
HOUSE BILL 2343

State of Washington 60th Legislature 2007 Regular Session

By Representatives Quall, Santos and Haler

Read first time 02/22/2007. Referred to Committee on Education.

1 AN ACT Relating to revising the high school assessment system and
2 graduation requirements; amending RCW 28A.655.061, 28A.230.090,
3 28A.155.045, 28A.195.010, 28A.200.010, and 28A.600.310; and repealing
4 RCW 28A.655.063 and 28A.655.065.

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

6 **Sec. 1.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to
7 read as follows:

8 (1) The high school assessment system shall include but need not be
9 limited to the Washington assessment of student learning(~~(,)~~) and
10 opportunities for a student to retake the content areas of the
11 assessment in which the student was not successful(~~(, and if approved~~
12 ~~by the legislature pursuant to subsection (10) of this section, one or~~
13 ~~more objective alternative assessments for a student to demonstrate~~
14 ~~achievement of state academic standards. The objective alternative~~
15 ~~assessments for each content area shall be comparable in rigor to the~~
16 ~~skills and knowledge that the student must demonstrate on the~~
17 ~~Washington assessment of student learning for each content area.~~

18 ~~(2) Subject to the conditions in this section, a certificate of~~
19 ~~academic achievement shall be obtained by most students at about the~~

1 ~~age of sixteen, and is evidence that the students have successfully met~~
2 ~~the state standard in the content areas included in the certificate.~~
3 ~~With the exception of students satisfying the provisions of RCW~~
4 ~~28A.155.045, acquisition of the certificate is required for graduation~~
5 ~~from a public high school but is not the only requirement for~~
6 ~~graduation)).~~

7 ~~((3))~~ (2) Beginning with the graduating class of 2008, with the
8 exception of students satisfying the provisions of RCW 28A.155.045, a
9 student who meets the state standards on the reading, writing, and
10 mathematics content areas of the high school Washington assessment of
11 student learning shall earn a certificate of academic achievement.
12 Beginning with the graduating class of 2010, a student must meet the
13 state standards in science in addition to the other content areas
14 required under this section on the Washington assessment of student
15 learning to earn a certificate of academic achievement. A certificate
16 of academic achievement is evidence that a student has successfully met
17 the state standard in the content areas included in the certificate, as
18 measured by the Washington assessment of student learning, but is not
19 required for high school graduation.

20 (3) If a student does not successfully meet the state standards in
21 one or more content areas required for the certificate of academic
22 achievement, then:

23 (a) The school district shall prepare a student learning plan that
24 specifies the courses and competencies the student must complete to be
25 eligible for high school graduation. The courses and competencies must
26 be designed to increase the student's proficiency toward meeting or
27 exceeding the state standards in the content areas in which the student
28 was not proficient on the Washington assessment of student learning;
29 and

30 (b) The student must retake the assessment in the content areas at
31 least annually until the student meets the state standard or the
32 student graduates from high school. The student may retake the
33 assessment in the content area up to four times at no cost to the
34 student. If the student successfully meets the state standards on a
35 retake of the assessment then the student shall earn a certificate of
36 academic achievement. (~~Once objective alternative assessments are~~
37 authorized pursuant to subsection (10) of this section, a student may
38 use the objective alternative assessments to demonstrate that the

1 ~~student successfully meets the state standards for that content area if~~
2 ~~the student has retaken the Washington assessment of student learning~~
3 ~~at least once. If the student successfully meets the state standards~~
4 ~~on the objective alternative assessments then the student shall earn a~~
5 ~~certificate of academic achievement.~~

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

11 ~~(5) The state board of education may not require the acquisition of~~
12 ~~the certificate of academic achievement for students in home-based~~
13 ~~instruction under chapter 28A.200 RCW, for students enrolled in private~~
14 ~~schools under chapter 28A.195 RCW, or for students satisfying the~~
15 ~~provisions of RCW 28A.155.045.~~

16 ~~(6))~~ (4) A student may retain and use the highest result from each
17 successfully completed content area of the high school assessment.

18 ~~((7) Beginning in 2006,))~~ (5) School districts must make available
19 to students the following options:

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

23 (b) To retake the Washington assessment of student learning up to
24 four times in the content areas in which the student did not meet the
25 state standards if the student is enrolled in a high school completion
26 program at a community or technical college. The superintendent of
27 public instruction and the state board for community and technical
28 colleges shall jointly identify means by which students in these
29 programs can be assessed.

30 ~~((8))~~ (6) Students who achieve the standard in a content area of
31 the high school assessment but who wish to improve their results shall
32 pay for retaking the assessment, using a uniform cost determined by the
33 superintendent of public instruction.

34 ~~((9) Subject to available funding, the superintendent shall pilot~~
35 ~~opportunities for retaking the high school assessment beginning in the~~
36 ~~2004-05 school year. Beginning no later than September 2006,))~~ (7)
37 Opportunities to retake the assessment at least twice a year shall be
38 available to each school district.

1 ~~((10)(a) The office of the superintendent of public instruction~~
2 ~~shall develop options for implementing objective alternative~~
3 ~~assessments, which may include an appeals process, for students to~~
4 ~~demonstrate achievement of the state academic standards. The objective~~
5 ~~alternative assessments shall be comparable in rigor to the skills and~~
6 ~~knowledge that the student must demonstrate on the Washington~~
7 ~~assessment of student learning and be objective in its determination of~~
8 ~~student achievement of the state standards. Before any objective~~
9 ~~alternative assessments in addition to those authorized in RCW~~
10 ~~28A.655.065 or (b) of this subsection are used by a student to~~
11 ~~demonstrate that the student has met the state standards in a content~~
12 ~~area required to obtain a certificate, the legislature shall formally~~
13 ~~approve the use of any objective alternative assessments through the~~
14 ~~omnibus appropriations act or by statute or concurrent resolution.~~

15 ~~(b) A student's score on the mathematics portion of the preliminary~~
16 ~~scholastic assessment test (PSAT), the scholastic assessment test~~
17 ~~(SAT), or the American college test (ACT) may be used as an objective~~
18 ~~alternative assessment under this section for demonstrating that a~~
19 ~~student has met or exceeded the mathematics standards for the~~
20 ~~certificate of academic achievement. The state board of education~~
21 ~~shall identify the scores students must achieve on the mathematics~~
22 ~~portion of the PSAT, SAT, or ACT to meet or exceed the state standard~~
23 ~~for mathematics. The state board of education shall identify the first~~
24 ~~scores by December 1, 2006, and thereafter may increase but not~~
25 ~~decrease the scores required for students to meet or exceed the state~~
26 ~~standard for mathematics.~~

27 ~~(11))~~ (8) By December 15, 2004, the house of representatives and
28 senate education committees shall obtain information and conclusions
29 from recognized, independent, national assessment experts regarding the
30 validity and reliability of the high school Washington assessment of
31 student learning for making individual student high school graduation
32 determinations.

33 ~~((12))~~ (9) To help assure continued progress in academic
34 achievement as a foundation for high school graduation ~~((and to assure~~
35 ~~that students are on track for high school graduation))~~, each school
36 district shall prepare plans for students as provided in this
37 subsection ~~((12))~~ (9).

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

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

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

13 ~~((iii))~~ (i) The parent or guardian shall be notified, preferably
14 through a parent conference, of the student's results on the Washington
15 assessment of student learning, actions the school intends to take to
16 improve the student's skills in any content area in which the student
17 was unsuccessful, strategies to help them improve their student's
18 skills, and the content of the student's plan.

19 ~~((iv))~~ (ii) Progress made on the student plan shall be reported
20 to the student's parents or guardian at least annually and adjustments
21 to the plan made as necessary.

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

26 (i) The parent or guardian of ~~((a))~~ the student ~~((described in this
27 subsection (12)(b))~~ shall be notified, preferably through a parent
28 conference, of the student's results on the Washington assessment of
29 student learning, actions the school intends to take to improve the
30 student's skills in any content area in which the student was
31 unsuccessful, and provide strategies to help them improve their
32 student's skills.

33 (ii) Progress made on the student plan shall be reported to the
34 student's parents or guardian at least annually and adjustments to the
35 plan made as necessary.

36 **Sec. 2.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
37 read as follows:

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

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

9 (b) ~~((The))~~ Students may, but are not required to, earn a
10 certificate of academic achievement ((requirements)) under RCW
11 28A.655.061 or the certificate of individual achievement
12 ((requirements)) under RCW 28A.155.045 ((are required)). Students who
13 do not earn a certificate of academic achievement or a certificate of
14 individual achievement must successfully complete the courses and
15 achieve the competencies specified in the student learning plan under
16 RCW 28A.655.061(3) and retake the Washington assessment of student
17 learning as specified under RCW 28A.655.061(3) to be eligible for
18 graduation from a public high school ((but are not the only
19 requirements for graduation)).

20 (c) Any decision on whether a student has met the state board's
21 high school graduation requirements for a high school and beyond plan
22 shall remain at the local level.

23 (2) In recognition of the statutory authority of the state board of
24 education to establish and enforce minimum high school graduation
25 requirements, the state board shall periodically reevaluate the
26 graduation requirements and shall report such findings to the
27 legislature in a timely manner as determined by the state board. The
28 state board shall reevaluate the graduation requirements for students
29 enrolled in vocationally intensive and rigorous career and technical
30 education programs, particularly those programs that lead to a
31 certificate or credential that is state or nationally recognized. The
32 purpose of the evaluation is to ensure that students enrolled in these
33 programs have sufficient opportunity to earn a certificate of academic
34 achievement, complete the program and earn the program's certificate or
35 credential, and complete other state and local graduation requirements.
36 The board shall ~~((reports—[report]))~~ report its findings and
37 recommendations for additional flexibility in graduation requirements,
38 if necessary, to the legislature by December 1, 2007.

1 (3) Pursuant to any requirement for instruction in languages other
2 than English established by the state board of education or a local
3 school district, or both, for purposes of high school graduation,
4 students who receive instruction in American sign language or one or
5 more American Indian languages shall be considered to have satisfied
6 the state or local school district graduation requirement for
7 instruction in one or more languages other than English.

8 (4) If requested by the student and his or her family, a student
9 who has completed high school courses before attending high school
10 shall be given high school credit which shall be applied to fulfilling
11 high school graduation requirements if:

12 (a) The course was taken with high school students, if the academic
13 level of the course exceeds the requirements for seventh and eighth
14 grade classes, and the student has successfully passed by completing
15 the same course requirements and examinations as the high school
16 students enrolled in the class; or

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

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

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

28 **Sec. 3.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to
29 read as follows:

30 Beginning with the graduating class of 2008, students served under
31 this chapter, who are not appropriately assessed by the high school
32 Washington assessment system as defined in RCW 28A.655.061, even with
33 accommodations, may earn a certificate of individual achievement. The
34 certificate may be earned using multiple ways to demonstrate skills and
35 abilities commensurate with their individual education programs. The
36 determination of whether the high school assessment system is
37 appropriate shall be made by the student's individual education program

1 team. (~~For these students, the certificate of individual achievement~~
2 ~~is required for graduation from a public high school, but need not be~~
3 ~~the only requirement for graduation.~~) When measures other than the
4 high school assessment system as defined in RCW 28A.655.061 are used,
5 the measures shall be in agreement with the appropriate educational
6 opportunity provided for the student as required by this chapter. The
7 superintendent of public instruction shall develop the guidelines for
8 determining which students should not be required to participate in the
9 high school assessment system and which types of assessments are
10 appropriate to use.

11 When measures other than the high school assessment system as
12 defined in RCW 28A.655.061 are used (~~for high school graduation~~
13 ~~purposes~~), the student's high school transcript shall note whether
14 that student has earned a certificate of individual achievement.

15 Nothing in this section shall be construed to deny a student the
16 right to participation in the high school assessment system as defined
17 in RCW 28A.655.061, and, upon successfully meeting the high school
18 standard, receipt of the certificate of academic achievement.

19 **Sec. 4.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to
20 read as follows:

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

28 Principals of private schools or superintendents of private school
29 districts shall file each year with the state superintendent of public
30 instruction a statement certifying that the minimum requirements
31 hereinafter set forth are being met, noting any deviations. After
32 review of the statement, the state superintendent will notify schools
33 or school districts of those deviations which must be corrected. In
34 case of major deviations, the school or school district may request and
35 the state board of education may grant provisional status for one year
36 in order that the school or school district may take action to meet the
37 requirements. The state board of education shall not require private

1 school students to meet the student learning goals, (~~obtain a~~
2 ~~certificate of academic achievement, or a certificate of individual~~
3 ~~achievement to graduate from high school,~~) to master the essential
4 academic learning requirements, or to be assessed pursuant to RCW
5 28A.655.061. However, private schools may choose, on a voluntary
6 basis, to have their students master these essential academic learning
7 requirements, take the assessments, and obtain a certificate of
8 academic achievement or a certificate of individual achievement.
9 Minimum requirements shall be as follows:

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

14 (2) The school day shall be the same as that required in RCW
15 28A.150.030 and 28A.150.220, except that the percentages of total
16 program hour offerings as prescribed in RCW 28A.150.220 for basic
17 skills, work skills, and optional subjects and activities shall not
18 apply to private schools or private sectarian schools.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 All decisions of policy, philosophy, selection of books, teaching
26 material, curriculum, except as in subsection (7) of this section
27 provided, school rules and administration, or other matters not
28 specifically referred to in this section, shall be the responsibility
29 of the administration and administrators of the particular private
30 school involved.

31 **Sec. 5.** RCW 28A.200.010 and 2004 c 19 s 107 are each amended to
32 read as follows:

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

35 (a) File annually a signed declaration of intent that he or she is
36 planning to cause his or her child to receive home-based instruction.
37 The statement shall include the name and age of the child, shall

1 specify whether a certificated person will be supervising the
2 instruction, and shall be written in a format prescribed by the
3 superintendent of public instruction. Each parent shall file the
4 statement by September 15th of the school year or within two weeks of
5 the beginning of any public school quarter, trimester, or semester with
6 the superintendent of the public school district within which the
7 parent resides or the district that accepts the transfer, and the
8 student shall be deemed a transfer student of the nonresident district.
9 Parents may apply for transfer under RCW 28A.225.220;

10 (b) Ensure that test scores or annual academic progress assessments
11 and immunization records, together with any other records that are kept
12 relating to the instructional and educational activities provided, are
13 forwarded to any other public or private school to which the child
14 transfers. At the time of a transfer to a public school, the
15 superintendent of the local school district in which the child enrolls
16 may require a standardized achievement test to be administered and
17 shall have the authority to determine the appropriate grade and course
18 level placement of the child after consultation with parents and review
19 of the child's records; and

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

35 (2) Failure of a parent to comply with the duties in this section
36 shall be deemed a failure of such parent's child to attend school
37 without valid justification under RCW 28A.225.020. Parents who do

1 comply with the duties set forth in this section shall be presumed to
2 be providing home-based instruction as set forth in RCW 28A.225.010(4).

3 **Sec. 6.** RCW 28A.600.310 and 2005 c 125 s 1 are each amended to
4 read as follows:

5 (1) Eleventh and twelfth grade students or students who have not
6 yet received the credits required for the award of a high school
7 diploma and are eligible to be in the eleventh or twelfth grades may
8 apply to a participating institution of higher education to enroll in
9 courses or programs offered by the institution of higher education. A
10 student receiving home-based instruction enrolling in a public high
11 school for the sole purpose of participating in courses or programs
12 offered by institutions of higher education shall not be counted by the
13 school district in any required state or federal accountability
14 reporting if the student's parents or guardians filed a declaration of
15 intent to provide home-based instruction and the student received home-
16 based instruction during the school year before the school year in
17 which the student intends to participate in courses or programs offered
18 by the institution of higher education. Students receiving home-based
19 instruction under chapter 28A.200 RCW and students attending private
20 schools approved under chapter 28A.195 RCW shall not be required to
21 meet the student learning goals(~~(, obtain a certificate of academic
22 achievement or a certificate of individual achievement to graduate from
23 high school,~~)) or to master the essential academic learning
24 requirements. However, students are eligible to enroll in courses or
25 programs in participating universities only if the board of directors
26 of the student's school district has decided to participate in the
27 program. Participating institutions of higher education, in
28 consultation with school districts, may establish admission standards
29 for these students. If the institution of higher education accepts a
30 secondary school pupil for enrollment under this section, the
31 institution of higher education shall send written notice to the pupil
32 and the pupil's school district within ten days of acceptance. The
33 notice shall indicate the course and hours of enrollment for that
34 pupil.

35 (2) The pupil's school district shall transmit to the institution
36 of higher education an amount per each full-time equivalent college
37 student at statewide uniform rates for vocational and nonvocational

1 students. The superintendent of public instruction shall separately
2 calculate and allocate moneys appropriated for basic education under
3 RCW 28A.150.260 to school districts for purposes of making such
4 payments and for granting school districts seven percent thereof to
5 offset program related costs. The calculations and allocations shall
6 be based upon the estimated statewide annual average per full-time
7 equivalent high school student allocations under RCW 28A.150.260,
8 excluding small high school enhancements, and applicable rules adopted
9 under chapter 34.05 RCW. The superintendent of public instruction, the
10 higher education coordinating board, and the state board for community
11 and technical colleges shall consult on the calculation and
12 distribution of the funds. The institution of higher education shall
13 not require the pupil to pay any other fees. The funds received by the
14 institution of higher education from the school district shall not be
15 deemed tuition or operating fees and may be retained by the institution
16 of higher education. A student enrolled under this subsection shall
17 not be counted for the purpose of determining any enrollment
18 restrictions imposed by the state on the institution of higher
19 education.

20 NEW SECTION. **Sec. 7.** The following acts or parts of acts are each
21 repealed:

22 (1) RCW 28A.655.063 (Mathematics assessments--Reimbursement of
23 costs) and 2006 c 115 s 5; and

24 (2) RCW 28A.655.065 (Objective alternative assessment methods--
25 Appeals from assessment scores--Waivers and appeals from assessment
26 requirements--Rules) and 2006 c 115 s 1.

--- END ---