
SECOND SUBSTITUTE HOUSE BILL 2785

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Quall, Tom, P. Sullivan, Hunter, Morrell, Nixon, Rodne, Roberts, Schual-Berke, Simpson, Springer, Sells, Lantz, Linville, Dunshee and Kagi; by request of Superintendent of Public Instruction)

READ FIRST TIME 02/08/06.

1 AN ACT Relating to authorizing alternative methods of assessment
2 and appeal processes for the certificate of academic achievement;
3 amending RCW 28A.655.061; adding new sections to chapter 28A.655 RCW;
4 adding a new section to chapter 28C.04 RCW; and creating new sections.

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

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

8 (1) The legislature has made a commitment to rigorous academic
9 standards for receipt of a high school diploma. The primary way that
10 students will demonstrate that they meet the standards in reading,
11 writing, mathematics, and science is through the Washington assessment
12 of student learning. Only objective assessments that are comparable in
13 rigor to the state assessment are authorized as an alternative
14 assessment. Before seeking an alternative assessment, the legislature
15 expects students to make a genuine effort to meet state standards,
16 through retaking the Washington assessment of student learning; regular
17 and consistent attendance at school; and participation in extended
18 learning and other assistance programs.

19 (2) Under RCW 28A.655.061, beginning in the 2006-07 school year,

1 the superintendent of public instruction shall implement three
2 objective alternative assessment methods as provided in this section
3 for students to demonstrate achievement of the state standards in
4 content areas in which the student has not yet met the standard on the
5 high school Washington assessment of student learning. A student may
6 access an alternative if the student meets applicable eligibility
7 criteria in RCW 28A.655.061 and other eligibility criteria established
8 by the superintendent of public instruction, including but not limited
9 to a ninety-five percent minimum attendance criterion and required
10 participation in remediation programs or instruction.

11 (3) For the purposes of this section, "applicant" means a student
12 seeking to use one of the alternative assessment methods in this
13 section.

14 (4) The primary alternative assessment method shall be a
15 combination of the applicant's grades in applicable courses and the
16 applicant's highest score on the high school Washington assessment of
17 student learning, as provided in this subsection.

18 (a) Using guidelines prepared by the superintendent of public
19 instruction, a school district shall identify the group of students in
20 the same school as the applicant who took the same high school courses
21 as the applicant in the applicable content area. From the group of
22 students identified in this manner, the district shall select the
23 comparison cohort that shall be those students who met or slightly
24 exceeded the state standard on the Washington assessment of student
25 learning.

26 (b) The district shall compare the applicant's grades in high
27 school courses in the applicable content area to the grades of students
28 in the comparison cohort for the same high school courses. If the
29 applicant's grades are above the median grades of the comparison
30 cohort, the applicant shall be deemed to have met the state standard on
31 the alternative assessment.

32 (c) An applicant may not use the alternative assessment under this
33 subsection (4) if there are fewer than six students in the comparison
34 cohort.

35 (5) The superintendent of public instruction shall also develop an
36 alternative assessment method that shall be an evaluation of a
37 collection of work samples prepared and submitted by the applicant, as
38 provided in this subsection and, for career and technical applicants,

1 subsection (6) of this section. The collection of work samples may be
2 implemented as an alternative assessment if there are fewer than six
3 students in the applicant's comparison cohort under subsection (4) of
4 this section or if the applicant is enrolled in a career and technical
5 program approved under section 2 of this act. The collection of work
6 samples may be implemented as an alternative assessment for other
7 applicants only if formally approved by the legislature through the
8 omnibus appropriations act, statute, or concurrent resolution.

9 (a) The superintendent of public instruction shall develop
10 guidelines for the types and number of work samples in each content
11 area that may be submitted as a collection of evidence that the
12 applicant has met the state standard in that content area. Work
13 samples may be collected from academic, career and technical, or
14 remedial courses and may include performance tasks as well as written
15 products.

16 (b) The superintendent shall develop protocols for submission of
17 the collection of work samples that include affidavits from the
18 applicant's teachers and school district that the samples are the work
19 of the applicant and a requirement that a portion of the samples be
20 prepared under the direct supervision of a classroom teacher.

21 (c) The superintendent shall develop uniform scoring criteria for
22 evaluating the collection of work samples. Collections shall be scored
23 at the state level or regionally by a panel of educators selected and
24 trained by the superintendent to ensure objectivity, reliability, and
25 rigor in the evaluation. An educator may not score work samples
26 submitted by applicants from the educator's school district. If the
27 panel awards an applicant's collection of work samples the minimum
28 required score, the applicant shall be deemed to have met the state
29 standard on the alternative assessment.

30 (6)(a) For students enrolled in a career and technical education
31 program approved under section 2 of this act, the superintendent of
32 public instruction shall develop a collection of work samples that:

33 (i) Is relevant to the student's particular career and technical
34 program;

35 (ii) Focuses on the application of academic knowledge and skills
36 within the program;

37 (iii) Includes completed activities or projects where demonstration
38 of academic knowledge is inferred; and

1 (iv) Is related to the essential academic learning requirements and
2 state standards that students must meet to earn a certificate of
3 academic achievement or certificate of individual achievement, but also
4 represents the knowledge and skills that successful individuals in the
5 career and technical field of the approved program are expected to
6 possess.

7 (b) To meet the state standard on the alternative assessment under
8 this subsection (6), an applicant must also attain the state or
9 nationally recognized certificate or credential associated with the
10 approved career and technical program.

11 (c) The superintendent shall consult with community and technical
12 colleges, employers, the work force training and education coordinating
13 board, apprenticeship programs, and other regional and national experts
14 in career and technical education to create the most appropriate
15 collection of work samples and other evidence of a career and technical
16 student's knowledge and skills on the state academic standards.

17 (7) The superintendent of public instruction shall implement:

18 (a) By June 1, 2006, a process for students to appeal the score
19 they received on the high school assessment; and

20 (b) By January 1, 2007, guidelines and appeal processes for waiving
21 specific requirements in RCW 28A.655.061 pertaining to the certificate
22 of academic achievement and to the certificate of individual
23 achievement for students who: (i) Transfer to a Washington public
24 school in their junior or senior year with the intent of obtaining a
25 public high school diploma, or (ii) have special, unavoidable
26 circumstances.

27 (8) The superintendent of public instruction may adopt rules to
28 implement this section.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 28C.04 RCW
30 to read as follows:

31 The superintendent of public instruction shall develop a list of
32 approved career and technical education programs that qualify for the
33 objective alternative assessment for career and technical students
34 developed under section 1 of this act. Programs on the list must meet
35 the following minimum criteria:

36 (1) Lead to a certificate or credential that is state or nationally

1 recognized by trades, industries, or other professional associations as
2 necessary for employment or advancement in that field;

3 (2) Require a sequenced progression of multiple courses, both
4 exploratory and preparatory, that are vocationally intensive and
5 rigorous; and

6 (3) Have a high potential for providing the program completer with
7 gainful employment or entry into a postsecondary work force training
8 program.

9 NEW SECTION. **Sec. 3.** By September 2006, the superintendent of
10 public instruction shall report the following, in detail, to the
11 education committees of the legislature:

12 (1) Results of the pilot testing of the alternative assessments
13 authorized under section 1 of this act;

14 (2) The proposed guidelines, protocols, and procedures to be used
15 by the superintendent in implementing the alternative assessments,
16 particularly the collection of evidence;

17 (3) A description of the training to be provided for school
18 districts, educators serving on scoring panels, and teachers assisting
19 students with collections of evidence; and

20 (4) Updated estimates of the number of students likely to be
21 eligible or apply for either alternative assessment method.

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

24 (1) The high school assessment system shall include but need not be
25 limited to the Washington assessment of student learning, opportunities
26 for a student to retake the content areas of the assessment in which
27 the student was not successful, and if approved by the legislature
28 pursuant to subsection (11) of this section, one or more objective
29 alternative assessments for a student to demonstrate achievement of
30 state academic standards. The objective alternative assessments for
31 each content area shall be comparable in rigor to the skills and
32 knowledge that the student must demonstrate on the Washington
33 assessment of student learning for each content area.

34 (2) Subject to the conditions in this section, a certificate of
35 academic achievement shall be obtained by most students at about the
36 age of sixteen, and is evidence that the students have successfully met

1 the state standard in the content areas included in the certificate.
2 With the exception of students satisfying the provisions of RCW
3 28A.155.045, acquisition of the certificate is required for graduation
4 from a public high school but is not the only requirement for
5 graduation.

6 (3) Beginning with the graduating class of 2008, with the exception
7 of students satisfying the provisions of RCW 28A.155.045, a student who
8 meets the state standards on the reading, writing, and mathematics
9 content areas of the high school Washington assessment of student
10 learning shall earn a certificate of academic achievement. If a
11 student does not successfully meet the state standards in one or more
12 content areas required for the certificate of academic achievement,
13 then the student may retake the assessment in the content area up to
14 four times at no cost to the student. If the student successfully
15 meets the state standards on a retake of the assessment then the
16 student shall earn a certificate of academic achievement. Once
17 objective alternative assessments are authorized pursuant to subsection
18 (11) of this section, a student may use the objective alternative
19 assessments to demonstrate that the student successfully meets the
20 state standards for that content area if the student has retaken the
21 Washington assessment of student learning at least once. If the
22 student successfully meets the state standards on the objective
23 alternative assessments then the student shall earn a certificate of
24 academic achievement. The student's transcript shall note whether the
25 certificate of academic achievement was acquired by means of the
26 Washington assessment of student learning or by an alternative
27 assessment.

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

33 (5) The state board of education may not require the acquisition of
34 the certificate of academic achievement for students in home-based
35 instruction under chapter 28A.200 RCW, for students enrolled in private
36 schools under chapter 28A.195 RCW, or for students satisfying the
37 provisions of RCW 28A.155.045.

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

3 (7) Beginning with the graduating class of 2006, the highest scale
4 score and level achieved in each content area on the high school
5 Washington assessment of student learning shall be displayed on a
6 student's transcript. In addition, beginning with the graduating class
7 of 2008, each student shall receive a scholar's designation on his or
8 her transcript for each content area in which the student achieves
9 level four the first time the student takes that content area
10 assessment.

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

13 (a) To retake the Washington assessment of student learning up to
14 four times in the content areas in which the student did not meet the
15 state standards if the student is enrolled in a public school; or

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

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

27 (10) Subject to available funding, the superintendent shall pilot
28 opportunities for retaking the high school assessment beginning in the
29 2004-05 school year. Beginning no later than September 2006,
30 opportunities to retake the assessment at least twice a year shall be
31 available to each school district.

32 (11)(a) The office of the superintendent of public instruction
33 shall develop options for implementing objective alternative
34 assessments, which may include an appeals process, for students to
35 demonstrate achievement of the state academic standards. The objective
36 alternative assessments shall be comparable in rigor to the skills and
37 knowledge that the student must demonstrate on the Washington
38 assessment of student learning and be objective in its determination of

1 student achievement of the state standards. Before any objective
2 alternative assessments in addition to those authorized in (b) of this
3 subsection are used by a student to demonstrate that the student has
4 met the state standards in a content area required to obtain a
5 certificate, the legislature shall formally approve the use of any
6 objective alternative assessments through the omnibus appropriations
7 act or by statute or concurrent resolution.

8 (b) After formal approval by the legislature of the score required
9 for this purpose, a student's score on the mathematics portion of the
10 preliminary scholastic assessment test (PSAT), the scholastic
11 assessment test (SAT), or the American college test (ACT) may be used
12 as an objective alternative assessment under this section for
13 demonstrating that a student has met the mathematics standards for the
14 certificate of academic achievement. The state board of education
15 shall identify the scores students must achieve on the mathematics
16 portion of the PSAT, SAT, or ACT to meet the state standard for
17 mathematics and shall submit the proposed scores, along with any
18 subsequent revisions, to the legislature for formal approval through
19 the appropriations act or by statute or concurrent resolution.

20 (12) By December 15, 2004, the house of representatives and senate
21 education committees shall obtain information and conclusions from
22 recognized, independent, national assessment experts regarding the
23 validity and reliability of the high school Washington assessment of
24 student learning for making individual student high school graduation
25 determinations.

26 (13) To help assure continued progress in academic achievement as
27 a foundation for high school graduation and to assure that students are
28 on track for high school graduation, each school district shall prepare
29 plans for students as provided in this subsection (13).

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

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

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

4 (iii) The parent or guardian shall be notified, preferably through
5 a parent conference, of the student's results on the Washington
6 assessment of student learning, actions the school intends to take to
7 improve the student's skills in any content area in which the student
8 was unsuccessful, strategies to help them improve their student's
9 skills, and the content of the student's plan.

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

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

17 (i) The parent or guardian of a student described in this
18 subsection (13)(b) shall be notified, preferably through a parent
19 conference, of the student's results on the Washington assessment of
20 student learning, actions the school intends to take to improve the
21 student's skills in any content area in which the student was
22 unsuccessful, and provide strategies to help them improve their
23 student's skills.

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

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

29 Subject to the availability of funds appropriated for this purpose,
30 school districts shall reimburse students for the cost of taking the
31 tests in RCW 28A.655.061(11)(b) when the students take the tests for
32 the purpose of using the mathematics results as an objective
33 alternative assessment.

34 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
35 section 5 of this act, referencing this act by bill or chapter number

1 is not provided by June 30, 2006, in the omnibus appropriations act,
2 section 5 of this act is null and void.

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