, (~~1995~~) 2005. Essential
12 academic learning requirements that incorporate the remainder of RCW
13 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be
14 (~~completed~~) revised no later than March 1, (~~1996~~) 2006. Essential
15 academic learning requirements for RCW 28A.150.210(5), goal five, shall
16 be completed no later than March 1, 2006. To the maximum extent
17 possible, the reestablished commission shall integrate goals four and
18 five and the knowledge and skill areas in the other goals in the
19 development of the essential academic learning requirements;

20 (b)(i) The reestablished commission and superintendent of public
21 instruction shall develop a statewide academic assessment system for
22 use in the elementary, middle, and high school years designed to
23 determine if each student has learned the essential academic learning
24 requirements identified in (a) of this subsection. The academic
25 assessment system shall provide alternative measuring tools to assess
26 student academic achievement and include a variety of assessment
27 methods, including criterion-referenced and performance-based measures.
28 Performance standards for determining if a student has successfully
29 completed an assessment shall be determined by the reestablished
30 commission and the superintendent of public instruction in consultation
31 with the advisory committees required in subsection (2) of this
32 section.

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

1 (iii) Assessments measuring the essential academic learning
 2 requirements shall be available for voluntary use by school districts
 3 and shall be required to be administered by school districts according
 4 to the following schedule unless the legislature takes action to delay
 5 or prevent implementation of the assessment system and essential
 6 academic learning requirements.

7 **Assessments** **Assessments**
 8 **available for** **required to be**
 9 **voluntary use** **administered**
 10 **(School years)** **(School years)**

11 **Reading, Writing,**
 12 **Communication, Mathematics**

13 - Elementary school	((1996-97))	((1997-98))
	<u>2006-07</u>	<u>2007-08</u>
14 - Middle school	((1997-98))	((2000-01))
	<u>2007-08</u>	<u>2010-11</u>
15 - High school	((1998-99))	((2000-01))
	<u>2008-09</u>	<u>2013-14</u>

19 **Science**

20 - High school	((2002-03))	((2003-04))
	<u>2012-13</u>	<u>2013-14</u>
21 - Middle school	((2002-03))	((2003-04))
	<u>2012-13</u>	<u>2013-14</u>
22 - Elementary school	((2003-04))	((2004-05))
	<u>2013-14</u>	<u>2014-15</u>

26 **Social Studies**

27 - Elementary, middle, and	((2004-05))	((2007-08))
28 high school	<u>2014-15</u>	<u>2017-18</u>

29 **Arts**

30 - Middle and high school	((2005-06))	((2008-09))
	<u>2015-16</u>	<u>2018-19</u>
31 - Elementary school	((2005-06))	((2009-10))
	<u>2015-16</u>	<u>2019-20</u>

34 **Health, Fitness**

35 - Middle and high school	((2005-06))	((2008-09))
	<u>2015-16</u>	<u>2018-19</u>

The completed assessments and assessments still in development shall be transferred by the reestablished commission on student learning to the superintendent of public instruction by June 30, ((1999)) 2011.

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

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

(v) The reestablished commission on student learning may modify the essential academic learning requirements and the assessments, as needed, before June 30, ((1999)) 2011. The superintendent of public instruction may modify the essential academic learning requirements and the assessments, as needed, after June 30, ((1999)) 2011. The reestablished commission and superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(vi) The reestablished commission and the superintendent of public instruction shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender, and shall standardize the data collection, categorization, and reporting of racial, ethnic, and low socio-economic groups;

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

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

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

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

34 (f) Consider methods to address the unique needs of historically
35 marginalized students when developing the assessments in (b) and (c) of
36 this subsection;

37 (g) Develop recommendations on the time, support, and resources,
38 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))~~ (h) 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))~~ (i) Review current school district data reporting
11 requirements for the purposes of accountability ~~((and))~~, meeting state
12 information needs, and ensuring accuracy through the use of
13 disaggregated and standardized data. The reestablished commission on
14 student learning shall report recommendations to the ~~((joint select~~
15 ~~committee on education restructuring))~~ education committees of the
16 legislature by September 15, ~~((1996))~~ 2006, on:

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

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

25 ~~((i))~~ (iii) How should data be disaggregated and standardized to
26 best reflect all student learning;

27 (j) Recommend to the legislature, governor, state board of
28 education, and superintendent of public instruction:

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

37 (ii) A school assistance program to help schools and school
38 districts that are having difficulty helping students meet the

1 essential academic learning requirements as measured by performance on
2 the elementary, middle school, and high school assessments, with
3 particular emphasis on underperforming students of color as evidenced
4 by disaggregated data;

5 (iii) A system to intervene in schools and school districts in
6 which significant numbers of students persistently fail to learn the
7 essential academic learning requirements or meet the standards
8 established for the elementary, middle school, and high school
9 assessments; and

10 (iv) An awards program to provide incentives to school staff to
11 help their students learn the essential academic learning requirements,
12 with each school being assessed individually against its own baseline,
13 schools with similar characteristics, and the statewide average.
14 Incentives shall be based on the rate of percentage change of students
15 achieving the essential academic learning requirements and progress on
16 meeting the statewide average. School staff shall determine how the
17 awards will be spent.

18 The reestablished commission shall make recommendations regarding
19 a statewide accountability system for reading in grades kindergarten
20 through four by November 1, (~~(1997)~~) 2007. Recommendations for an
21 accountability system in the other subject areas and grade levels shall
22 be made no later than June 30, (~~(1999)~~) 2009;

23 (~~(j)~~) (k) Report annually by December 1st to the legislature, the
24 governor, the superintendent of public instruction, (~~and~~) the state
25 board of education, and the Washington multiethnic think tank on the
26 progress, findings, and recommendations of the reestablished
27 commission; and

28 (~~(k)~~) (l) Make recommendations to the legislature and take other
29 actions necessary or desirable to help students meet the student
30 learning goals.

31 (4) The reestablished commission shall coordinate its activities
32 with the state board of education (~~and~~), the office of the
33 superintendent of public instruction, and the Washington multiethnic
34 think tank.

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

1 (6) The reestablished commission shall select an entity to provide
2 staff support and the office of the superintendent of public
3 instruction shall provide administrative oversight and be the fiscal
4 agent for the reestablished commission. The reestablished commission
5 may direct the office of the superintendent of public instruction to
6 enter into subcontracts, within the reestablished commission's
7 resources, with school districts, teachers, higher education faculty,
8 state agencies, business organizations, and the Washington multiethnic
9 think tank, and other individuals and organizations to assist the
10 reestablished commission in its deliberations.

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

13 (8)(a) By September 30, (~~(1997)~~) 2007, the reestablished commission
14 on student learning, the state board of education, and the
15 superintendent of public instruction shall jointly present
16 recommendations to the education committees of the house of
17 representatives and the senate regarding the high school assessments,
18 the certificate of mastery, and high school graduation requirements.

19 In preparing recommendations, the reestablished commission on
20 student learning shall convene an ad hoc working group to address
21 questions, including:

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

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

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

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

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

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

1 (vii) Should the assessments and certificate of mastery be used to
2 satisfy high school graduation requirements and college or university
3 entrance criteria for public school students? If yes, how should these
4 methods be phased-in?

5 (b) The ad hoc working group shall report its recommendations to
6 the reestablished commission on student learning, the state board of
7 education, and the superintendent of public instruction by June 15,
8 ((1997)) 2007. The reestablished commission shall report the ad hoc
9 working group's recommendations to the education committees of the
10 house of representatives and senate by July 15, ((1997)) 2007. Final
11 recommendations of the reestablished commission on student learning,
12 the state board of education, and the superintendent of public
13 instruction shall be presented to the education committees of the house
14 of representatives and the senate by September 30, ((1997)) 2007.

15 (9) The reestablished Washington commission on student learning
16 ((shall)) expires on June 30, ((1999)) 2009.

17 **Sec. 4.** RCW 28A.410.210 and 2000 c 39 s 103 are each amended to
18 read as follows:

19 The Washington professional educator standards board shall:

20 (1) Serve as an advisory body to the superintendent of public
21 instruction and as the sole advisory body to the state board of
22 education on issues related to educator recruitment, hiring,
23 preparation, certification including high quality alternative routes to
24 certification, mentoring and support, culturally and linguistically
25 responsive professional growth, retention, governance, prospective
26 teacher pedagogy assessment, prospective principal assessment, educator
27 evaluation including but not limited to peer evaluation, recruitment
28 and retention of racial and ethnic minorities, and revocation and
29 suspension of licensure;

30 (2) Submit annual reports and recommendations, beginning December
31 1, 2000, to the governor, the education and fiscal committees of the
32 legislature, the state board of education, ((and)) the superintendent
33 of public instruction, and the Washington multiethnic think tank
34 concerning duties and activities within the board's advisory capacity.
35 The Washington professional educator standards board shall submit a
36 separate report by December 1, ((2000)) 2010, to the governor, the
37 education and fiscal committees of the legislature, the state board of

1 education, (~~and~~) the superintendent of public instruction, and the
2 Washington multiethnic think tank providing recommendations for at
3 least two high quality alternative routes to teacher certification that
4 reflect the need for recruitment and retention of ethnic minorities.
5 In its deliberations, the board shall consider at least one route that
6 permits persons with substantial subject matter expertise to achieve
7 residency certification through an on-the-job training program provided
8 by a school district; and

9 (3) Establish the culturally and linguistically responsive
10 prospective teacher assessment system for basic skills and subject
11 knowledge that shall be required to obtain residency certification
12 pursuant to RCW 28A.410.220 through 28A.410.240.

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