

# HOUSE BILL REPORT

## ESSB 6023

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### As Passed House - Amended:

April 22, 2007

**Title:** An act relating to the Washington assessment of student learning.

**Brief Description:** Concerning the Washington assessment of student learning.

**Sponsors:** By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe and Rasmussen).

### Brief History:

#### Committee Activity:

Education: 3/23/07, 3/29/07 [DPA];

Appropriations: 3/31/07 [DPA(APP w/o ED)s].

#### Floor Activity:

Passed House - Amended: 4/10/07, 81-17.

#### Floor Activity:

Passed House - Amended: 4/22/07, 56-41.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Allows students in the classes of 2008 through no later than 2012 to graduate under certain conditions without a Certificate of Academic Achievement (CAA) as a result of not passing the Washington Assessment of Student Learning (WASL) in mathematics.
- Delays the requirement that students must pass the science WASL to no later than 2013.
- Authorizes the use of ACT and SAT scores in reading and writing and specified Advance Placement examinations as alternatives to the WASL.
- Directs the State Board of Education to examine and make recommendations for changes to the high school WASL in mathematics and science, focusing primarily on end-of-course assessments.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- Requires a report in January 2008 with recommendations and an expedited timeline for implementation intended to apply to the graduating class of 2013.
- Creates an appeals process in each Educational Service District for students to demonstrate they have the knowledge expected on the WASL.
- Requires the Superintendent of Public Instruction to provide funds for school districts to administer diagnostic assessments, if funds are appropriated.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Quall, Chair; Barlow, Vice Chair; Haigh, McDermott, Santos and P. Sullivan.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member and Roach.

**Staff:** Barbara McLain (786-7383).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Education. Signed by 21 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Cody, Conway, Darneille, Ericks, Fromhold, Grant, Haigh, Hunt, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Morrell, Pettigrew, Schual-Berke, Seaquist and P. Sullivan.

**Minority Report:** Do not pass. Signed by 12 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Dunn, Hinkle, Hunter, Kretz, McDonald and Priest.

**Staff:** Ben Rarick (786-7349).

### **Background:**

#### Washington Assessment of Student Learning (WASL) and High School Graduation.

Beginning with the class of 2008, most students will be required to meet the state standard on the 10th grade WASL in reading, writing, and mathematics to receive a Certificate of Academic Achievement (CAA). A CAA will be required for high school graduation. Students in special education who are not appropriately assessed using the WASL can earn a Certificate of Individual Achievement (CIA), which is also required for graduation in 2008. Beginning in 2010, students will also have to pass the science WASL for a CAA.

As currently constructed, the WASL is a comprehensive, standards-based test specially designed to measure student achievement of the Essential Academic Learning Requirements. It includes multiple choice and constructed response questions. There is evidence that the WASL is not well-suited as a diagnostic assessment.

Alternative Assessments. In 2006, the Legislature authorized several alternative assessments for students who are unsuccessful on the high school WASL. One alternative is called the "GPA Cohort" and compares a student's grades in the relevant subject area to a cohort of students who took the same courses but who passed the WASL. Another alternative allows students to submit scores on the PSAT, SAT, or ACT as an alternative for the mathematics portion of the WASL. Subject to funding, school districts must reimburse students for the cost of taking these tests. To access an alternative, a student must take the WASL twice.

End-of-Course Assessments. There are 24 states in addition to Washington that plan to or currently require students to pass statewide assessments for high school graduation. Seven of these states use a series of "end-of-course" assessments, where students take the test after completing a course that covers the core content to be assessed by the test. In most of these states, the mathematics end-of-course assessment for high school graduation is Algebra. The science end-of-course assessments tend to be Biology.

Other Issues. The Superintendent of Public Instruction (SPI) is currently authorized to implement a process for students to appeal their WASL scores and an appeal process waiving requirements associated with the CAA or CIA for students who transfer to a Washington public school in their junior or senior year or who have special, unavoidable circumstances.

Under the federal No Child Left Behind Act, all English Language Learner (ELL) students must participate in the WASL tests scheduled for their grade. The only exception is students who are in their first year of enrollment in U.S. schools who are not required to participate in reading or writing tests, but must take the mathematics exam. The ELL students must also take the Washington Language Proficiency Test (WLPT) in reading, writing, speaking, and listening each year until they exit the bilingual program.

### **Summary of Amended Bill:**

WASL and High School Graduation. Students in the graduating classes of 2008 through no later than 2012 may graduate from high school without a CAA or CIA if they meet all of the following criteria:

- they have not met the state standard in mathematics on the WASL, an approved alternative assessment, or an alternative for eligible special education students;
- they have met the state standard in the other required content areas;
- they have met all other state and local graduation requirements;
- they continue to take the appropriate mathematics assessment annually; and
- they successfully earn two additional high school mathematics credits or a career and technical course equivalent after their sophomore year, designed to increase their proficiency on the WASL. This requirement is one additional credit after their junior year for students in the class of 2008.

The State Board of Education (SBE) is authorized to end this exemption before the graduating class of 2012 if the SBE adopts a rule by September 1 of the freshman year of the graduating class to which the exemption would no longer apply.

The requirement that students must also pass the science WASL to earn a CAA is delayed to the class of 2013. The SBE is authorized to impose the science requirement before the graduating class of 2013 if the SBE adopts a rule by September 1 of the freshman year of the graduating class to which the requirement will apply.

Alternative Assessments. Students may access an alternative assessment after taking the WASL once, rather than twice. Students may use scores on the ACT or SAT as an alternative for the reading or writing portion of the WASL. The use of PSAT scores in mathematics as an alternative ends August 31, 2008. The State Board of Education (SBE) sets the required scores by December 1, 2007. Rather than requiring school districts to reimburse students for the costs of taking these tests, if funds are provided, the Superintendent of Public Instruction (SPI) arranges for students to receive a fee waiver or makes other arrangements to compensate students.

Students may use specified Advanced Placement exams as an alternative to the WASL if they receive a score of three on the exam. Use of the GPA Cohort alternative is limited to students with at least a cumulative 3.2 GPA. The SBE must also examine opportunities for additional alternatives, including standardized norm-reference tests or the ACT SSET and COMPASS test instruments. A report with recommendations is due January 10, 2008.

End-of Course Assessments. The Legislature's intent is to make significant improvements in the high school WASL in mathematics and science. The Legislature also believes that end-of-course assessments would be a superior assessment system. End-of-course assessments in mathematics should cover at least Algebra I and Geometry, and assessments in science should cover at least Biology but also address other content areas.

The SBE is directed to examine and make recommendations for changes to the high school science and mathematics WASL. The primary change to be examined is replacing the high school WASL with end-of-course assessments in mathematics and science. Topics to be addressed in the examination are specified. The SBE must submit findings, recommendations, and an expedited timeline for implementation of the changes to the Education Committees of the Legislature by January 2008. The Legislature's intent is that the changes be implemented by the 2010-11 school year in order to apply to the graduating class of 2013. However, if the SBE finds this intent cannot feasibly be met, the SBE must recommend a revised timeline.

Other Issues. Before the 2007-08 school year, each Educational Service District (ESD) establishes panels of educators and members of the business community in the relevant content areas to review and decide appeals for students to demonstrate they have the level of understanding in the content area, but were unable to demonstrate it on the WASL or an alternative assessment.

Students are eligible for the appeal if they have taken the WASL twice or attempted an alternative assessment, have participated in remediation, and meet at least one of the following additional criteria:

- have met or are on track to meet other graduation requirements;
- have completed or are on track to complete a career and technical industry certification program;
- are eligible for assessment accommodations; or
- are ELL students who have been in the U.S. for fewer than three years.

The ESDs submit an annual report on the number and type of appeals received and approved. The SBE must adopt rules by August 1, 2007 that establish criteria for the panels' determinations.

Any ELL students scoring below a Level Four on the WLPT are not required to take the WASL except as required by federal law. These students must still meet high school graduation requirements, including earning a CAA.

The SPI and the Workforce Training and Education Coordinating Board must convene an advisory committee that includes four members of the Legislature to identify career and technical education curricula that will assist in preparing students for the state assessment system. An initial report is due January 15, 2008, to the Governor and the Legislature, and may include a workplan with additional reporting deadlines not to extend beyond December 15, 2008.

The SPI must make diagnostic assessments available in elementary, middle, and high school in reading, writing, science, and math and, if funding is appropriated for this purpose, must provide funds for districts to administer diagnostic assessments.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** (Education)

(In support) The purpose of the WASL is to measure progress on high academic standards. We are not walking away from that commitment. Instead, the purpose of this bill is to provide appropriate alternative assessments for students to demonstrate they meet the standards. Students sometimes have major life circumstances that interfere with their ability to take a test. There should be an appeals process that is accessible for them. We tried to get away from the notion that "it's all about the test." In fact, "it's all about the standards." Kids learn in different ways, so it's important to test them in different ways. The WASL is a very narrative test. We need to move away from arguments about the test by providing alternatives, like SAT, AP, and other norm-referenced tests, that people don't seem to have a problem with.

End-of-course assessments are much closer to instruction. The WASL needs to be fixed. It focuses too much on metacognition and not on basic skills. The bill provides support for vulnerable children by focusing on SSP and provisions for ELL students. Delay of the reading and writing requirements would also be supported. We are excited at the prospect of end-of-course assessments. Off-the-shelf assessments are appropriate for math.

(In support with concerns) It's good to propose using other tests for math, reading, and writing. But there is no need to wait. Maybe someday there will be a true diagnostic assessment system throughout K-12. Somewhere along the way we have lost sight of Goal Four which was intended to provide opportunities for career development pathways out of high school. The focus should be on teaching and learning, not on lowering standards. We need diagnostic tests to guide instruction. We need not to overlook ELL students. Tests do not improve learning; teaching improves learning.

(With concerns) We are facing what every state faces when we look at the test results. The WASL is merely a lightning rod for broader system issues. A lot of money and time has been invested in the WASL, but it has not been matched by an equal investment in teacher professional development, finding math teachers, diagnostic assessments, and leadership. These various alternatives are not going to help Level 1 students. The SBE is happy to look at end-of-course assessments, but you can't have assessments that aren't aligned to the standards. All sections of the WASL should be delayed so there can be a re-examination and fixing of the test, along with funding of the education system. Students should not have to keep taking the WASL. Alternative assessments are good, but the language about them being "equal in rigor" to the WASL should be removed.

There are examples of students with exemplary academic records who are not able to pass the WASL because they recently moved to this country. These students may be earning all A's with the help of bilingual assistants and translators. Why are they forced to take the WASL? It sets them up for failure. It is appropriate to keep the WASL while other alternatives such as end-of-course assessments are identified and pilot-tested. This bill does not go far enough. The entire education system should be reoriented to teach sound basic skills. Somewhere along the line, the test has taken on a life of its own. The WASL has never been deemed valid or reliable by people not already vested in the system. There is no federal requirement to have a graduation test. Objective, off-the-shelf tests such as end-of-course assessments would provide prompt results.

We have made tremendous progress in raising the standards in education, even if there is a long way to go. The end-of-course assessments in specific subjects will distract from the progress being made. Look carefully at the impact on progress that these decisions will have before making them. There should be a delay in the graduation requirement because the system isn't ready. The impact of a recent WASL test item on Hispanic families is of significant concern. It has opened the wounds of the past. This is a high stakes test with great controversy.

The list of alternatives in the bill is much too long, and the SSP is much too prescriptive. This threatens to over-burden the system with administrative functions while reducing the

likelihood that students actually get the services they need. A segmented math assessment is funded in the budget; these policies are in conflict and they need to be aligned. We need to set in motion a series of actions to improve the system and stay on course. Clearly something needs to be done to help ELL students. There is support for a temporary delay in the math WASL and keeping the reading and writing requirement.

There are major questions about end-of-course assessments; they are a new direction and untested. We need to take time to review them before implementing them. We are open to the idea of end-of-course, but support them as an alternative assessment first to see if they work. There is concern about the narrowness of the subject matter, particularly Biology only, as well as the limitations of multiple choice-only questions. A survey of principals in other states shows that we don't know very much about end-of-course tests. There is a chance we will end up with a state-mandated curriculum. Everyone else has developed their standards first, and the test then follows. These assessments don't change pass rates for minorities. More study is needed.

(Opposed) There should be a moratorium on the WASL. The example of an inappropriate passage on the reading test raises serious questions about the exam. There is a huge cost to students if they lack a diploma: over \$91,000 in lost income over 10 years. We cannot hold students in the classes of 2008 and 2009 accountable until adults get their act together. The SBE sent a report to the Legislature in 2004 saying that, if the CAA were challenged in court, certain programs would have to be established and funded for the state to offer a successful defense. The Legislature has only this session and next session to respond to the challenge of whether adequate resources have been invested. People want trust in their lawmakers and in their schools. The system seems to be failing our children. The test is a waste of money. Over 70 percent of teachers feel the WASL should not be a graduation requirement. There is no easy fix. A Biology-only assessment is wrong. It is not possible to adequately test with only multiple choice questions. The SAT and the WASL are not the same. Systemic changes are needed.

**Staff Summary of Public Testimony:** (Appropriations)

(In support) We strongly supports this bill. We want to move forward with this assessment system. We believe the alternative assessments are a difficult project, and we need to choose those very carefully. We look forward to working with the state board.

(Concerns) There is a lot to like about this bill. Much of the prescriptive language in the original bill was removed. This bill encourages the funding of diagnostic tools in reading, writing, math, and science, and the House budget has already funded that. In terms of evaluating prospective curriculum, we want to emphasize that the process should be independent and objective. We're also concerned that only kids that fail math are given a reprieve from the graduation requirement; there are lots of hard-working and deserving students who fail the reading and writing portion of the WASL who won't be able to graduate.

(Opposed) None.

**Persons Testifying:** (Education) : (In support) Senator McAuliffe, prime sponsor; Senator Tom, co-sponsor; Linda Laville, Equitable Opportunity Caucus; Sharon Hanek; Nick Straley, Columbia Legal Services; and Lorraine Wilson, Tacoma Public Schools.

(In support with concerns) Governor Booth Gardner; and Christie Perkins, Washington State Special Education Coalition.

(With concerns) Edie Harding, State Board of Education; Dave Smith; Wendy Rader-Konofalski, Washington Education Association; Kyra Kester, Office of the Superintendent of Public Instruction; Joyce Fiess, Citizens United for Responsible Education; Craig Gabler, Educational Service District 113; Maria Rodriguez-Salazar, League of United Latin American Citizens; Barbara Mertens, Washington Association of School Administrators; Jerry Bender, Association of Washington School Principals; and Martharose Laffey, Washington State School Directors Association.

(Opposed) Juanita Doyon, Parent Empowerment Network; Raul de la Rosa; Rachel Debellis; Nancy Atwood, American Electronics Association; and Ken Luthy and Ralph Harrison, Tacoma School District.

**Persons Testifying:** (Appropriations) (In support) Kyra Kester, Office of the Superintendent of Public Instruction.

(Concerns) Wendy Rader-Konafalski, Washington Education Association.

**Persons Signed In To Testify But Not Testifying:** (Education) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.