

---

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2489

---

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Hunter, Jarrett, P. Sullivan, Springer, Morrell, Tom, Simpson, Miloscia, O'Brien, Roberts and Green)

READ FIRST TIME 2/7/06.

1 AN ACT Relating to providing assistance to students who are not on  
2 track to graduate from high school on time; amending RCW 28A.230.195,  
3 28A.655.061, 28A.655.070, and 28A.655.200; adding new sections to  
4 chapter 28A.655 RCW; adding a new section to chapter 28A.300 RCW;  
5 recodifying RCW 28A.230.195; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.655  
8 RCW to read as follows:

9 For each high school student who was not successful on any or all  
10 of the content areas of the high school Washington assessment of  
11 student learning, either initially or after subsequent retakes of the  
12 assessment:

13 (1) The school district shall prepare the student learning plan  
14 required under RCW 28A.655.061 before the end of the school year in  
15 which the assessment scores are returned;

16 (2) The school district shall arrange a student-led conference for  
17 the student's parent or guardian to discuss the remedial extended  
18 learning activities the district will provide under section 2 of this  
19 act and explain the student's level of risk of not graduating on time

1 if the student does not participate in remediation assistance. To the  
2 maximum extent possible, student-led conferences shall be facilitated  
3 by a teacher or counselor who has been assigned as the student's mentor  
4 for the duration of the student's enrollment in the school;

5 (3) If the student is in out-of-home care as defined by RCW  
6 13.34.030, the school district shall include the student's social  
7 worker assigned from the department of social and health services in  
8 the student-led conference.

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

11 (1) Moneys appropriated for the purpose of providing remediation  
12 for students who were not successful on any or all of the content areas  
13 of the high school Washington assessment of student learning shall be  
14 allocated to school districts by the superintendent of public  
15 instruction in accordance with the biennial appropriations act. School  
16 districts shall expend the funds on remedial extended learning  
17 activities as provided in this section.

18 (a) Remedial extended learning activities may include summer  
19 school, before and after school programs, Saturday classes, skill  
20 seminars, assessment preparation, intensive courses during the school  
21 year, and in-school or out-of-school tutoring.

22 (b) Remedial extended learning activities may occur on the school  
23 campus, via the internet using the digital learning commons or other  
24 providers of online courses and materials, or at other locations and  
25 times that meet student needs.

26 (c) Within available funds, any student who was not successful on  
27 any or all of the content areas of the high school Washington  
28 assessment of student learning may participate in remedial extended  
29 learning activities.

30 (d) Funding shall be provided based on students served in remedial  
31 extended learning activities. Expenditures for planning and  
32 preparatory time are permitted only in accordance with the omnibus  
33 appropriations act.

34 (e) The superintendent of public instruction shall distribute  
35 school year allocations of funds appropriated for the purposes of this  
36 section according to the monthly apportionment schedule in RCW  
37 28A.510.250.

1 (2) School districts shall administer prerediation and  
2 postremediation assessments to students served in remedial extended  
3 learning activities under this section. Districts shall collect  
4 student-level data on prerediation and postremediation assessment  
5 results, the student's subsequent results on the Washington assessment  
6 of student learning or alternative assessment, and relevant student  
7 characteristics to permit analysis of the effectiveness of remedial  
8 extended learning activities. The office of the superintendent shall  
9 issue data collection guidelines to assist school districts.

10 **Sec. 3.** RCW 28A.230.195 and 2005 c 217 s 1 are each amended to  
11 read as follows:

12 (1) If students' scores on the test or assessments under RCW  
13 28A.655.070 indicate that students need help in identified areas, the  
14 school district shall evaluate its instructional practices and make  
15 appropriate adjustments.

16 (2) Each school district shall notify the parents or guardians of  
17 each student of their child's performance on the test and assessments  
18 conducted under this chapter. If a student is in out-of-home care as  
19 defined by RCW 13.34.030, the district shall also notify the assigned  
20 social worker from the department of social and health services.

21 (3) Notification to the parent, guardian, or assigned social worker  
22 of the assessment results for a student who was not successful on any  
23 or all of the content areas of the high school Washington assessment of  
24 student learning shall include the following additional information:

25 (a) A description of the specific skill areas in which the student  
26 needs improvement;

27 (b) The student's level of risk of not graduating on time;

28 (c) The availability and importance of remedial extended learning  
29 activities and how to access these programs;

30 (d) Information about the next available opportunity for the  
31 student to retake the assessment, possible alternative assessments, and  
32 other options for high school completion;

33 (e) Information about how the parent or guardian can view a copy of  
34 the assessment and compare it to the student's results; and

35 (f) Contact information for an individual at the student's school  
36 who can provide assistance and answer questions.

1       (4) Beginning with the 2009 assessment, the notice to parents of  
2 the results of the high school Washington assessment of student  
3 learning shall include the student's responses compared to the correct  
4 responses to test questions and information about how the parent can  
5 obtain a copy of the assessment. A school district shall provide an  
6 electronic or paper copy of the assessment on request. However, if  
7 specific funding for the purpose of this subsection (4) is not provided  
8 in the omnibus appropriations act, by June 30, 2006, a school district  
9 is not obligated to comply with this subsection (4).

10       **Sec. 4.** RCW 28A.655.061 and 2004 c 19 s 101 are each amended to  
11 read as follows:

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

22       (2) Subject to the conditions in this section, a certificate of  
23 academic achievement shall be obtained by most students at about the  
24 age of sixteen, and is evidence that the students have successfully met  
25 the state standard in the content areas included in the certificate.  
26 With the exception of students satisfying the provisions of RCW  
27 28A.155.045, acquisition of the certificate is required for graduation  
28 from a public high school but is not the only requirement for  
29 graduation.

30       (3) Beginning with the graduating class of 2008, with the exception  
31 of students satisfying the provisions of RCW 28A.155.045, a student who  
32 meets the state standards on the reading, writing, and mathematics  
33 content areas of the high school Washington assessment of student  
34 learning shall earn a certificate of academic achievement. If a  
35 student does not successfully meet the state standards in one or more  
36 content areas required for the certificate of academic achievement,  
37 then the student may retake the assessment in the content area up to

1 four times at no cost to the student. If the student successfully  
2 meets the state standards on a retake of the assessment then the  
3 student shall earn a certificate of academic achievement. Once  
4 objective alternative assessments are authorized pursuant to subsection  
5 (11) of this section, a student may use the objective alternative  
6 assessments to demonstrate that the student successfully meets the  
7 state standards for that content area if the student has retaken the  
8 Washington assessment of student learning at least once. If the  
9 student successfully meets the state standards on the objective  
10 alternative assessments then the student shall earn a certificate of  
11 academic achievement. The student's transcript shall note whether the  
12 certificate of academic achievement was acquired by means of the  
13 Washington assessment of student learning or by an alternative  
14 assessment.

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

20 (5) The state board of education may not require the acquisition of  
21 the certificate of academic achievement for students in home-based  
22 instruction under chapter 28A.200 RCW, for students enrolled in private  
23 schools under chapter 28A.195 RCW, or for students satisfying the  
24 provisions of RCW 28A.155.045.

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

27 (7) Beginning with the graduating class of 2006, the highest scale  
28 score and level achieved in each content area on the high school  
29 Washington assessment of student learning shall be displayed on a  
30 student's transcript. In addition, beginning with the graduating class  
31 of 2008, each student shall receive a scholar's designation on his or  
32 her transcript for each content area in which the student achieves  
33 level four the first time the student takes that content area  
34 assessment.

35 (8) Beginning in 2006, school districts must make available to  
36 students the following options:

37 (a) To retake the Washington assessment of student learning up to

1 four times in the content areas in which the student did not meet the  
2 state standards if the student is enrolled in a public school; or

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

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

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

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

32 (12) By December 15, 2004, the house of representatives and senate  
33 education committees shall obtain information and conclusions from  
34 recognized, independent, national assessment experts regarding the  
35 validity and reliability of the high school Washington assessment of  
36 student learning for making individual student high school graduation  
37 determinations.

38 (13) To help assure continued progress in academic achievement as

1 a foundation for high school graduation and to assure that students are  
2 on track for high school graduation, each school district shall prepare  
3 plans for students as provided in this subsection (13) and section 1 of  
4 this act.

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

12 (i) Beginning no later than the 2004-05 school year ninth grade  
13 students as described in this subsection (13)(a) shall have a plan.

14 (ii) Beginning no later than the 2005-06 school year and every year  
15 thereafter eighth grade students as described in this subsection  
16 (13)(a) shall have a plan.

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

23 (iv) Progress made on the student plan shall be reported to the  
24 student's parents or guardian at least annually and adjustments to the  
25 plan made as necessary.

26 (b) Beginning with the 2005-06 school year and every year  
27 thereafter, all fifth grade students who were not successful in one or  
28 more of the content areas of the fourth grade Washington assessment of  
29 student learning shall have a student learning plan.

30 (i) The parent or guardian of a student described in this  
31 subsection (13)(b) shall be notified, preferably through a parent  
32 conference, of the student's results on the Washington assessment of  
33 student learning, actions the school intends to take to improve the  
34 student's skills in any content area in which the student was  
35 unsuccessful, and provide strategies to help them improve their  
36 student's skills.

37 (ii) Progress made on the student plan shall be reported to the

1 student's parents or guardian at least annually and adjustments to the  
2 plan made as necessary.

3 **Sec. 5.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to  
4 read as follows:

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

12 (2) The superintendent of public instruction shall:

13 (a) Periodically revise the essential academic learning  
14 requirements, as needed, based on the student learning goals in RCW  
15 28A.150.210. Goals one and two shall be considered primary. To the  
16 maximum extent possible, the superintendent shall integrate goal four  
17 and the knowledge and skill areas in the other goals in the essential  
18 academic learning requirements; and

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

35 (3) In consultation with the state board of education, the  
36 superintendent of public instruction shall maintain and continue to  
37 develop and revise a statewide academic assessment system in the



1 content areas of reading, writing, mathematics, and science for use in  
2 the elementary, middle, and high school years designed to determine if  
3 each student has mastered the essential academic learning requirements  
4 identified in subsection (1) of this section. School districts shall  
5 administer the assessments under guidelines adopted by the  
6 superintendent of public instruction. The academic assessment system  
7 shall include a variety of assessment methods, including criterion-  
8 referenced and performance-based measures.

9 (4) If the superintendent proposes any modification to the  
10 essential academic learning requirements or the statewide assessments,  
11 then the superintendent shall, upon request, provide opportunities for  
12 the education committees of the house of representatives and the senate  
13 to review the assessments and proposed modifications to the essential  
14 academic learning requirements before the modifications are adopted.

15 (5)(a) The assessment system shall be designed so that the results  
16 under the assessment system are used by educators as tools to evaluate  
17 instructional practices, and to initiate appropriate educational  
18 support for students who have not mastered the essential academic  
19 learning requirements at the appropriate periods in the student's  
20 educational development.

21 (b) Assessments measuring the essential academic learning  
22 requirements in the content area of science shall be available for  
23 mandatory use in middle schools and high schools by the 2003-04 school  
24 year and for mandatory use in elementary schools by the 2004-05 school  
25 year unless the legislature takes action to delay or prevent  
26 implementation of the assessment.

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

31 (7) To assist parents and teachers in their efforts to provide  
32 educational support to individual students, the superintendent of  
33 public instruction shall provide as much individual student performance  
34 information as possible within the constraints of the assessment  
35 system's item bank. Beginning with the 2009 assessment, the  
36 superintendent shall release the complete high school assessment,  
37 including the correct responses, concurrently with the release of the  
38 assessment results and shall post the assessment and responses on the

1 superintendent's internet web site. However, the superintendent is not  
2 obligated to release the complete high school assessment if specific  
3 funding for the release is not provided in the omnibus appropriations  
4 act by June 30, 2006. The superintendent shall also provide to school  
5 districts:

6 (a) Information on classroom-based and other assessments that may  
7 provide additional achievement information for individual students; and

8 (b) A collection of diagnostic tools that educators may use to  
9 evaluate the academic status of individual students particularly  
10 students who were not successful on one or more of the content areas of  
11 the high school Washington assessment of student learning. The tools  
12 shall be designed to be inexpensive, easily administered, and quickly  
13 and easily scored, with results provided in a format that may be easily  
14 shared with parents and students.

15 (8) To the maximum extent possible, the superintendent shall  
16 integrate knowledge and skill areas in development of the assessments.

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

20 (10) The superintendent shall develop assessments that are directly  
21 related to the essential academic learning requirements, and are not  
22 biased toward persons with different learning styles, racial or ethnic  
23 backgrounds, or on the basis of gender.

24 (11) The superintendent shall consider methods to address the  
25 unique needs of special education students when developing the  
26 assessments under this section.

27 (12) The superintendent shall consider methods to address the  
28 unique needs of highly capable students when developing the assessments  
29 under this section.

30 (13) The superintendent shall post on the superintendent's web site  
31 lists of resources and model assessments in social studies, the arts,  
32 and health and fitness.

33 **Sec. 6.** RCW 28A.655.200 and 2005 c 217 s 2 are each amended to  
34 read as follows:

35 (1) ~~((The legislature finds that the mandatory norm referenced~~  
36 ~~student assessments eliminated under chapter 217, Laws of 2005 provide~~  
37 ~~information that teachers and parents use to improve student~~

1 ~~learning.))~~ In the absence of mandatory, statewide, norm-referenced  
2 assessments, the legislature intends to permit school districts to  
3 offer norm-referenced assessments ~~((at the districts' own expense~~  
4 ~~and)),~~ make diagnostic tools available ~~((that provide information that~~  
5 ~~is at least as valuable as the information eliminated under chapter~~  
6 ~~217, Laws of 2005)),~~ and provide funding for diagnostic assessments for  
7 early intervention before the high school Washington assessment of  
8 student learning.

9 (2) In addition to the diagnostic assessments provided under  
10 subsection (5) of this section, school districts may, at their own  
11 expense, administer norm-referenced assessments to students.

12 (3) By September 1, 2005, subject to available funds, the office of  
13 the superintendent of public instruction shall post on its web site for  
14 voluntary use by school districts, a guide of diagnostic assessments.  
15 The assessments in the guide, to the extent possible, shall include the  
16 characteristics listed in subsection (4)~~((a) through (e))~~ of this  
17 section.

18 (4) ~~((By September 1, 2006, subject to the availability of amounts~~  
19 ~~appropriated for this specific purpose))~~ Beginning September 1, 2007,  
20 the office of the superintendent of public instruction shall make  
21 available to school districts diagnostic assessments that help improve  
22 student learning. To the greatest extent possible, the assessments  
23 shall be:

- 24 (a) Aligned to the state's grade level expectations;
- 25 (b) Individualized to each student's performance level;
- 26 (c) Administered efficiently to provide results either immediately  
27 or within two weeks;
- 28 (d) Capable of measuring individual student growth over time and  
29 allowing student progress to be compared to other students across the  
30 country; ~~((and))~~
- 31 (e) Readily available to parents; and
- 32 (f) Cost-effective.

33 (5) Beginning with the 2006-07 school year, the superintendent of  
34 public instruction shall reimburse school districts, from funds  
35 appropriated for this purpose, for administration of diagnostic  
36 assessments in grades nine and ten for the purpose of identifying  
37 academic weaknesses and developing targeted instructional strategies to

1 assist students before the high school Washington assessment of student  
2 learning.

3 (6) The office of the superintendent of public instruction is  
4 encouraged to offer at (~~their~~) statewide and regional staff  
5 development activities training opportunities that would assist  
6 practitioners in:

- 7 (a) The interpretation of diagnostic assessments; and  
8 (b) Application of instructional strategies that will increase  
9 student learning based on diagnostic assessment data.

10 NEW SECTION. Sec. 7. A new section is added to chapter 28A.300  
11 RCW to read as follows:

12 Subject to the availability of funds appropriated for this purpose,  
13 the superintendent of public instruction shall negotiate statewide  
14 contracts with providers of online courses, materials, and diagnostic  
15 assessments to provide remedial extended learning activities and  
16 prerediation and postremediation assessments under section 2 of this  
17 act. The superintendent shall act as a broker between school districts  
18 that elect to use the courses, materials, or assessments offered by a  
19 provider and the provider in order to facilitate contract negotiations,  
20 ensure consistent and equitable contract terms, and reduce  
21 administrative burden on both parties. Nothing in this section prevents  
22 a school district from independently negotiating contracts with  
23 providers of online courses, materials, or diagnostic assessments.

24 NEW SECTION. Sec. 8. RCW 28A.230.195 is recodified as a new  
25 section in chapter 28A.655 RCW.

26 NEW SECTION. Sec. 9. This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 immediately.

--- END ---