

SENATE BILL REPORT

3ESHB 2195

As Reported By Senate Committee On:
Education, February 27, 2004

Title: An act relating to state academic standards.

Brief Description: Regarding state assessment standards.

Sponsors: House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh).

Brief History:

Committee Activity: Education: 3/26/03, 4/4/03 [DPA]; 2/20/04, 2/27/04 [DPA].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Staff: Susan Mielke (786-7422)

Background:

Essential Academic Learning Requirements (EALR): In 1993, the Legislature required the development of student academic content standards, also known as the Essential Academic Learning Requirements, which are what K-12 public school students should know and be able to do. EALRs have been adopted in the content areas of reading, writing, communication, mathematics, science, social studies, arts, and health and fitness.

Statewide Assessment System: Current law requires a statewide academic assessment system that includes a variety of assessment methods including criterion-referenced and performance-based measures to determine if elementary, middle and high school students have learned the EALRs. The Washington Assessment of Student Learning (WASL) has been developed to assess the EALRs in reading, writing, math and science. There is a statutory timeline for developing the WASL in Goal II subjects: social studies, arts, and health and fitness. The Superintendent of Public Instruction (SPI) has developed guidelines for WASL participation and testing accommodations for special populations. Additionally, the Washington Alternate Assessment System has been developed for students in special education programs who are unable to participate in general state assessments even with accommodations.

Certificate of Mastery (COM) and High School Graduation Requirements: The Academic Achievement and Accountability Commission (A+ Commission) identifies the scores that students must achieve in order to meet the standard on the WASL. Successful completion of the 10th grade WASL leads to a COM. There is currently no provision for retakes or alternative assessments for students who do not successfully complete the 10th grade

WASL. The COM will become a high school graduation requirement, but not the only requirement, when the State Board of Education (SBE) determines that the 10th grade WASL is reliable and valid enough to be used in this manner. The SBE anticipates that the COM will become a graduation requirement in 2008. Other state graduation requirements developed by the SBE include minimum subject areas and credits, a culminating student project, and an education plan for the student's high school experience and the year following graduation.

Assessment Information: Under the federal No Child Left Behind Act (NCLB) of 2001, beginning in 2005, states must annually assess all students in grades 3 through 8 on the state academic content standards in reading and mathematics and assess at least once in grades 10 through 12. Additionally, by 2007, states must assess all students at least once in grades 3 through 5, once in grades 6 through 9, and once in grades 10 through 12 on the state academic content standards in science. The act requires individual student reports that provide detailed student achievement information as soon as is practicably possible after the assessment is given so that students, parents, teachers and principals can address the specific academic needs of students. The act also requires the state to make available information on the achievement of students on the academic assessments required for all students, including disaggregated results for certain categories of students.

Summary of Amended Bill: Essential Academic Learning Requirements (EALR): A timeline is provided for SPI to review and prioritize the EALRs to be assessed and used for accountability and to identify grade level expectations. If funded, SPI must report on the results of independent research on the alignment and technical review of the reading, writing and science WASL at all school levels.

Statewide Assessment System: By 2004, the SPI must provide detailed information and recommendations on assessment options, including classroom-based assessments, and other strategies to assure continued support and attention to the Goal II EALRs at all school levels. By 2005, the classroom-based assessments and other strategies must be available for voluntary use. By 2008, school districts must have assessments or other strategies in the Goal II subjects and must annually submit an implementation verification report to SPI. SPI must post on its website, resources and model assessments for Goal II subjects.

Certificate of Mastery (COM) and High School Graduation Requirements: The COM is renamed the Certificate of Academic Achievement (CAA). By 2004, the A+ Commission must review and adjust, if necessary, the scores that students must achieve in order to meet the standard on the WASL and earn the CAA. The commission must consider various conjunctive and compensatory score models, including the use of the standard error of measurement. If the commission makes any adjustment then the recommended change must be presented to the legislative education committees by November 30 of the year before the school year in which the changes will take place. By 2004, SPI and SBE must provide information on the validity and reliability of the high school assessment system. Beginning in 2003, the highest level achieved in each content area of the WASL will be noted on a student's transcript. By 2004, SPI must recommend best practices to be used with students who need additional assistance to meet the CAA requirements. Beginning in 2006, except for certain special education students, the CAA will consist of the reading, writing, and mathematics WASL and is required for public high school graduation. A CAA may also be earned through retakes of the WASL or through an alternative means. The achievement of the CAA will be

noted on the student's transcript. Beginning in 2008, a scholar's designation will be on a student's transcript if the student achieves level 4 on the first try. Beginning in 2008, science is added to the CAA and graduation requirements. By 2010, SPI must report the effect of the CAA on dropout rates and make recommendations.

Fifth grade and eighth through twelfth grade students who are not successful on the WASL must have a plan to meet the state standards and graduate. This requirement is phased-in beginning in 2004. Parents of fifth grade students must be notified of the plan through a parent conference. The parents of the eighth through twelfth grade students must be notified, preferably through a parent conference. Any decision on whether a student has met the graduation requirements of the SBE required education plan for the student's high school experience and the year following graduation must remain at the local level.

If funded, SPI will pilot retakes of the WASL. Beginning no later than 2006, retakes must be available at least twice a year. Students who meet the standard in a content area but want to improve the results can pay to retake the test.

SPI must make recommendations for an alternative means of demonstrating that a student has met the standard, which may include an appeals process, that has comparable rigor to the WASL. Students must retake the WASL at least once before using an alternative means. Students may use an alternative means, once an alternative means has been approved by the Legislature.

A Certificate of Individual Achievement (CIA) is available for special education students for whom WASL is inappropriate, even with accommodations. SPI must develop guidelines for determining which students should not participate in the WASL. The CIA will provide multiple ways for eligible students to demonstrate skills commensurate with their individual education plans. The CIA will be required for these students to graduate. Achievement of the CIA will be noted on the student's transcript.

By 2004, SPI and State Board for Community and Technical Colleges must report on a plan to provide continuing education options for bilingual students who need more time to become language proficient.

Assessment Information: By 2004, SPI must report on the feasibility of returning the WASL results in the same year as the test is administered. By 2006, the assessment results must be reported in a format that shows the academic gain of a student from one school year to the next. SPI must provide as much individual student assessment information as possible and must provide diagnostic tools to determine the academic status of students.

RCW 28A.655.060 is repealed but most of the operative language is included in this legislation, except a sentence addressing educational pathways.

Amended Bill Compared to Substitute Bill: Some of the dates for the SPI review and prioritization of the EALRs and identifying grade level expectations are delayed. If a student passes the high school WASL on the initial try, on one of two provided retakes, or through an objective alternative assessment, once alternative assessments are approved by the Legislature, then the student receives a certificate. When the SPI reports to the Legislature some options for the objective alternative assessments, the options may include an appeals process. The name of the certificate that special education students must earn to graduate is

changed to Certificate of Individual Achievement (CIA). It will be noted on the transcript, instead of the diploma, whether the student earns a CAA or a CIA. The SPI must develop guidelines for the types of assessments that are appropriate for special education students to use. Private and home school students are not required to earn either certificate. The legislative education committees must obtain information and conclusions from assessment experts regarding validity and reliability of high school assessments. The repetitive language is removed from the bilingual chapter.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: It is important for the Legislature to act on this bill this year. Resources are needed this Spring to develop the Fall retake. This bill affirms that the state is staying the course and is still serious about education reform. It makes clear to the public, teachers, and students which grade level expectations are on the WASL. The standards are spelled out but challenges of our special populations are recognized. It opens the door to high quality options. The alternatives will be rigorous and there must be definitive action by the Legislature prior to the alternative being implemented. The written student plans are important to parents and will get students back on track for graduation. Special education students may earn a certificate using expectations that are appropriate for the individual student. The Goal II classroom-based assessments that are developed by classroom teachers provides accountability for learning in these subjects. The requirements of this bill means that increased resources will be needed to provide support for our teachers and our students. It keeps at the community level the decision of whether a student meets the SBE required plan for beyond high school. Please restore the SBE role to determine the reliability and validity of the WASL.

Testimony Against: This bill does not fix the WASL. Outcome based education is educational malpractice because it bases graduation on a test that fails above average students. All experts agree that no high-stakes decision should be based on only one test score. One standard for all is mediocrity. The WASL is not valid because it fails the top 20 percent of the students. Students should not be labeled as failures by an invalid, unreliable test. To increase the passing rate the teachers are teaching to the test. Developing retakes, alternatives and student plans is an attempt to obscure the invalidity of the test and will create a workload nightmare. Retakes sacrifice instruction time. Rigorous alternative assessments do not exist. Any student who is not affluent and white is doomed since the WASL failure rates are greater for minorities. The WASL is not based on GPA or any recognized standard of ability. The scoring is wrong. The math assessment does not match appropriate grade level expectations. WASL is a huge waste of money and time. There should be religious protections for students whose answers could be scored as wrong because of their religious views. The federal No Child Left Behind Act with its requirement for annual testing is a federalization of the WASL disaster. We are heading for a huge inhumane train wreck because most students will fail to graduate and get a diploma when they do not meet this cruel ideal of adequate performance.

Testified: PRO: Rep. Joe McDermott, prime sponsor; Rep. Gigi Talcott; Superintendent Terry Bergeson, SPI; Steve Mullin, WA Roundtable; Stan McNaughton, WA Roundtable, Pemco; Nancy Atwood, AEA; Jean Strother, WSPTA; Warren Smith, SBE; Jo Caldwell, WA Music Educators Assoc.; Kate Enslein, student; Kim Howard, WSPTA/parent; Judy Hartmann, Governor's office; Lisa Brackin Johnson, WEA; Phil Harding, WEA; CON: Arthur Hu, CURE; Joyce Fiess, citizen; Patricia Bailey, teacher.

Signed In/Did Not Testify: PRO: Ann Randall, WEA; Pat Montgomery, WSPTA/parent; Rainer Houser, AWSP; Kathleen Lopp, WA-ACTE; Kris Tucker, Arts Commission; Christie Perkins, WA St. Spec. Ed. Coalition; Michael Fuller, Assoc. Against Homeless in America; Dan Steele, WSSDA; Barbara Mertens, WASA; CON: Cris Shardelman, citizen; Sharon Hanek, citizen.