
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; recodifying RCW 28A.230.195; and declaring an
5 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. RCW 28A.230.195 is recodified as a new
11 section in chapter 28A.655 RCW.

12 NEW SECTION. Sec. 8. This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

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