

# HOUSE BILL REPORT

## ESHB 2224

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### As Passed Legislature

**Title:** An act relating to providing flexibility in high school graduation requirements and supporting student success during the transition to a federal every student succeeds act-compliant accountability system.

**Brief Description:** Providing flexibility in high school graduation requirements and supporting student success during the transition to a federal every student succeeds act-compliant accountability system.

**Sponsors:** House Committee on Education (originally sponsored by Representatives MacEwen, Dolan, Appleton, Haler, Harris, Sells, Tarleton, Walsh, Santos and Doglio; by request of Superintendent of Public Instruction).

#### **Brief History:**

##### **Committee Activity:**

Education: 6/19/17 [DPS].

##### **Floor Activity:**

Passed House: 6/27/17, 94-0.

Passed Senate: 6/30/17, 49-0.

Passed Legislature.

#### **Brief Summary of Engrossed Substitute Bill**

- Delays a requirement obligating students in the graduating class of 2017 onward to meet standard on a high school science assessment as a graduation prerequisite until the graduating class of 2021.
- Establishes an expedited appeal process authorizing the Superintendent of Public Instruction (SPI) to waive requirements for certificates of academic achievement (CAA) and certificates of individual achievement for qualifying students in the graduating classes of 2014 through 2018 who have not met standard on English language arts (ELA) assessments, mathematics assessments, or both.
- Requires, beginning in the 2017-18 school year for the graduating class of 2020, that the statewide high school assessments in ELA and mathematics be administered in the tenth grade.
- Discontinues the collection of evidence objective alternative assessment.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- Establishes new options for demonstrating student achievement of state standards, including completing dual credit courses and locally determined courses with qualifying assessments.
- Requires school districts to provide students who have not earned a CAA before the beginning of the eleventh grade the opportunity to access interventions and academic supports, courses, or both to enable the students to meet minimum high school graduation standards.
- Adds specificity to High School and Beyond Plan requirements.
- Requires the State Board of Education, in consultation with the SPI, to identify and report on the equivalent student performance standard that a tenth grade student would need to achieve on state assessments to be career and college ready.
- Includes an emergency clause making all provisions effective immediately.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Johnson, Kilduff, Lovick, Senn, Slatter, Steele, Valdez and Volz.

**Staff:** Ethan Moreno (786-7386).

### **Background:**

#### Statewide Student Assessment System.

The Superintendent of Public Instruction (SPI), in consultation with the State Board of Education (SBE), is authorized to maintain and revise a statewide academic assessment system to measure student knowledge and skills on state learning standards and to use it for purposes of state and federal accountability. The state assessment system must cover the content areas of reading, writing, mathematics, and science for elementary, middle, and high school years. The federal Every Student Succeeds Act requires states to assess students based on state learning standards in reading and mathematics in each of grades 3 through 8 and one high school grade, as well as in at least one grade in elementary, middle, and high school in science.

In recent years, high school mathematics have been assessed in Washington using end-of-course tests (EOCs) in Algebra I and Geometry, and a tenth grade reading and writing assessment has also been utilized. In 2011 legislation directed that high school science be assessed using a Biology EOC. The Legislature subsequently expressed intent to transition from a Biology EOC to a comprehensive science assessment. Assessments based on the Next Generation Science Standards (NGSS), standards which are being phased in, will begin in 2018.

In 2013 the SPI was directed to implement, beginning in the 2015 school year, student assessments developed with a multistate consortium in English language arts (ELA) and mathematics. (Washington is part of the Smarter Balanced Assessment Consortium, known as SBAC.) The SPI was also directed to use test items from the SBAC assessments to develop a tenth grade ELA assessment and modify the Algebra I and Geometry EOCs for use through the transition period.

The SBE is responsible for establishing the performance scores that students must meet on state assessments. In accordance with statutory requirements, the SBE has established performance scores for the assessments used during the transition period, as well as the SBAC assessments. In setting scores for the high school SBAC assessments, the SBE must review the experience during the transition period, and examine scores used in other states for the SBAC assessments, including states that require passage of an eleventh grade assessment for graduation. The scores established for purposes of graduation may be different from the scores used for the purpose of determining career and college readiness.

High School Graduation Requirements.

A Certificate of Academic Achievement (CAA) or a Certificate of Individual Achievement (CIA) is one of the requirements for graduation from a Washington public high school. To obtain a CAA, a student must meet state standards on required statewide assessments. Students requiring special education who are not appropriately assessed by the state assessment system, even with accommodations, may earn a CIA through a variety of ways to demonstrate skills and abilities commensurate with their individual education programs.

Since the graduating class of 2008, Washington students have been required to meet the state standards on the assessment in reading and mathematics to obtain a CAA and graduate from high school. Legislation adopted in 2004 required the graduating classes of 2010 onward to also meet standard on a statewide high school science assessment to earn a CAA for purposes of high school graduation, but subsequent legislation has thrice delayed this requirement.

Graduation requirements obligate students in the graduating classes of 2017 and 2018 to meet standard on: (1) the state assessments in ELA or the ELA SBAC; (2) at least one of the mathematics EOCs or the mathematics SBAC; (3) and the Biology EOC or the NGSS Assessment for the classes of 2017 and 2018, respectively. Beginning with the graduating class of 2019, the SBAC assessments in ELA and mathematics will be used to demonstrate that students meet the state standard in those subjects, and the NGSS assessment will be used to demonstrate that students meet the state standard in science.

Below is a chart illustrating the assessments required for the graduating class of 2017 and beyond.

<b>Graduating Class</b>	<b>English Language Arts</b>	<b>Mathematics</b>	<b>Science</b>
2017 and 2018	Grade 10 ELA Or	Algebra I EOC Or Geometry EOC	Biology EOC (2017) with Next Generation

	Grade 11 ELA (SBAC)	Or Grade 11 Mathematics (SBAC)	Science Standard Assessment for 2018
2019 Onward	Grade 10 ELA (SBAC)	Grade 10 Mathematics (SBAC)	Next Generation Science Standard Assessment

Objective Alternative Assessment Options.

Objective alternative assessment options (alternative assessments) may be utilized by students who have taken an assessment at least once. The alternative assessments, which may only be approved by the Legislature, must be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessments, and must be objective in their determination of student achievement of state standards. If a student meets the state standard on the alternative assessment, he or she must earn a CAA. The alternative assessments include:

- grade comparison, provided the student has a qualifying grade point average;
- earning a high enough score on the SAT or ACT;
- earning a high enough score on an Advanced Placement/International Baccalaureate exam; and
- collection of evidence, scored at the state level or by regional panels of educators.

Current law also includes provisions for waiving specific requirements pertaining to the CAA for students who transferred to a Washington public school in their junior or senior year or who have special, unavoidable circumstances.

High School and Beyond Plan.

One of the state graduation requirements is the completion of a High School and Beyond Plan (HSBP). The SBE provides that each student must have a HSBP for their high school experience, including what they expect to do the year following graduation. The content of the plan, and whether a student's plan meets applicable requirements, is determined at the district level. A student's high school transcript must contain a notation as to whether the student met the HSBP requirement.

**Summary of Engrossed Substitute Bill:**

High School Graduation Requirements - Modification to Assessment Requirements.

Certain high school graduation requirements are modified, including provisions requiring assessments in science, ELA, and mathematics, and provisions governing alternative assessment options.

The statewide high school science assessment will continue to be administered, but the requirement obligating students in the graduating classes of 2017 onward to obtain a sufficient score on the assessment (currently the Biology EOC) as a graduation prerequisite is delayed until the graduating class of 2021. The science assessment administered to that class must be a comprehensive science assessment based on applicable essential academic learning requirements adopted by the SPI in 2013. The provisions delaying the science assessment as a graduation prerequisite apply retroactively to students in the graduating class of 2017.

The administration of the statewide SBAC ELA and mathematics assessments is specifically directed to occur in the 10th grade. This change will take effect in the 2017-18 school year and will apply beginning with students in the graduating class of 2020. A student who meets the high school graduation standard on the high school ELA and mathematics SBAC assessments and satisfies all other graduation requirements will earn a CAA.

"High school graduation standard" is not defined, but references to "state standard" or "state standards" in provisions governing assessment requirements and the earning of CAAs for the graduating classes of 2016 onward are changed to "high school graduation standard."

#### Establishment of CAA/CIA Appeals Process.

The SPI is directed to implement an expedited appeal process for waiving requirements for CAAs and CIAs for students in the graduating classes of 2014 through 2018 who have not met standard on ELA assessments, mathematics assessments, or both, but have met all other state and local graduation requirements. Eligible students in the graduating class of 2018 must also have attempted at least one alternative assessment option.

An appeal may be initiated with the applicable school district by a student or the student's parent, guardian, or principal. Districts are charged with determining which appeals will be submitted to the SPI for final review and approval. The SPI may approve an appeal only if it has been demonstrated that the student has: the necessary skills and knowledge to meet the high school graduation standard; and the skills necessary to successfully achieve the college or career goals established in his or her HSBP. Pathways for demonstrating the necessary skills and knowledge may include, but are not limited to:

- successful completion of a college level class in the relevant subject area;
- admission to a higher education institution or career preparation program;
- award of a scholarship for higher education; or
- enlistment in a branch of the military.

#### Discontinued and New Alternative Assessment Options.

The collection of evidence alternative assessment option is discontinued, but a student who completes a dual credit course in ELA or mathematics in which the student earns college credit may use passage of the course as an alternative assessment for earning a CAA.

Beginning in the 2018-19 school year, students who do not qualify for a CAA because they have not met the high school graduation standard for the mathematics or ELA assessment may take and pass a locally determined course in the content area in which the student was not successful. The course must be rigorous and consistent with the student's educational and career goals identified in his or her HSBP, and may include career and technical education (CTE) equivalencies in ELA or mathematics.

If the student passes the locally determined course, he or she may then take a locally administered assessment associated with the course as an alternative assessment for demonstrating that the student has met or exceeded the required high school graduation standard and qualifies for a CAA.

Locally administered assessments, in accordance with specified requirements, must be reviewed and, if appropriate, approved for use by the Office of the Superintendent of Public

Instruction (OSPI). Additionally, the OSPI must post on its website a compiled list of district-administered assessments approved as alternative assessments, including the comparable scores necessary to meet the standard.

Related provisions regarding high school transition courses are established. High school transition courses and the assessments offered in association with the courses are an approved locally determined course and assessment for demonstrating that the student met or exceeded the high school graduation standard. A "high school transition course" is defined as an ELA or mathematics course offered in high school whose successful completion by the student will ensure college-level placement at participating institutions of higher education, but a student's successful completion of the course does not entitle the student to be admitted to any public institution of higher education. As further specified in the definition, high school transition courses must satisfy core or elective credit graduation requirements established by the SBE.

#### Student Interventions and Academic Supports.

New requirements for academic interventions and supports are established. School districts must provide students who have not earned a CAA before the beginning of eleventh grade with the opportunity to access interventions and academic supports, courses, or both, designed to enable students to meet the high school graduation standard. The interventions, supports, or courses must be rigorous and consistent with the student's educational and career goals identified in his or her HSBP, and may include CTE equivalencies in ELA or mathematics.

#### High School and Beyond Plans.

Additional requirements for HSBPs are established. Each student must have an HSBP to guide the student's high school experience and prepare him or her for postsecondary education or training and career. An HSBP must be initiated for each student during the seventh or eighth grade, and in preparation for that initiation, each student must first be administered a career interest and skills inventory.

The HSBP must be updated to reflect high school assessments, review transcripts, and assess progress toward identified goals. The HSBP must be revised as necessary for changing interests, goals, and needs, and must identify available interventions and academic support, courses, or both, that enable students who have not met the high school graduation standard to do so.

All HSBPs must include the following elements:

- an identification of career goals, aided by a skills and interest assessment;
- an identification of educational goals;
- a four-year plan for course-taking that fulfills state and local graduation requirements and aligns with the student's career and educational goals; and
- by the end of twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district recognized the community service.

School districts may also establish additional, local requirements for HSBPs that serve the needs and interests of the district's students and for other specified purposes.

School districts must update the HSBP for each student who has not earned a level 3 or 4 score on the middle school mathematics assessment by the ninth grade. The purpose of this update is to ensure that the student takes a mathematics course in the ninth and tenth grades. These courses may include CTE equivalencies in mathematics.

New and Modified Accountability Duties of the State Board of Education.

Numerous accountability-related duties of the SBE are modified or repealed. Examples of repealed duties include provisions obligating the SBE to:

- by the end of the 2014-15 school year, establish the scores students must achieve to meet the standard and earn a CAA on the SBAC high school ELA and mathematics assessments. (The statutory directive obligating the SBE to identify the scores that students must achieve in order to meet the standard on statewide student assessments remains);
- establish scores students must achieve on tenth grade ELA and EOC mathematics assessments that predate the full implementation of the SBAC assessments;
- consider the incorporation of the standard error of measurement into decisions regarding CAAs; and
- advise the Legislature of initial performance standards for high school statewide assessments, including presenting subsequently recommended changes to the education committees of the Legislature for potential legislative action.

Additionally, a provision specifying that the scores established by the SBE for earning a CAA and high school graduation may be different from the scores used for determining a student's career and college readiness is repealed and replaced with a similar provision indicating that the SBE is not prohibited from identifying a college and career readiness score that is different from the score required for high school graduation purposes.

Regarding new duties, the SBE, in consultation with the SPI, is directed to identify the equivalent student performance standard that a tenth grade student would need to achieve on the state assessments to be career and college ready at the end of the student's high school experience. A report on this performance standard must be submitted by the SBE to the Governor and the education policy and fiscal committees of the Legislature by December 1, 2018.

**Appropriation:** None.

**Fiscal Note:** Requested on June 26, 2017.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) This bill represents a good compromise for the roadblocks the House of Representatives has run into in the other chamber. The bill will help students in this graduating year and in years to come. Moving assessments to an earlier point in the high school process will give students ample time to make needed course corrections; this is vital to the success of the students.

The SPI supports delinking assessments from graduation requirements. The OSPI finds no evidence between high stakes testing and graduation results. Thirty-six states do not link high stakes tests with graduation requirements. Two-thirds of dropouts occur in the senior year, and they are dropping out with more math, science, and ELA credits than ever before. The eleventh grade high stakes tests cause more harm than good. Legislative proposals continue to evolve, but moving assessments to the tenth grade has emerged as a common idea. This change will be beneficial to student growth and success. The underlying bill would have allowed students to demonstrate proficiencies through other means without having to first take statewide assessments. The Senate wants assessments to be linked to graduation requirements, so the underlying bill calls for locally determined courses and locally administered assessments.

A constituent's daughter met all other graduation requirements, but did not pass the Biology EOC. As a result, she will not be able to attend a fashion college in California this fall. The bill should be supported, but high stakes tests should be delinked from graduation requirements. High stakes tests have second and third order effects, including effects related to higher dropout and crime rates. High stakes tests are not fair to children: they adversely affect minorities, English as a second language students, and struggling students. The underlying bill is a good compromise: it maintains rigor, and offers supports and alternatives to students. The OSPI, the SBE, the Senate, and others agree that the Biology EOC is either outdated or flawed. At a minimum, the Biology EOC should be delinked from graduation requirements for the class of 2017.

Principals support the striking amendment and appreciate the flexibility provided in its provisions, but the Legislature should make sure that the OSPI has the staff and resources necessary to implement the appeals process. The transition course and HSBP provisions create staffing issues that should be properly addressed by the Legislature.

The Washington State PTA has a long-standing resolution against high stakes testing. Delinking only the Biology EOC is not sufficient for students. While the exams are necessary for compliance with federal requirements, the 15,000 students affected by the Biology EOC, most of whom are minority and low-income students, should not be penalized for the system's failures and should be allowed to graduate; they are sitting on pins and needles waiting for the Legislature to issue a verdict. The ELA, mathematics, and science assessments should be delinked from graduation requirements for the classes of 2017 and 2018 until sufficient student supports can be implemented. The HSBP should be more robust, but without significant funding for counselors, HSBPs will not be useful. The final plan of the bill needs to be easily understood for families, reasonable for districts to implement, and meaningful to students. All students should have an achievable but rigorous path to graduation with a truly meaningful diploma.

(Opposed) The Washington Education Association (WEA) and its members have had an unwavering 20-year policy providing that standardized tests are not designed for, and should not be used for, high stakes decisions for students, including graduation. The WEA will continue to oppose the use of test scores, directly or indirectly, for making decisions about graduation or remediation—those decisions are best made by teachers. The WEA

understands efforts to secure the best possible legislative compromise, but it continues to support House Bill 1046 as the best, simplest, and clearest policy for students and teachers.

(Other) The ideas put forward in the bill and the striking amendment address important issues related to the role of state mandated tests as prerequisites for graduation, and warrant a more comprehensive and inclusive conversation with participation from additional stakeholders. A full decoupling of assessments from graduation requirements is important for students and will allow for a greater focus on meaningful pathways for students. Without greater clarity and participation criteria, the legislation might be more confusing for districts. The clock is ticking for the high school students who are facing uncertainty regarding legislative decisions. A streamlined and expedited appeals process by the OSPI for assessments is necessary.

The SBE believes the system needs to change. The SBE supports provisions of the bill, including the elimination of the Biology EOC as a graduation prerequisite, the expansion of alternatives for meeting graduation requirements, strengthening the HSBP, and establishing additional interventions. The SBE has reservations regarding clarity in the striking amendment, including concerns about: unclear references to "minimum" graduation standards; the process of assessment score setting and related modifications to the SBE's authority to do so; locally determined courses and assessments, and related rigor requirements; and the retroactive appeal process.

The Tacoma and Everett school districts have been working on issues related to community-based transition students that are currently counted as dropouts. In order to maintain federal funding for these students, the districts must keep the students on district rolls until they are 21 years old. Many of the students on these rolls have met all graduation requirements, but districts have not been graduating them because doing so would disrupt federal funding for the student. The state could make up these financial losses for districts, but it has not chosen to do so. The students in community-based transition programs should not be considered in overall graduation rate calculations, and the committee should consider an amendment to make this change.

**Persons Testifying:** (In support) Representative MacEwen, prime sponsor; Chris Reykdal, Office of the Superintendent of Public Instruction; Madelyn Campbell; Bryan Campbell; Jerry Bender, Association of Washington School Principals; and Heidi Bennett, Washington State PTA.

(Opposed) Wendy Rader-Konofalski, Washington Education Association.

(Other) Jessica Vavrus, Washington State School Directors' Association; Ben Rarick, State Board of Education; and Charlie Brown, Tacoma School District and Everett School District.

**Persons Signed In To Testify But Not Testifying:** None.