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HOUSE BILL 1288

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Halper, Santos, Hankins, P. Sullivan, Lovick, Chase, Simpson, Hasegawa, McCune and Kenney

Read first time 01/16/2007. Referred to Committee on Education.

1            AN ACT Relating to revising the essential academic learning  
2 requirements and statewide academic system; amending RCW 28A.655.070,  
3 28A.655.061, 28A.150.220, 28A.180.100, 28A.195.010, 28A.200.010,  
4 28A.230.090, 28A.305.130, 28A.600.310, and 28A.655.090; reenacting and  
5 amending RCW 28A.230.125; adding new sections to chapter 28A.655 RCW;  
6 repealing RCW 28A.155.045, 28A.655.010, 28A.655.063, 28A.655.065, and  
7 28A.230.195; and declaring an emergency.

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

9            **Sec. 1.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to  
10 read as follows:

11            (1) The superintendent of public instruction shall develop  
12 essential academic learning requirements that identify the knowledge  
13 and skills all public school students need to know and be able to do  
14 based on the student learning goals in RCW 28A.150.210, ((develop))  
15 select student assessments, and implement the accountability  
16 recommendations and requests regarding assistance, rewards, and  
17 recognition of the state board of education.

18            (2) The state board of education shall appoint an academic  
19 standards panel comprised of exemplary educators from Washington and

1 nationally and internationally recognized individuals with knowledge  
2 and expertise in student learning standards at various grade levels and  
3 in various subject areas. By September 1, 2007, the academic standards  
4 panel shall recommend revisions to the essential academic learning  
5 requirements in reading, writing, mathematics, and science, which shall  
6 be adopted by the superintendent of public instruction. The revised  
7 essential academic learning requirements shall be aligned with national  
8 and international standards of academic achievement and aligned with  
9 diagnostic and standards-based assessments that are available and used  
10 in school districts and in other states. The revised essential  
11 academic learning requirements shall form the basis for revisions of  
12 the grade level content expectations and the statewide academic  
13 assessment system used for state and federal accountability purposes to  
14 ensure alignment between instruction, curriculum, standards,  
15 assessments, and accountability in core academic areas.

16 (3) After the revisions required by subsection (1) of this section,  
17 the superintendent of public instruction (~~shall~~):

18 (a) May periodically revise the essential academic learning  
19 requirements, as needed, based on the student learning goals in RCW  
20 28A.150.210. Goals one and two shall be considered primary. To the  
21 maximum extent possible, the superintendent shall integrate goal four  
22 and the knowledge and skill areas in the other goals in the essential  
23 academic learning requirements; and

24 (b) Shall review and prioritize the essential academic learning  
25 requirements and identify, with clear and concise descriptions, the  
26 grade level content expectations to be assessed on the Washington  
27 assessment of student learning and used for state or federal  
28 accountability purposes. The review, prioritization, and  
29 identification shall result in more focus and targeting with an  
30 emphasis on depth over breadth in the number of grade level content  
31 expectations assessed at each grade level. Grade level content  
32 expectations shall be articulated over the grades as a sequence of  
33 expectations and performances that are logical, build with increasing  
34 depth after foundational knowledge and skills are acquired, and  
35 reflect, where appropriate, the sequential nature of the discipline.  
36 The office of the superintendent of public instruction, within seven  
37 working days, shall post on its web site any grade level content

1 expectations provided to an assessment vendor for use in  
2 (~~constructing~~) the Washington assessment of student learning.

3 ~~((3))~~ (4) No later than August 31, 2008, and in consultation with  
4 the state board of education, the superintendent of public instruction  
5 shall (~~maintain and continue to develop and~~) revise ((a)) and  
6 thereafter maintain statewide academic assessment system in the content  
7 areas of reading, writing, mathematics, and science for use in the  
8 elementary, middle, and high school years designed to determine if each  
9 student has mastered the revised essential academic learning  
10 requirements identified in subsection (1) of this section. The  
11 superintendent of public instruction shall select one or more  
12 assessments in reading, writing, mathematics, and science to be used  
13 for state and federal accountability purposes beginning in the 2008-09  
14 school year. The assessments must have the characteristics described  
15 in subsection (6) of this section and shall serve as the Washington  
16 assessment of student learning. School districts shall administer the  
17 assessments under guidelines adopted by the superintendent of public  
18 instruction. (~~The academic assessment system shall include a variety~~  
19 ~~of assessment methods, including criterion-referenced and performance-~~  
20 ~~based measures.~~

21 ~~(4))~~ (5) If the superintendent proposes any modification to the  
22 essential academic learning requirements or the statewide assessments,  
23 then the superintendent shall, upon request, provide opportunities for  
24 the education committees of the house of representatives and the senate  
25 to review the assessments and proposed modifications to the essential  
26 academic learning requirements before the modifications are adopted.

27 ~~((5)(a))~~ (6) The assessments ((system)) selected under subsection  
28 (4) of this section shall:

29 (a) Measure annual growth in individual student achievement of the  
30 revised essential academic learning requirements and grade level  
31 content expectations in a manner that meets professional and federal  
32 standards for reliability and validity;

33 (b) Be designed so that the results under the assessment system are  
34 used by educators as diagnostic tools to evaluate instructional  
35 practices((7)) and to initiate appropriate educational support for  
36 students who have not mastered the essential academic learning  
37 requirements at the appropriate periods in the student's educational  
38 development((7

1       ~~(b) Assessments measuring the essential academic learning~~  
2 ~~requirements in the content area of science shall be available for~~  
3 ~~mandatory use in middle schools and high schools by the 2003-04 school~~  
4 ~~year and for mandatory use in elementary schools by the 2004-05 school~~  
5 ~~year unless the legislature takes action to delay or prevent~~  
6 ~~implementation of the assessment.~~

7       ~~(6) By September 2007, the results for reading and mathematics~~  
8 ~~shall be reported in a format that will allow parents and teachers to~~  
9 ~~determine the academic gain a student has acquired in those content~~  
10 ~~areas from one school year to the next.~~

11       ~~(7) To assist parents and teachers in their efforts to provide~~  
12 ~~educational support to individual students, the superintendent of~~  
13 ~~public instruction shall provide as much individual student performance~~  
14 ~~information as possible within the constraints of the assessment~~  
15 ~~system's item bank.)) ;~~

16       (c) Be easily administered, quickly and easily scored, with results  
17 provided in a format that may be easily shared with parents and  
18 students;

19       (d) Be designed so that sample and actual tests are promptly  
20 available to parents, teachers, and the public. Individual student  
21 responses to the test questions shall be promptly available subject to  
22 applicable state and federal protections of student privacy;

23       (e) Permit comparison of student achievement to school districts  
24 and states outside of Washington that have similar academic achievement  
25 standards and use the same assessments;

26       (f) Meet federal guidelines for creating a growth model of school  
27 accountability as well as an improvement or status model of school  
28 accountability; and

29       (g) Are not biased toward persons with different learning styles,  
30 racial or ethnic backgrounds, or on the basis of gender.

31       (7) The superintendent shall also provide to school districts((÷  
32       (a÷)) information on classroom-based and other assessments that may  
33 provide additional achievement information for individual students((÷  
34 and

35       ~~(b) A collection of diagnostic tools that educators may use to~~  
36 ~~evaluate the academic status of individual students. The tools shall~~  
37 ~~be designed to be inexpensive, easily administered, and quickly and~~

1 ~~easily scored, with results provided in a format that may be easily~~  
2 ~~shared with parents and students)).~~

3 (8) To the maximum extent possible, the ~~((superintendent))~~  
4 assessments shall integrate knowledge and skill areas ~~((in development~~  
5 ~~of the assessments))~~.

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

9 ~~((The superintendent shall develop assessments that are~~  
10 ~~directly related to the essential academic learning requirements, and~~  
11 ~~are not biased toward persons with different learning styles, racial or~~  
12 ~~ethnic backgrounds, or on the basis of gender.~~

13 ~~(11))~~ The superintendent shall consider methods to address the  
14 unique needs of special education students and highly capable students  
15 when ~~((developing))~~ selecting the assessments under this section.

16 ~~((12) The superintendent shall consider methods to address the~~  
17 ~~unique needs of highly capable students when developing the assessments~~  
18 ~~under this section.~~

19 ~~(13))~~ (11) The superintendent shall post on the superintendent's  
20 web site lists of resources and model assessments in social studies,  
21 the arts, and health and fitness.

22 (12) If students' scores on the assessments under this section  
23 indicate that students need help in identified areas, the school  
24 district shall evaluate its instructional practices and make  
25 appropriate adjustments.

26 (13) Each school district shall notify the parents of each student  
27 of their child's performance on the assessments conducted under this  
28 section.

29 NEW SECTION. Sec. 2. A new section is added to chapter 28A.655  
30 RCW to read as follows:

31 Not later than the 2009-10 school year, the superintendent of  
32 public instruction shall submit to the United States department of  
33 education a proposal to use a growth model of school accountability for  
34 purposes of P.L. 107-110, the no child left behind act of 2001. The  
35 growth model shall be based on results of the Washington assessment of  
36 student learning as revised by the 2007 c . . . (this act) amendments  
37 to RCW 28A.655.070 and shall measure improvements in individual student

1 achievement from one year to the next rather than comparing the  
2 achievement status of a different cohort of students at the same grade  
3 level from one year to the next. If the proposal is approved by the  
4 department, the superintendent of public instruction and the state  
5 board of education shall implement the growth model for both state and  
6 federal accountability purposes.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.655  
8 RCW to read as follows:

9 The state board of education shall examine possible uses for the  
10 high school Washington assessment of student learning within the  
11 statewide academic assessment system, including but not limited to  
12 requiring students to pass some or all of the subject areas of the  
13 assessment for high school graduation. The board shall review the  
14 experience of other states with required exit examinations, including  
15 but not limited to the effect of the requirement on curriculum,  
16 instruction, dropout rates, assessment administration costs,  
17 litigation, and other issues. The board shall make a recommendation to  
18 the governor and the legislature by December 1, 2010, on whether some  
19 or all of the subject areas of the high school Washington assessment of  
20 student learning should be required for high school graduation or used  
21 for other purposes.

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

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

34 ~~(2) Subject to the conditions in this section, a certificate of~~  
35 ~~academic achievement shall be obtained by most students at about the~~  
36 ~~age of sixteen, and is evidence that the students have successfully met~~

1 the state standard in the content areas included in the certificate.  
2 With the exception of students satisfying the provisions of RCW  
3 28A.155.045, acquisition of the certificate is required for graduation  
4 from a public high school but is not the only requirement for  
5 graduation.

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

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

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

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

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

~~1 (a) To retake the Washington assessment of student learning up to  
2 four times in the content areas in which the student did not meet the  
3 state standards if the student is enrolled in a public school; or~~

~~4 (b) To retake the Washington assessment of student learning up to  
5 four times in the content areas in which the student did not meet the  
6 state standards if the student is enrolled in a high school completion  
7 program at a community or technical college. The superintendent of  
8 public instruction and the state board for community and technical  
9 colleges shall jointly identify means by which students in these  
10 programs can be assessed.~~

~~11 (8) Students who achieve the standard in a content area of the high  
12 school assessment but who wish to improve their results shall pay for  
13 retaking the assessment, using a uniform cost determined by the  
14 superintendent of public instruction.~~

~~15 (9) Subject to available funding, the superintendent shall pilot  
16 opportunities for retaking the high school assessment beginning in the  
17 2004-05 school year. Beginning no later than September 2006,  
18 opportunities to retake the assessment at least twice a year shall be  
19 available to each school district.~~

~~20 (10)(a) The office of the superintendent of public instruction  
21 shall develop options for implementing objective alternative  
22 assessments, which may include an appeals process, for students to  
23 demonstrate achievement of the state academic standards. The objective  
24 alternative assessments shall be comparable in rigor to the skills and  
25 knowledge that the student must demonstrate on the Washington  
26 assessment of student learning and be objective in its determination of  
27 student achievement of the state standards. Before any objective  
28 alternative assessments in addition to those authorized in RCW  
29 28A.655.065 or (b) of this subsection are used by a student to  
30 demonstrate that the student has met the state standards in a content  
31 area required to obtain a certificate, the legislature shall formally  
32 approve the use of any objective alternative assessments through the  
33 omnibus appropriations act or by statute or concurrent resolution.~~

~~34 (b) A student's score on the mathematics portion of the preliminary  
35 scholastic assessment test (PSAT), the scholastic assessment test  
36 (SAT), or the American college test (ACT) may be used as an objective  
37 alternative assessment under this section for demonstrating that a  
38 student has met or exceeded the mathematics standards for the~~



1 ~~certificate of academic achievement. The state board of education~~  
2 ~~shall identify the scores students must achieve on the mathematics~~  
3 ~~portion of the PSAT, SAT, or ACT to meet or exceed the state standard~~  
4 ~~for mathematics. The state board of education shall identify the first~~  
5 ~~scores by December 1, 2006, and thereafter may increase but not~~  
6 ~~decrease the scores required for students to meet or exceed the state~~  
7 ~~standard for mathematics.~~

8 ~~(11) By December 15, 2004, the house of representatives and senate~~  
9 ~~education committees shall obtain information and conclusions from~~  
10 ~~recognized, independent, national assessment experts regarding the~~  
11 ~~validity and reliability of the high school Washington assessment of~~  
12 ~~student learning for making individual student high school graduation~~  
13 ~~determinations.~~

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

19 ~~((a)) (1) Student learning plans are required for eighth through~~  
20 ~~twelfth grade students who were not successful on any or all of the~~  
21 ~~content areas of the Washington assessment for student learning during~~  
22 ~~the previous school year. The plan shall include the courses,~~  
23 ~~competencies, and other steps needed to be taken by the student to meet~~  
24 ~~state academic standards ((and stay on track for graduation. This~~  
25 ~~requirement shall be phased in as follows:~~

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

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

31 ~~(iii)).~~

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

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

4        ~~((b) Beginning with the 2005-06 school year and every year~~  
5 ~~thereafter,)~~ (2) All fifth grade students who were not successful in  
6 one or more of the content areas of the fourth grade Washington  
7 assessment of student learning shall have a student learning plan.

8        ~~((i))~~ (a) The parent or guardian of a student described in this  
9 subsection ~~((12)(b))~~ (2) shall be notified, preferably through a  
10 parent conference, of the student's results on the Washington  
11 assessment of student learning, actions the school intends to take to  
12 improve the student's skills in any content area in which the student  
13 was unsuccessful, and provide strategies to help them improve their  
14 student's skills.

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

18        **Sec. 5.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to  
19 read as follows:

20        (1) Satisfaction of the basic education program requirements  
21 identified in RCW 28A.150.210 shall be considered to be implemented by  
22 the following program:

23        (a) Each school district shall make available to students enrolled  
24 in kindergarten at least a total instructional offering of four hundred  
25 fifty hours. The program shall include instruction in the essential  
26 academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070  
27 and such other subjects and such activities as the school district  
28 shall determine to be appropriate for the education of the school  
29 district's students enrolled in such program;

30        (b) Each school district shall make available to students enrolled  
31 in grades one through twelve, at least a district-wide annual average  
32 total instructional hour offering of one thousand hours. The state  
33 board of education may define alternatives to classroom instructional  
34 time for students in grades nine through twelve enrolled in alternative  
35 learning experiences. The state board of education shall establish  
36 rules to determine annual average instructional hours for districts  
37 including fewer than twelve grades. The program shall include the

1 essential academic learning requirements under RCW ((~~28A.630.885~~))  
2 28A.655.070 and such other subjects and such activities as the school  
3 district shall determine to be appropriate for the education of the  
4 school district's students enrolled in such group;

5 (c) If the essential academic learning requirements include a  
6 requirement of languages other than English, the requirement may be met  
7 by students receiving instruction in one or more American Indian  
8 languages.

9 (2) Nothing contained in subsection (1) of this section shall be  
10 construed to require individual students to attend school for any  
11 particular number of hours per day or to take any particular courses.

12 (3) Each school district's kindergarten through twelfth grade basic  
13 educational program shall be accessible to all students who are five  
14 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
15 years of age and shall consist of a minimum of one hundred eighty  
16 school days per school year in such grades as are conducted by a school  
17 district, and one hundred eighty half-days of instruction, or  
18 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a  
19 school district may schedule the last five school days of the one  
20 hundred and eighty day school year for noninstructional purposes in the  
21 case of students who are graduating from high school, including, but  
22 not limited to, the observance of graduation and early release from  
23 school upon the request of a student, and all such students may be  
24 claimed as a full time equivalent student to the extent they could  
25 otherwise have been so claimed for the purposes of RCW 28A.150.250 and  
26 28A.150.260.

27 (4) The state board of education shall adopt rules to implement and  
28 ensure compliance with the program requirements imposed by this  
29 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental  
30 program approval requirements as the state board may establish.

31 **Sec. 6.** RCW 28A.180.100 and 2004 c 19 s 105 are each amended to  
32 read as follows:

33 The office of the superintendent of public instruction and the  
34 state board for community and technical colleges shall jointly develop  
35 a program plan to provide a continuing education option for students  
36 who are eligible for the state transitional bilingual instruction  
37 program and who need more time to develop language proficiency but who

1 are more age-appropriately suited for a postsecondary learning  
2 environment than for a high school. In developing the plan, the  
3 superintendent of public instruction shall consider options to formally  
4 recognize the accomplishments of students in the state transitional  
5 bilingual instruction program who have completed the twelfth grade but  
6 have not earned a ~~((certificate of academic achievement. By December~~  
7 ~~1, 2004, the agencies shall report to the legislative education and~~  
8 ~~fiscal committees with any recommendations for legislative action and~~  
9 ~~any resources necessary to implement the plan))~~ high school diploma.

10 **Sec. 7.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to  
11 read as follows:

12 The legislature hereby recognizes that private schools should be  
13 subject only to those minimum state controls necessary to insure the  
14 health and safety of all the students in the state and to insure a  
15 sufficient basic education to meet usual graduation requirements. The  
16 state, any agency or official thereof, shall not restrict or dictate  
17 any specific educational or other programs for private schools except  
18 as hereinafter in this section provided.

19 Principals of private schools or superintendents of private school  
20 districts shall file each year with the state superintendent of public  
21 instruction a statement certifying that the minimum requirements  
22 hereinafter set forth are being met, noting any deviations. After  
23 review of the statement, the state superintendent will notify schools  
24 or school districts of those deviations which must be corrected. In  
25 case of major deviations, the school or school district may request and  
26 the state board of education may grant provisional status for one year  
27 in order that the school or school district may take action to meet the  
28 requirements. The state board of education shall not require private  
29 school students to meet the student learning goals, ~~((obtain a~~  
30 ~~certificate of academic achievement, or a certificate of individual~~  
31 ~~achievement to graduate from high school, to))~~ master the essential  
32 academic learning requirements, or ~~((to))~~ be assessed pursuant to RCW  
33 ~~((28A.655.061))~~ 28A.655.070. However, private schools may choose, on  
34 a voluntary basis, to have their students master these essential  
35 academic learning requirements ~~((r))~~ or take the assessments ~~((r and~~  
36 ~~obtain a certificate of academic achievement or a certificate of~~  
37 ~~individual achievement))~~. Minimum requirements shall be as follows:

1 (1) The minimum school year for instructional purposes shall  
2 consist of no less than one hundred eighty school days or the  
3 equivalent in annual minimum program hour offerings as prescribed in  
4 RCW 28A.150.220.

5 (2) The school day shall be the same as that required in RCW  
6 28A.150.030 and 28A.150.220, except that the percentages of total  
7 program hour offerings as prescribed in RCW 28A.150.220 for basic  
8 skills, work skills, and optional subjects and activities shall not  
9 apply to private schools or private sectarian schools.

10 (3) All classroom teachers shall hold appropriate Washington state  
11 certification except as follows:

12 (a) Teachers for religious courses or courses for which no  
13 counterpart exists in public schools shall not be required to obtain a  
14 state certificate to teach those courses.

15 (b) In exceptional cases, people of unusual competence but without  
16 certification may teach students so long as a certified person  
17 exercises general supervision. Annual written statements shall be  
18 submitted to the office of the superintendent of public instruction  
19 reporting and explaining such circumstances.

20 (4) An approved private school may operate an extension program for  
21 parents, guardians, or persons having legal custody of a child to teach  
22 children in their custody. The extension program shall require at a  
23 minimum that:

24 (a) The parent, guardian, or custodian be under the supervision of  
25 an employee of the approved private school who is certified under  
26 chapter 28A.410 RCW;

27 (b) The planning by the certified person and the parent, guardian,  
28 or person having legal custody include objectives consistent with this  
29 subsection and subsections (1), (2), (5), (6), and (7) of this section;

30 (c) The certified person spend a minimum average each month of one  
31 contact hour per week with each student under his or her supervision  
32 who is enrolled in the approved private school extension program;

33 (d) Each student's progress be evaluated by the certified person;  
34 and

35 (e) The certified employee shall not supervise more than thirty  
36 students enrolled in the approved private school's extension program.

37 (5) Appropriate measures shall be taken to safeguard all permanent  
38 records against loss or damage.

1 (6) The physical facilities of the school or district shall be  
2 adequate to meet the program offered by the school or district:  
3 PROVIDED, That each school building shall meet reasonable health and  
4 fire safety requirements. A residential dwelling of the parent,  
5 guardian, or custodian shall be deemed to be an adequate physical  
6 facility when a parent, guardian, or person having legal custody is  
7 instructing his or her child under subsection (4) of this section.

8 (7) Private school curriculum shall include instruction of the  
9 basic skills of occupational education, science, mathematics, language,  
10 social studies, history, health, reading, writing, spelling, and the  
11 development of appreciation of art and music, all in sufficient units  
12 for meeting state board of education graduation requirements.

13 (8) Each school or school district shall be required to maintain  
14 up-to-date policy statements related to the administration and  
15 operation of the school or school district.

16 All decisions of policy, philosophy, selection of books, teaching  
17 material, curriculum, except as in subsection (7) of this section  
18 provided, school rules and administration, or other matters not  
19 specifically referred to in this section, shall be the responsibility  
20 of the administration and administrators of the particular private  
21 school involved.

22 **Sec. 8.** RCW 28A.200.010 and 2004 c 19 s 107 are each amended to  
23 read as follows:

24 (1) Each parent whose child is receiving home-based instruction  
25 under RCW 28A.225.010(4) shall have the duty to:

26 (a) File annually a signed declaration of intent that he or she is  
27 planning to cause his or her child to receive home-based instruction.  
28 The statement shall include the name and age of the child, shall  
29 specify whether a certificated person will be supervising the  
30 instruction, and shall be written in a format prescribed by the  
31 superintendent of public instruction. Each parent shall file the  
32 statement by September 15th of the school year or within two weeks of  
33 the beginning of any public school quarter, trimester, or semester with  
34 the superintendent of the public school district within which the  
35 parent resides or the district that accepts the transfer, and the  
36 student shall be deemed a transfer student of the nonresident district.  
37 Parents may apply for transfer under RCW 28A.225.220;

1 (b) Ensure that test scores or annual academic progress assessments  
2 and immunization records, together with any other records that are kept  
3 relating to the instructional and educational activities provided, are  
4 forwarded to any other public or private school to which the child  
5 transfers. At the time of a transfer to a public school, the  
6 superintendent of the local school district in which the child enrolls  
7 may require a standardized achievement test to be administered and  
8 shall have the authority to determine the appropriate grade and course  
9 level placement of the child after consultation with parents and review  
10 of the child's records; and

11 (c) Ensure that a standardized achievement test approved by the  
12 state board of education is administered annually to the child by a  
13 qualified individual or that an annual assessment of the student's  
14 academic progress is written by a certificated person who is currently  
15 working in the field of education. The state board of education shall  
16 not require these children to meet the student learning goals, master  
17 the essential academic learning requirements((~~τ~~)) or to take the  
18 assessments(~~(, or to obtain a certificate of academic achievement or a~~  
19 ~~certificate of individual achievement pursuant to RCW 28A.655.061 and~~  
20 ~~28A.155.045))~~ under RCW 28A.655.070. The standardized test  
21 administered or the annual academic progress assessment written shall  
22 be made a part of the child's permanent records. If, as a result of  
23 the annual test or assessment, it is determined that the child is not  
24 making reasonable progress consistent with his or her age or stage of  
25 development, the parent shall make a good faith effort to remedy any  
26 deficiency.

27 (2) Failure of a parent to comply with the duties in this section  
28 shall be deemed a failure of such parent's child to attend school  
29 without valid justification under RCW 28A.225.020. Parents who do  
30 comply with the duties set forth in this section shall be presumed to  
31 be providing home-based instruction as set forth in RCW 28A.225.010(4).

32 **Sec. 9.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to  
33 read as follows:

34 (1) The state board of education shall establish high school  
35 graduation requirements or equivalencies for students, except those  
36 equivalencies established by local high schools or school districts  
37 under RCW 28A.230.097.

1 (a) Any course in Washington state history and government used to  
2 fulfill high school graduation requirements shall consider including  
3 information on the culture, history, and government of the American  
4 Indian peoples who were the first inhabitants of the state.

5 ~~(b) ((The certificate of academic achievement requirements under  
6 RCW 28A.655.061 or the certificate of individual achievement  
7 requirements under RCW 28A.155.045 are required for graduation from a  
8 public high school but are not the only requirements for graduation.~~

9 ~~(e))~~ Any decision on whether a student has met the state board's  
10 high school graduation requirements for a high school and beyond plan  
11 shall remain at the local level.

12 (2) In recognition of the statutory authority of the state board of  
13 education to establish and enforce minimum high school graduation  
14 requirements, the state board shall periodically reevaluate the  
15 graduation requirements and shall report such findings to the  
16 legislature in a timely manner as determined by the state board. The  
17 state board shall reevaluate the graduation requirements for students  
18 enrolled in vocationally intensive and rigorous career and technical  
19 education programs, particularly those programs that lead to a  
20 certificate or credential that is state or nationally recognized. The  
21 purpose of the evaluation is to ensure that students enrolled in these  
22 programs have sufficient opportunity to ~~((earn a certificate of  
23 academic achievement))~~ meet the state's essential academic learning  
24 requirements, complete the program and earn the program's certificate  
25 or credential, and complete other state and local graduation  
26 requirements. The board shall ~~((reports [report]))~~ report its findings  
27 and recommendations for additional flexibility in graduation  
28 requirements, if necessary, to the legislature by December 1, 2007.

29 (3) Pursuant to any requirement for instruction in languages other  
30 than English established by the state board of education or a local  
31 school district, or both, for purposes of high school graduation,  
32 students who receive instruction in American sign language or one or  
33 more American Indian languages shall be considered to have satisfied  
34 the state or local school district graduation requirement for  
35 instruction in one or more languages other than English.

36 (4) If requested by the student and his or her family, a student  
37 who has completed high school courses before attending high school



1 shall be given high school credit which shall be applied to fulfilling  
2 high school graduation requirements if:

3 (a) The course was taken with high school students, if the academic  
4 level of the course exceeds the requirements for seventh and eighth  
5 grade classes, and the student has successfully passed by completing  
6 the same course requirements and examinations as the high school  
7 students enrolled in the class; or

8 (b) The academic level of the course exceeds the requirements for  
9 seventh and eighth grade classes and the course would qualify for high  
10 school credit, because the course is similar or equivalent to a course  
11 offered at a high school in the district as determined by the school  
12 district board of directors.

13 (5) Students who have taken and successfully completed high school  
14 courses under the circumstances in subsection (4) of this section shall  
15 not be required to take an additional competency examination or perform  
16 any other additional assignment to receive credit.

17 (6) At the college or university level, five quarter or three  
18 semester hours equals one high school credit.

19 **Sec. 10.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6  
20 are each reenacted and amended to read as follows:

21 (1) The superintendent of public instruction, in consultation with  
22 the higher education coordinating board, the state board for community  
23 and technical colleges, and the work force training and education  
24 coordinating board, shall develop for use by all public school  
25 districts a standardized high school transcript. The superintendent  
26 shall establish clear definitions for the terms "credits" and "hours"  
27 so that school programs operating on the quarter, semester, or  
28 trimester system can be compared.

29 ~~(2) ((The standardized high school transcript shall include a  
30 notation of whether the student has earned a certificate of individual  
31 achievement or a certificate of academic achievement.~~

32 ~~(3))~~ Transcripts are important documents to students who will  
33 apply for admission to postsecondary institutions of higher education.  
34 Transcripts are also important to students who will seek employment  
35 upon or prior to graduation from high school. It is recognized that  
36 student transcripts may be the only record available to employers in  
37 their decision-making processes regarding prospective employees. The

1 superintendent of public instruction shall require school districts to  
2 inform annually all high school students that prospective employers may  
3 request to see transcripts and that the prospective employee's decision  
4 to release transcripts can be an important part of the process of  
5 applying for employment.

6 **Sec. 11.** RCW 28A.305.130 and 2006 c 263 s 102 are each amended to  
7 read as follows:

8 The purpose of the state board of education is to provide advocacy  
9 and strategic oversight of public education; implement a standards-  
10 based accountability system to improve student academic achievement;  
11 provide leadership in the creation of a system that personalizes  
12 education for each student and respects diverse cultures, abilities,  
13 and learning styles; and promote achievement of the goals of RCW  
14 28A.150.210. In addition to any other powers and duties as provided by  
15 law, the state board of education shall:

16 (1) Hold regularly scheduled meetings at such time and place within  
17 the state as the board shall determine and may hold such special  
18 meetings as may be deemed necessary for the transaction of public  
19 business;

20 (2) Form committees as necessary to effectively and efficiently  
21 conduct the work of the board;

22 (3) Seek advice from the public and interested parties regarding  
23 the work of the board;

24 (4) For purposes of statewide accountability:

25 (a) Adopt and revise performance improvement goals in reading,  
26 writing, science, and mathematics, by subject and grade level, once  
27 assessments in these subjects are required statewide; academic and  
28 technical skills, as appropriate, in secondary career and technical  
29 education programs; and student attendance, as the board deems  
30 appropriate to improve student learning. The goals shall be consistent  
31 with student privacy protection provisions of RCW 28A.655.090(7) and  
32 shall not conflict with requirements contained in Title I of the  
33 federal elementary and secondary education act of 1965, or the  
34 requirements of the Carl D. Perkins vocational education act of 1998,  
35 each as amended. The goals may be established for all students,  
36 economically disadvantaged students, limited English proficient  
37 students, students with disabilities, and students from

1 disproportionately academically underachieving racial and ethnic  
2 backgrounds. The goals shall include improvements in individual  
3 student achievement from one year to the next consistent with a growth  
4 model of school accountability. The board may establish school and  
5 school district goals addressing high school graduation rates and  
6 dropout reduction goals for students in grades seven through twelve.  
7 The board shall adopt the goals by rule. However, before each goal is  
8 implemented, the board shall present the goal to the education  
9 committees of the house of representatives and the senate for the  
10 committees' review and comment in a time frame that will permit the  
11 legislature to take statutory action on the goal if such action is  
12 deemed warranted by the legislature;

13 (b) Identify the scores students must achieve in order to meet the  
14 standard on the Washington assessment of student learning (~~(and, for~~  
15 ~~high school students, to obtain a certificate of academic~~  
16 ~~achievement)).~~ The board shall also determine student scores that  
17 identify levels of student performance below and beyond the standard.  
18 (~~The board shall consider the incorporation of the standard error of~~  
19 ~~measurement into the decision regarding the award of the~~  
20 ~~certificates.)~~) The board shall set such performance standards and  
21 levels in consultation with the superintendent of public instruction  
22 and after consideration of any recommendations that may be developed by  
23 any advisory committees that may be established for this purpose.  
24 (~~The initial performance standards and any changes recommended by the~~  
25 ~~board in the performance standards for the tenth grade assessment shall~~  
26 ~~be presented to the education committees of the house of~~  
27 ~~representatives and the senate by November 30th of the school year in~~  
28 ~~which the changes will take place to permit the legislature to take~~  
29 ~~statutory action before the changes are implemented if such action is~~  
30 ~~deemed warranted by the legislature.)~~) The legislature shall be  
31 advised of the initial performance standards and any changes made to  
32 the (~~elementary level~~) performance standards (~~and the middle school~~  
33 ~~level performance standards~~);

34 (c) Adopt objective, systematic criteria to identify successful  
35 schools and school districts and recommend to the superintendent of  
36 public instruction schools and districts to be recognized for two types  
37 of accomplishments, student achievement and improvements in student

1 achievement. Recognition for improvements in student achievement shall  
2 include consideration of one or more of the following accomplishments:  
3 (i) An increase in the percent of students meeting standards. The  
4 level of achievement required for recognition may be based on the  
5 achievement goals established by the legislature and by the board under  
6 (a) of this subsection;  
7 (ii) Positive progress on an improvement index that measures  
8 improvement in all levels of the assessment; and  
9 (iii) Improvements despite challenges such as high levels of  
10 mobility, poverty, English as a second language learners, and large  
11 numbers of students in special populations as measured by either the  
12 percent of students meeting the standard, or the improvement index.  
13 When determining the baseline year or years for recognizing individual  
14 schools, the board may use the assessment results from the initial  
15 years the assessments were administered, if doing so with individual  
16 schools would be appropriate;  
17 (d) Adopt objective, systematic criteria to identify schools and  
18 school districts in need of assistance and those in which significant  
19 numbers of students persistently fail to meet state standards. In its  
20 deliberations, the board shall consider the use of all statewide  
21 mandated criterion-referenced and norm-referenced standardized tests;  
22 (e) Identify schools and school districts in which state  
23 intervention measures will be needed and a range of appropriate  
24 intervention strategies after the legislature has authorized a set of  
25 intervention strategies. After the legislature has authorized a set of  
26 intervention strategies, at the request of the board, the  
27 superintendent shall intervene in the school or school district and  
28 take corrective actions. This chapter does not provide additional  
29 authority for the board or the superintendent of public instruction to  
30 intervene in a school or school district;  
31 (f) Identify performance incentive systems that have improved or  
32 have the potential to improve student achievement;  
33 (g) Annually review the assessment reporting system to ensure  
34 fairness, accuracy, timeliness, and equity of opportunity, especially  
35 with regard to schools with special circumstances and unique  
36 populations of students, and a recommendation to the superintendent of  
37 public instruction of any improvements needed to the system; and

1 (h) Include in the biennial report required under RCW 28A.305.035,  
2 information on the progress that has been made in achieving goals  
3 adopted by the board;

4 (5) Accredite, subject to such accreditation standards and  
5 procedures as may be established by the state board of education, all  
6 private schools that apply for accreditation, and approve, subject to  
7 the provisions of RCW 28A.195.010, private schools carrying out a  
8 program for any or all of the grades kindergarten through twelve:  
9 PROVIDED, That no private school may be approved that operates a  
10 kindergarten program only: PROVIDED FURTHER, That no private schools  
11 shall be placed upon the list of accredited schools so long as secret  
12 societies are knowingly allowed to exist among its students by school  
13 officials;

14 (6) Articulate with the institutions of higher education, work  
15 force representatives, and early learning policymakers and providers to  
16 coordinate and unify the work of the public school system;

17 (7) Hire an executive director and an administrative assistant to  
18 reside in the office of the superintendent of public instruction for  
19 administrative purposes. Any other personnel of the board shall be  
20 appointed as provided by RCW 28A.300.020. The executive director,  
21 administrative assistant, and all but one of the other personnel of the  
22 board are exempt from civil service, together with other staff as now  
23 or hereafter designated as exempt in accordance with chapter 41.06 RCW;  
24 and

25 (8) Adopt a seal that shall be kept in the office of the  
26 superintendent of public instruction.

27 **Sec. 12.** RCW 28A.600.310 and 2005 c 125 s 1 are each amended to  
28 read as follows:

29 (1) Eleventh and twelfth grade students or students who have not  
30 yet received the credits required for the award of a high school  
31 diploma and are eligible to be in the eleventh or twelfth grades may  
32 apply to a participating institution of higher education to enroll in  
33 courses or programs offered by the institution of higher education. A  
34 student receiving home-based instruction enrolling in a public high  
35 school for the sole purpose of participating in courses or programs  
36 offered by institutions of higher education shall not be counted by the  
37 school district in any required state or federal accountability

1 reporting if the student's parents or guardians filed a declaration of  
2 intent to provide home-based instruction and the student received home-  
3 based instruction during the school year before the school year in  
4 which the student intends to participate in courses or programs offered  
5 by the institution of higher education. Students receiving home-based  
6 instruction under chapter 28A.200 RCW and students attending private  
7 schools approved under chapter 28A.195 RCW shall not be required to  
8 meet the student learning goals(~~(, obtain a certificate of academic  
9 achievement or a certificate of individual achievement to graduate from  
10 high school,)~~) or to master the essential academic learning  
11 requirements. However, students are eligible to enroll in courses or  
12 programs in participating universities only if the board of directors  
13 of the student's school district has decided to participate in the  
14 program. Participating institutions of higher education, in  
15 consultation with school districts, may establish admission standards  
16 for these students. If the institution of higher education accepts a  
17 secondary school pupil for enrollment under this section, the  
18 institution of higher education shall send written notice to the pupil  
19 and the pupil's school district within ten days of acceptance. The  
20 notice shall indicate the course and hours of enrollment for that  
21 pupil.

22 (2) The pupil's school district shall transmit to the institution  
23 of higher education an amount per each full-time equivalent college  
24 student at statewide uniform rates for vocational and nonvocational  
25 students. The superintendent of public instruction shall separately  
26 calculate and allocate moneys appropriated for basic education under  
27 RCW 28A.150.260 to school districts for purposes of making such  
28 payments and for granting school districts seven percent thereof to  
29 offset program related costs. The calculations and allocations shall  
30 be based upon the estimated statewide annual average per full-time  
31 equivalent high school student allocations under RCW 28A.150.260,  
32 excluding small high school enhancements, and applicable rules adopted  
33 under chapter 34.05 RCW. The superintendent of public instruction, the  
34 higher education coordinating board, and the state board for community  
35 and technical colleges shall consult on the calculation and  
36 distribution of the funds. The institution of higher education shall  
37 not require the pupil to pay any other fees. The funds received by the  
38 institution of higher education from the school district shall not be

1 deemed tuition or operating fees and may be retained by the institution  
2 of higher education. A student enrolled under this subsection shall  
3 not be counted for the purpose of determining any enrollment  
4 restrictions imposed by the state on the institution of higher  
5 education.

6 **Sec. 13.** RCW 28A.655.090 and 1999 c 388 s 301 are each amended to  
7 read as follows:

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

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

16 (a) The percentage of students meeting the standards;

17 (b) The percentage of students performing at each level of the  
18 assessment; (~~and~~)

19 (c) A learning improvement index that shows changes in student  
20 performance within the different levels of student learning reported on  
21 the Washington assessment of student learning; and

22 (d) Indicators of growth in individual student achievement from  
23 year to year, reported in such a way to protect the privacy of  
24 individual students.

25 (3) The reports shall contain data regarding the different  
26 characteristics of schools, such as poverty levels, percent of English  
27 as a second language students, dropout rates, attendance, percent of  
28 students in special education, and student mobility so that districts  
29 and schools can learn from the improvement efforts of other schools and  
30 districts with similar characteristics.

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

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

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

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

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

12 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
13 each repealed:

14 (1) RCW 28A.155.045 (Certificate of individual achievement) and  
15 2004 c 19 s 104;

16 (2) RCW 28A.655.010 (Washington commission on student learning--  
17 Definitions) and 1993 c 336 s 201;

18 (3) RCW 28A.655.063 (Mathematics assessments--Reimbursement of  
19 costs) and 2006 c 115 s 5;

20 (4) RCW 28A.655.065 (Objective alternative assessment methods--  
21 Appeals from assessment scores--Waivers and appeals from assessment  
22 requirements--Rules) and 2006 c 115 s 1; and

23 (5) RCW 28A.230.195 (Test or assessment scores--Adjustments to  
24 instructional practices--Notification to parents) and 2005 c 217 s 1,  
25 1999 c 373 s 603, & 1992 c 141 s 401.

26 NEW SECTION. **Sec. 15.** Section 1 of this act is necessary for the  
27 immediate preservation of the public peace, health, or safety, or  
28 support of the state government and its existing public institutions,  
29 and takes effect immediately.

--- END ---