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HOUSE BILL 1028

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives B. Sullivan, Linville, Chase and Miloscia

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Committee on Education.

1            AN ACT Relating to establishing a state report card for education;  
2 amending RCW 28A.655.061, 28A.655.065, 28A.655.063, and 28A.155.045;  
3 adding a new section to chapter 28A.655 RCW; and creating a new  
4 section.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that accountability  
7 for meeting high standards of student achievement should be expected  
8 from individual students, schools, school districts, and educators, as  
9 well as state officials and the legislature. However, the legislature  
10 further finds that the state and the overall system of public schools  
11 should be expected to demonstrate that the necessary instruction,  
12 support, and resources are being provided to students to enable them to  
13 meet the higher standards before consequences are imposed on individual  
14 students. Therefore the legislature intends to create the Washington  
15 state report card for education based on statewide goals for improving  
16 academic achievement, increasing high school graduation, reducing the  
17 achievement gap, increasing per pupil funding, and reducing class size.  
18 The Washington state report card for education will serve as a  
19 mechanism to hold the state and the system of public schools

1 accountable for their performance on the statewide goals, each of which  
2 must be reached before students are held individually accountable for  
3 their performance on the Washington assessment of student learning.

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

6 (1) The Washington state report card for education is comprised of  
7 the following statewide goals for the improvement of academic  
8 achievement and state support of education for all students in public  
9 schools:

10 (a) Seventy-five percent of students meet the state standards on  
11 the reading, writing, mathematics, and science content areas of the  
12 high school Washington assessment of student learning on the first  
13 attempt;

14 (b) Eighty-five percent of students graduate from high school with  
15 a high school diploma within four years of entering the ninth grade;

16 (c) Less than a ten percentage point gap exists between the percent  
17 of all students and the percent of any subgroup of students who meet  
18 the state standards on the reading, writing, mathematics, and science  
19 content areas of the high school Washington assessment of student  
20 learning on the first attempt. For the purposes of this section,  
21 "subgroups of students" is defined as white, Asian/Pacific Islander,  
22 American Indian, Hispanic, Black, and low income;

23 (d) The statewide average per pupil operating expenditure by  
24 Washington state school districts for kindergarten through twelfth  
25 grade education, from all revenue sources, exceeds the combined  
26 weighted average per pupil operating expenditure for kindergarten  
27 through twelfth grade education by school districts in the states of  
28 California, Colorado, Connecticut, Maryland, Massachusetts, New Jersey,  
29 Virginia, and Washington; and

30 (e) The formula adopted by the legislature for distribution of  
31 basic education funds under RCW 28A.150.260 reflects the following  
32 ratios at a minimum: (i) Seventy-eight certificated instructional  
33 staff to one thousand annual average full-time equivalent students  
34 enrolled in grades kindergarten through four; and (ii) forty-seven  
35 certificated instructional staff to one thousand annual average full-  
36 time equivalent students enrolled in grades five through twelve. The  
37 legislature assumes that the staffing ratios in this section, adjusted

1 by assumed educational staff associates, specialist teachers, and daily  
2 planning and preparation time, provide sufficient resources when  
3 combined with student achievement funds under RCW 28A.505.220 to permit  
4 a statewide average class size of fifteen students per core classroom  
5 teacher in grades kindergarten through four and twenty-five students  
6 per core classroom teacher in grades five through twelve.

7 (2) The state board of education shall submit a report to the  
8 governor, the house of representatives, and the senate by December 1st  
9 of each year indicating the performance on each of the goals of the  
10 Washington state report card for education for the previous school  
11 year.

12 (3) For the purposes of this section, "report card year" means the  
13 school year in which the state board of education's report under this  
14 section indicates that each of the goals of the Washington state report  
15 card for education was met or exceeded for the previous school year.

16 (4) The graduating class of students whose first attempt at taking  
17 the high school Washington assessment of student learning occurs in the  
18 report card year shall be the first graduating class required to earn  
19 a certificate of academic achievement under RCW 28A.655.061 or a  
20 certificate of individual achievement under RCW 28A.155.045 for high  
21 school graduation. Each graduating class thereafter must also meet the  
22 requirements of RCW 28A.655.061 or 28A.155.045.

23 **Sec. 3.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to  
24 read as follows:

25 (1) The high school assessment system shall include but need not be  
26 limited to the Washington assessment of student learning, opportunities  
27 for a student to retake the content areas of the assessment in which  
28 the student was not successful, and if approved by the legislature  
29 pursuant to subsection ~~((10))~~ (9) of this section, one or more  
30 objective alternative assessments for a student to demonstrate  
31 achievement of state academic standards. The objective alternative  
32 assessments for each content area shall be comparable in rigor to the  
33 skills and knowledge that the student must demonstrate on the  
34 Washington assessment of student learning for each content area.

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

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

6 (3) Beginning with the graduating class (~~(of 2008)~~) identified in  
7 section 2(4) of this act, with the exception of students satisfying the  
8 provisions of RCW 28A.155.045, a student who meets the state standards  
9 on the reading, writing, (~~(and)~~) mathematics, and science content areas  
10 of the high school Washington assessment of student learning shall earn  
11 a certificate of academic achievement. If a student does not  
12 successfully meet the state standards in one or more content areas  
13 required for the certificate of academic achievement, then the student  
14 may retake the assessment in the content area up to four times at no  
15 cost to the student. If the student successfully meets the state  
16 standards on a retake of the assessment then the student shall earn a  
17 certificate of academic achievement. Once objective alternative  
18 assessments are authorized pursuant to subsection (~~((+10))~~) (9) of this  
19 section, a student may use the objective alternative assessments to  
20 demonstrate that the student successfully meets the state standards for  
21 that content area if the student has retaken the Washington assessment  
22 of student learning at least once. If the student successfully meets  
23 the state standards on the objective alternative assessments then the  
24 student shall earn a certificate of academic achievement.

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

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

35 (~~((+6))~~) (5) A student may retain and use the highest result from  
36 each successfully completed content area of the high school assessment.

37 (~~((+7))~~) (6) Beginning in (~~((2006))~~) the report card year as defined

1 in section 2 of this act, school districts must make available to  
2 students the following options:

3 (a) 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 public school; or

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

13 ~~((+8))~~ (7) Students who achieve the standard in a content area of  
14 the high school assessment but who wish to improve their results shall  
15 pay for retaking the assessment, using a uniform cost determined by the  
16 superintendent of public instruction.

17 ~~((+9) Subject to available funding, the superintendent shall pilot  
18 opportunities for retaking the high school assessment beginning in the  
19 2004-05 school year.))~~ (8) Beginning no later than ~~((September 2006))~~  
20 the school year immediately following the report card year as defined  
21 in section 2 of this act, opportunities to retake the assessment at  
22 least twice a year shall be available to each school district.

23 ~~((+10))~~ (9)(a) The office of the superintendent of public  
24 instruction shall develop options for implementing objective  
25 alternative assessments, which may include an appeals process, for  
26 students to demonstrate achievement of the state academic standards.  
27 The objective alternative assessments shall be comparable in rigor to  
28 the skills and knowledge that the student must demonstrate on the  
29 Washington assessment of student learning and be objective in its  
30 determination of student achievement of the state standards. Before  
31 any objective alternative assessments in addition to those authorized  
32 in RCW 28A.655.065 or (b) of this subsection are used by a student to  
33 demonstrate that the student has met the state standards in a content  
34 area required to obtain a certificate, the legislature shall formally  
35 approve the use of any objective alternative assessments through the  
36 omnibus appropriations act or by statute or concurrent resolution.

37 (b) A student's score on the mathematics portion of the preliminary  
38 scholastic assessment test (PSAT), the scholastic assessment test

1 (SAT), or the American college test (ACT) may be used as an objective  
2 alternative assessment under this section for demonstrating that a  
3 student has met or exceeded the mathematics standards for the  
4 certificate of academic achievement. The state board of education  
5 shall identify the scores students must achieve on the mathematics  
6 portion of the PSAT, SAT, or ACT to meet or exceed the state standard  
7 for mathematics. The state board of education shall identify the first  
8 scores by December 1, 2006, and thereafter may increase but not  
9 decrease the scores required for students to meet or exceed the state  
10 standard for mathematics.

11 ~~((+11))~~ (10) By December 15, 2004, the house of representatives  
12 and senate education committees shall obtain information and  
13 conclusions from recognized, independent, national assessment experts  
14 regarding the validity and reliability of the high school Washington  
15 assessment of student learning for making individual student high  
16 school graduation determinations.

17 ~~((+12))~~ (11) To help assure continued progress in academic  
18 achievement as a foundation for high school graduation and to assure  
19 that students are on track for high school graduation, each school  
20 district shall prepare plans for students as provided in this  
21 subsection ~~((+12))~~ (11).

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

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

31 ~~(ii) Beginning no later than the 2005-06 school year and every year  
32 thereafter eighth grade students as described in this subsection  
33 (12)(a) shall have a plan.~~

34 ~~(iii))~~ (i) The parent or guardian shall be notified, preferably  
35 through a parent conference, of the student's results on the Washington  
36 assessment of student learning, actions the school intends to take to  
37 improve the student's skills in any content area in which the student

1 was unsuccessful, strategies to help them improve their student's  
2 skills, and the content of the student's plan.

3 ~~((iv))~~ (ii) Progress made on the student plan shall be reported  
4 to the student's parents or guardian at least annually and adjustments  
5 to the plan made as necessary.

6 ~~((Beginning with the 2005-06 school year and every year  
7 thereafter,))~~ All fifth grade students who were not successful in one  
8 or more of the content areas of the fourth grade Washington assessment  
9 of student learning shall have a student learning plan.

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

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

20 **Sec. 4.** RCW 28A.655.065 and 2006 c 115 s 1 are each amended to  
21 read as follows:

22 (1) The legislature has made a commitment to rigorous academic  
23 standards for receipt of a high school diploma. The primary way that  
24 students will demonstrate that they meet the standards in reading,  
25 writing, mathematics, and science is through the Washington assessment  
26 of student learning. Only objective assessments that are comparable in  
27 rigor to the state assessment are authorized as an alternative  
28 assessment. Before seeking an alternative assessment, the legislature  
29 expects students to make a genuine effort to meet state standards,  
30 through retaking the Washington assessment of student learning; regular  
31 and consistent attendance at school; and participation in extended  
32 learning and other assistance programs.

33 (2) Under RCW 28A.655.061, beginning in the ~~((2006-07))~~  
34 immediately following the report card year as defined in section 2 of  
35 this act, the superintendent of public instruction shall implement  
36 objective alternative assessment methods as provided in this section  
37 for students to demonstrate achievement of the state standards in

1 content areas in which the student has not yet met the standard on the  
2 high school Washington assessment of student learning. A student may  
3 access an alternative if the student meets applicable eligibility  
4 criteria in RCW 28A.655.061 and other eligibility criteria established  
5 by the superintendent of public instruction, including but not limited  
6 to attendance criteria and participation in the remediation or  
7 supplemental instruction contained in the student learning plan  
8 developed under RCW 28A.655.061. A school district may waive  
9 attendance and/or remediation criteria for special, unavoidable  
10 circumstances.

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) One alternative assessment method shall be a combination of the  
15 applicant's grades in applicable courses and the applicant's highest  
16 score on the high school Washington assessment of student learning, as  
17 provided in this subsection. The superintendent of public instruction  
18 shall determine which high school courses are applicable to the  
19 alternative assessment method and shall issue guidelines to school  
20 districts.

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

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

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



1 (5) The superintendent of public instruction shall develop an  
2 alternative assessment method that shall be an evaluation of a  
3 collection of work samples prepared and submitted by the applicant, as  
4 provided in this subsection and, for career and technical applicants,  
5 the additional requirements of subsection (6) of this section.

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

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

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

31 (d) Using an open and public process that includes consultation  
32 with district superintendents, school principals, and other educators,  
33 the state board of education shall consider the guidelines, protocols,  
34 scoring criteria, and other information regarding the collection of  
35 work samples submitted by the superintendent of public instruction.  
36 The collection of work samples may be implemented as an alternative  
37 assessment after the state board of education has approved the  
38 guidelines, protocols, and scoring criteria and determined that the

1 collection of work samples: (i) Will meet professionally accepted  
2 standards for a valid and reliable measure of the grade level  
3 expectations and the essential academic learning requirements; and (ii)  
4 is comparable to or exceeds the rigor of the skills and knowledge that  
5 a student must demonstrate on the Washington assessment of student  
6 learning in the applicable content area. The state board shall make an  
7 approval decision and determination no later than December 1, 2006, and  
8 thereafter may increase the required rigor of the collection of work  
9 samples.

10 (e) (~~By September of 2006~~) During the report card year, as  
11 defined in section 2 of this act, the superintendent of public  
12 instruction shall (~~develop~~) distribute informational materials for  
13 parents, teachers, and students regarding the collection of work  
14 samples and the status of its development as an alternative assessment  
15 method. The materials shall provide specific guidance regarding the  
16 type and number of work samples likely to be required, include examples  
17 of work that meets the state learning standards, and describe the  
18 scoring criteria and process for the collection. The materials shall  
19 also encourage students (~~in the graduating class of 2008~~) to begin  
20 creating a collection if they believe they may seek to use the  
21 collection once it is implemented as an alternative assessment.

22 (6)(a) For students enrolled in a career and technical education  
23 program approved under RCW 28C.04.110, the superintendent of public  
24 instruction shall develop additional guidelines for a collection of  
25 work samples that evidences that the collection:

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

28 (ii) Focuses on the application of academic knowledge and skills  
29 within the program;

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

32 (iv) Is related to the essential academic learning requirements and  
33 state standards that students must meet to earn a certificate of  
34 academic achievement or certificate of individual achievement, but also  
35 represents the knowledge and skills that successful individuals in the  
36 career and technical field of the approved program are expected to  
37 possess.

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

5 (c) The superintendent shall consult with community and technical  
6 colleges, employers, the workforce training and education coordinating  
7 board, apprenticeship programs, and other regional and national experts  
8 in career and technical education to create an appropriate collection  
9 of work samples and other evidence of a career and technical student's  
10 knowledge and skills on the state academic standards.

11 (7) The superintendent of public instruction shall study the  
12 feasibility of using existing mathematics assessments in languages  
13 other than English as an additional alternative assessment option. The  
14 study shall include an estimation of the cost of translating the tenth  
15 grade mathematics assessment into other languages and scoring the  
16 assessments should they be implemented.

17 (8) By the end of the report card year, as defined in section 2 of  
18 this act, the superintendent of public instruction shall implement:

19 (a) (~~By June 1, 2006,~~) A process for students to appeal the score  
20 they received on the high school assessments; and

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

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

30 **Sec. 5.** RCW 28A.655.063 and 2006 c 115 s 5 are each amended to  
31 read as follows:

32 Subject to the availability of funds appropriated for this purpose,  
33 school districts shall reimburse students for the cost of taking the  
34 tests in RCW 28A.655.061(~~(+10)~~) (9)(b) when the students take the  
35 tests for the purpose of using the mathematics results as an objective  
36 alternative assessment.

1       **Sec. 6.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to  
2 read as follows:

3       Beginning with the graduating class (~~of 2008~~) identified under  
4 section 2 of this act, students served under this chapter, who are not  
5 appropriately assessed by the high school Washington assessment system  
6 as defined in RCW 28A.655.061, even with accommodations, may earn a  
7 certificate of individual achievement. The certificate may be earned  
8 using multiple ways to demonstrate skills and abilities commensurate  
9 with their individual education programs. The determination of whether  
10 the high school assessment system is appropriate shall be made by the  
11 student's individual education program team. For these students, the  
12 certificate of individual achievement is required for graduation from  
13 a public high school, but need not be the only requirement for  
14 graduation. When measures other than the high school assessment system  
15 as defined in RCW 28A.655.061 are used, the measures shall be in  
16 agreement with the appropriate educational opportunity provided for the  
17 student as required by this chapter. The superintendent of public  
18 instruction shall develop the guidelines for determining which students  
19 should not be required to participate in the high school assessment  
20 system and which types of assessments are appropriate to use.

21       When measures other than the high school assessment system as  
22 defined in RCW 28A.655.061 are used for high school graduation  
23 purposes, the student's high school transcript shall note whether that  
24 student has earned a certificate of individual achievement.

25       Nothing in this section shall be construed to deny a student the  
26 right to participation in the high school assessment system as defined  
27 in RCW 28A.655.061, and, upon successfully meeting the high school  
28 standard, receipt of the certificate of academic achievement.

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