
HOUSE BILL 2903

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By Representatives Talcott, Quall, Cox, Curtis, Roach, Orcutt, Holmquist, Woods, Shabro, Ericksen, Anderson, Serben, Nixon, Haler, McCune, Haigh, Sump, Priest, Armstrong, Santos, Hinkle, Strow, Newhouse and Rodne

Read first time 01/16/2006. Referred to Committee on Education.

1 AN ACT Relating to making reforms necessary to improve student
2 academic achievement; amending RCW 28A.165.045, 28A.655.070,
3 28A.230.195, 28A.655.200, and 28A.655.061; adding new sections to
4 chapter 28A.655 RCW; adding a new section to chapter 28A.165 RCW;
5 recodifying RCW 28A.230.195 and 28A.230.250; and declaring an
6 emergency.

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

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

10 (1) The legislature finds that, in its effort to comply with the
11 academic assessment schedules established under P.L. 107-110, the no
12 child left behind act of 2001, Washington has had inadequate
13 opportunity to examine options that may include creating an assessment
14 system based on both statewide and local assessments, rather than
15 exclusively on statewide assessments. Therefore, the legislature
16 intends to cease further implementation of a statewide assessment
17 system and request a temporary waiver from statutory requirements of
18 P.L. 107-110 until these options can be fully considered and approved
19 by the legislature.

1 (2) As of the effective date of this section, the superintendent of
2 public instruction shall cease all further development, implementation,
3 or administration of the Washington assessment of student learning in
4 grades three, five, six, and eight.

5 (3) As authorized under section 9401 of P.L. 107-110, the
6 superintendent shall seek a temporary waiver from federal statutory and
7 regulatory requirements regarding implementation of yearly student
8 academic assessments in mathematics and reading in each of grades three
9 through eight beginning in the 2005-06 school year.

10 (4) The superintendent shall examine a range of assessment options
11 that could satisfy the assessment requirements of P.L. 107-110. In
12 particular, the superintendent shall consider locally selected or
13 administered diagnostic assessments that could serve the dual purpose
14 of accountability and providing educators with information to assist
15 individual students. In conducting the examination, the superintendent
16 shall convene and seek input from a review panel that includes school
17 district administrators, local assessment coordinators, teachers, and
18 parents. The superintendent shall submit a report of the findings of
19 the examination along with recommendations for a revised assessment
20 system to the education committees of the legislature by December 1,
21 2006.

22 (5) Any further implementation of the assessment system after the
23 effective date of this section to comply with P.L. 107-110 must be
24 formally authorized by the legislature through legislation or
25 concurrent resolution.

26 **Sec. 2.** RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read
27 as follows:

28 A participating school district shall annually submit a program
29 plan to the office of the superintendent of public instruction for
30 approval. The program plan must address all of the elements in RCW
31 28A.165.025 and identify the program activities to be implemented from
32 RCW 28A.165.035.

33 School districts achieving state reading and mathematics goals as
34 prescribed in chapter 28A.655 RCW shall have their program approved
35 once the program plan and activities submittal is completed.

36 School districts not achieving state reading and mathematics goals
37 as prescribed in chapter 28A.655 RCW and that are not in a state or

1 federal program of school improvement shall be subject to program
2 approval once the plan components are reviewed by the office of the
3 superintendent of public instruction for the purpose of receiving
4 technical assistance in the final development of the plan.

5 School districts with one or more schools in a state or federal
6 program of school improvement shall have their plans and activities
7 reviewed and approved in conjunction with the state or federal program
8 school improvement program requirements.

9 School districts in a federal status of needing improvement shall
10 have their plans and activities reviewed and approved as provided under
11 section 3 of this act before expending any state funds provided for the
12 learning assistance program.

13 NEW SECTION. Sec. 3. A new section is added to chapter 28A.165
14 RCW to read as follows:

15 (1) School districts that are meeting federal standards for
16 adequate yearly progress, educational service districts, the Washington
17 association of school administrators, and the association of Washington
18 school principals shall submit a list to the office of the
19 superintendent of public instruction of programs and instructional
20 strategies that constitute best practices for the learning assistance
21 program and that have been demonstrated to improve student achievement.
22 The list may include but also expand on the program activities under
23 RCW 28A.165.035. The superintendent of public instruction shall
24 publish the combined list of best practices on the agency web site for
25 use by teachers, parents, and the public.

26 (2) A school district in a federal status of needing improvement
27 must prepare its program plan using only one or more of the best
28 practices from the list compiled under this section.

29 (3) The superintendent shall review the program plan submitted by
30 a school district under this section and may approve the plan or
31 require amendments to the plan before approval. The superintendent
32 shall withhold state funds for the learning assistance program from a
33 school district under this section until the program plan is approved.

34 (4) A school district under this section may expend learning
35 assistance program funds only in accordance with the approved program
36 plan.

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

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

10 (2) The superintendent of public instruction shall:

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

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

33 (3) In consultation with the state board of education, the
34 superintendent of public instruction shall maintain and continue to
35 develop and revise a statewide academic assessment system in the
36 content areas of reading, writing, mathematics, and science for use in
37 the elementary, middle, and high school years designed to determine if
38 each student has mastered the essential academic learning requirements

1 identified in subsection (1) of this section. School districts shall
2 administer the assessments under guidelines adopted by the
3 superintendent of public instruction. The academic assessment system
4 shall include a variety of assessment methods, including criterion-
5 referenced and performance-based measures.

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

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

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

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

28 (7) To assist parents and teachers in their efforts to provide
29 educational support to individual students, the superintendent of
30 public instruction shall provide as much individual student performance
31 information as possible within the constraints of the assessment
32 system's item bank. Beginning with the 2008 assessment, the
33 superintendent shall release the complete high school assessment,
34 including the correct responses, concurrently with the release of the
35 assessment results and shall post the assessment and responses on the
36 superintendent's internet web site. The superintendent shall also
37 provide to school districts:

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

3 (b) A collection of diagnostic tools that educators may use to
4 evaluate the academic status of individual students. The tools shall
5 be designed to be inexpensive, easily administered, and quickly and
6 easily scored, with results provided in a format that may be easily
7 shared with parents and students.

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

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

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

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

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

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

26 **Sec. 5.** RCW 28A.230.195 and 2005 c 217 s 1 are each amended to
27 read as follows:

28 (1) If students' scores on the test or assessments under RCW
29 28A.655.070 indicate that students need help in identified areas, the
30 school district shall evaluate its instructional practices and make
31 appropriate adjustments.

32 (2) Each school district shall notify the parents of each student
33 of their child's performance on the test and assessments conducted
34 under this chapter.

35 (3) Beginning with the 2008 assessment, the notice to parents of
36 the results of the high school Washington assessment of student
37 learning shall include the student's responses compared to the correct

1 responses to test questions and information about how the parent can
2 obtain a copy of the assessment. A school district shall provide an
3 electronic or paper copy of the assessment on request.

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

6 (1) (~~The legislature finds that the mandatory norm-referenced~~
7 ~~student assessments eliminated under chapter 217, Laws of 2005 provide~~
8 ~~information that teachers and parents use to improve student~~
9 ~~learning.)) In the absence of mandatory, statewide, norm-referenced
10 assessments, the legislature intends to ((permit)) provide funding for
11 school districts to offer norm-referenced assessments ((at the
12 districts' own expense and)), make diagnostic tools available ((that
13 provide information that is at least as valuable as the information
14 eliminated under chapter 217, Laws of 2005)), and require diagnostic
15 assessments for early intervention before the high school Washington
16 assessment of student learning.~~

17 (2) In addition to the diagnostic assessments required under
18 subsection (5) of this section, school districts may, at their own
19 expense, administer norm-referenced assessments to students.

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

26 (4) (~~By September 1, 2006, subject to the availability of amounts~~
27 ~~appropriated for this specific purpose)) Beginning September 1, 2007,
28 the office of the superintendent of public instruction shall make
29 available to school districts diagnostic assessments that help improve
30 student learning. To the greatest extent possible, the assessments
31 shall be:~~

- 32 (a) Aligned to the state's grade level expectations;
33 (b) Individualized to each student's performance level;
34 (c) Administered efficiently to provide results either immediately
35 or within two weeks;
36 (d) Capable of measuring individual student growth over time and

1 allowing student progress to be compared to other students across the
2 country; and

3 (e) Cost-effective.

4 (5) To the extent funds are provided, beginning with the 2006-07
5 school year, school districts shall administer diagnostic assessments
6 in grades eight, nine, and ten to identify academic weaknesses and
7 develop targeted instructional strategies to assist students before the
8 high school Washington assessment of student learning.

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

13 (a) The interpretation of diagnostic assessments; and

14 (b) Application of instructional strategies that will increase
15 student learning based on diagnostic assessment data.

16 NEW SECTION. Sec. 7. A new section is added to chapter 28A.655
17 RCW to read as follows:

18 The superintendent of public instruction shall make available to
19 school districts a college placement or college readiness test that
20 districts shall annually offer to students in tenth grade at no cost to
21 the student. Districts shall encourage but may not require students to
22 take the test. The superintendent shall select the test from
23 commercially available products. Results of the tests and relevant
24 student, school, and district characteristics shall be compiled by the
25 superintendent of public instruction and made available to the parents
26 of those students tested. Aggregate results shall be made available to
27 the public and the legislature.

28 **Sec. 8.** RCW 28A.655.061 and 2004 c 19 s 101 are each amended to
29 read as follows:

30 (1) The high school assessment system shall include but need not be
31 limited to the Washington assessment of student learning, opportunities
32 for a student to retake the content areas of the assessment in which
33 the student was not successful, and if approved by the legislature
34 pursuant to subsection (11) of this section, one or more objective
35 alternative assessments for a student to demonstrate achievement of
36 state academic standards. The objective alternative assessments for

1 each content area shall be comparable in rigor to the skills and
2 knowledge that the student must demonstrate on the Washington
3 assessment of student learning for each content area.

4 (2) Subject to the conditions in this section, a certificate of
5 academic achievement shall be obtained by most students at about the
6 age of sixteen, and is evidence that the students have successfully met
7 the state standard in the content areas included in the certificate.
8 With the exception of students satisfying the provisions of RCW
9 28A.155.045, acquisition of the certificate is required for graduation
10 from a public high school but is not the only requirement for
11 graduation.

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

35 (4) Beginning with the graduating class of 2010, a student must
36 meet the state standards in science in addition to the other content
37 areas required under subsection (3) of this section on the Washington

1 assessment of student learning or the objective alternative assessments
2 in order to earn a certificate of academic achievement.

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

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

10 (7) Beginning with the graduating class of ~~((2006))~~ 2008, the
11 highest scale score and level achieved in ~~((each content area))~~
12 reading, writing, and mathematics on the high school Washington
13 assessment of student learning shall be displayed on a student's
14 transcript. The highest scale score and level achieved in science
15 shall be displayed beginning with the graduating class of 2010. In
16 addition, beginning with the graduating class of 2008, each student
17 shall receive a scholar's designation on his or her transcript for each
18 content area in which the student achieves level four the first time
19 the student takes that content area assessment.

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

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

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

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

36 (10) Subject to available funding, the superintendent shall pilot
37 opportunities for retaking the high school assessment beginning in the

1 2004-05 school year. Beginning no later than September 2006,
2 opportunities to retake the assessment at least twice a year shall be
3 available to each school district.

4 (11)(a) The office of the superintendent of public instruction
5 shall develop options for implementing objective alternative
6 assessments, which may include an appeals process, for students to
7 demonstrate achievement of the state academic standards. The objective
8 alternative assessments shall be comparable in rigor to the skills and
9 knowledge that the student must demonstrate on the Washington
10 assessment of student learning and be objective in its determination of
11 student achievement of the state standards. Before any objective
12 alternative assessments in addition to those authorized in (b) of this
13 subsection are used by a student to demonstrate that the student has
14 met the state standards in a content area required to obtain a
15 certificate, the legislature shall formally approve the use of any
16 objective alternative assessments through the omnibus appropriations
17 act or by statute or concurrent resolution.

18 (b) A student's score on the mathematics portion of the preliminary
19 scholastic aptitude test (PSAT), the scholastic aptitude test (SAT), or
20 the American college test (ACT) may be used as an objective alternative
21 assessment under this section for demonstrating that a student has met
22 the mathematics standards for the certificate of academic achievement.
23 The state board of education shall identify the scores students must
24 achieve on the mathematics portion of the PSAT, SAT, and ACT to meet
25 the state standard for mathematics.

26 (12) By December 15, 2004, the house of representatives and senate
27 education committees shall obtain information and conclusions from
28 recognized, independent, national assessment experts regarding the
29 validity and reliability of the high school Washington assessment of
30 student learning for making individual student high school graduation
31 determinations.

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

36 (a) Student learning plans are required for eighth through twelfth
37 grade students who were not successful on any or all of the content
38 areas of the Washington assessment for student learning during the

1 previous school year. The plan shall include the courses,
2 competencies, and other steps needed to be taken by the student to meet
3 state academic standards and stay on track for graduation. This
4 requirement shall be phased in as follows:

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

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

10 (iii) The parent or guardian shall be notified, preferably through
11 a parent conference, of the student's results on the Washington
12 assessment of student learning, actions the school intends to take to
13 improve the student's skills in any content area in which the student
14 was unsuccessful, strategies to help them improve their student's
15 skills, and the content of the student's plan.

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

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

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

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

33 NEW SECTION. **Sec. 9.** RCW 28A.230.195 and 28A.230.250 are each
34 recodified as new sections in chapter 28A.655 RCW.

35 NEW SECTION. **Sec. 10.** Section 1 of this act is necessary for the

1 immediate preservation of the public peace, health, or safety, or
2 support of the state government and its existing public institutions,
3 and takes effect immediately.

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