
SENATE BILL 5237

State of Washington

63rd Legislature

2013 Regular Session

By Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield, Carrell, and Shin

Read first time 01/24/13. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to establishing accountability for student
2 performance in third grade; adding new sections to chapter 28A.655 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that significant
6 state investments have been and will be made to support a continuum of
7 learning from prekindergarten through third grade, including through
8 early learning programs, statewide implementation of full-day
9 kindergarten, and reduced class sizes in grades kindergarten through
10 three. These investments reflect the importance of providing young
11 children with the best possible opportunities to develop foundational
12 knowledge and skills, particularly in the critical area of English
13 language arts. The investments also reflect the legislature's
14 recognition that early intervention represents the best hope of
15 eliminating the educational opportunity gap among groups of students.

16 (2) The legislature also finds that such investments and the
17 state's commitment to prekindergarten through third grade learning
18 warrant an accountability mechanism to ensure positive student
19 outcomes. School districts should be required to provide intensive

1 remediation if student performance in English language arts continues
2 to fall below grade level after completion of third grade.
3 Furthermore, statewide implementation of aligned curriculum,
4 instruction, and assessments associated with the common core state
5 standards provides a timely opportunity to initiate this accountability
6 mechanism.

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

9 (1) The definitions in this subsection apply throughout this
10 section and sections 3 and 4 of this act unless the context clearly
11 requires otherwise.

12 (a) "Basic" means a score on the statewide student assessment at a
13 level two in a four-level scoring system.

14 (b) "Below basic" means a score on the statewide student assessment
15 at a level one in a four-level scoring system.

16 (c) "Not meet the state standard" means a score on the statewide
17 student assessment at either a level one or a level two in a four-level
18 scoring system.

19 (2) Beginning in the 2014-15 school year, a student who receives a
20 score of below basic on the third grade statewide student assessment in
21 English language arts may not be promoted to fourth grade unless the
22 student meets one of the good cause exemptions under section 3 of this
23 act.

24 (3) Beginning in the 2015-16 school year, a school district must
25 provide remediation as required under section 4 of this act for any
26 student who did not meet the state standard on the third grade
27 statewide student assessment in English language arts in the previous
28 school year.

29 (4) If a student does not have a score in English language arts on
30 the third grade statewide student assessment, the promotion and
31 remediation policies under this section are required if the district
32 determines, using district or classroom-based diagnostic assessments or
33 another standardized assessment, that the student's performance is
34 equivalent to basic or below basic in English language arts.

35 (5) A school district must provide written notification to the
36 parent or guardian of a student who did not meet the state standard on
37 the third grade statewide student assessment in English language arts.

1 The notification must outline the requirements of this section and
2 sections 3 and 4 of this act and provide information about the
3 remediation that will be provided by the school district.

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

6 (1) A school district may exempt the following students from the
7 performance standard for promotion to fourth grade required under
8 section 2 of this act:

9 (a) Students who participate in the statewide student assessment
10 system through an alternate assessment designed for students with
11 significant cognitive disabilities;

12 (b) Students with disabilities whose individualized education
13 program includes specially designed instruction in English language
14 arts, and whose individualized education program team determines that
15 retention in third grade is not an appropriate educational placement;

16 (c) Students who are English language learners who have been
17 enrolled in the transitional bilingual instructional program under
18 chapter 28A.180 RCW for two or fewer years; and

19 (d) Students who have previously been retained in the same grade
20 and who have received supplemental instruction and remediation for at
21 least two years.

22 (2) School districts must adopt a policy for the mid-year promotion
23 to fourth grade of a student who is retained in third grade under
24 section 2 of this act if the district determines the student is
25 demonstrating sufficient progress to be likely to achieve at least a
26 score of basic on the fourth grade statewide student assessment in
27 English language arts.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.655
29 RCW to read as follows:

30 (1) Beginning in the 2015-16 school year, a school district must
31 provide the following remediation for any student who did not meet the
32 state standard on the third grade statewide assessment in English
33 language arts in the previous school year:

34 (a) A minimum of ninety minutes of daily, research-based
35 instruction in English language arts;

36 (b) Small group instruction or reduced teacher-to-student ratios;

1 (c) Supplemental tutoring; and

2 (d) Use of diagnostic assessments to identify specific skills where
3 the student needs assistance and other formative assessments to monitor
4 student progress during the school year.

5 (2) In addition to the remediation required under subsection (1) of
6 this section, a school district must provide supplemental learning
7 opportunities through an extended school day or school year or through
8 a summer school program for any student who is retained in third grade
9 under section 2 of this act and for any student who was eligible to be
10 retained but was promoted to fourth grade as a result of an exemption
11 under section 3 of this act. School districts are encouraged but not
12 required to provide such supplemental learning opportunities for other
13 students who did not meet the state standard on the third grade
14 statewide assessment.

15 (3) To implement the remediation required under this section,
16 school districts may use state funds provided for basic education
17 through general apportionment or the learning assistance program, state
18 and federal funds for the transitional bilingual instructional program
19 for students eligible for and enrolled in the program, state and
20 federal funds for special education for students with disabilities,
21 federal funds from Title I of the elementary and secondary education
22 act, or any other state, federal, local, or private funds available
23 generally or specifically to support student learning in English
24 language arts.

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