
HOUSE BILL 1976

State of Washington

61st Legislature

2009 Regular Session

By Representative Santos

Read first time 02/04/09. Referred to Committee on Education.

1 AN ACT Relating to redesigning the statewide student assessment
2 system; amending RCW 28A.655.061, 28A.655.066, and 28A.655.0611; adding
3 new sections to chapter 28A.300 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300
6 RCW to read as follows:

7 (1) The legislature finds that a statewide student assessment
8 system should improve and inform classroom instruction, support
9 accountability, and provide useful information to all levels of the
10 educational system, including students, parents, teachers, schools,
11 school districts, and the state. The legislature intends to redesign
12 the current statewide system, in accordance with the recommendations of
13 the Washington assessment of student learning legislative work group,
14 to:

15 (a) Include multiple assessment formats, including both formative
16 and summative, as necessary to provide information to help improve
17 instruction and inform accountability;

18 (b) Enable collection of data that allows both statewide and
19 nationwide comparisons of student learning and achievement; and

1 (c) Be balanced so that the information used to make significant
2 decisions that affect school accountability or student educational
3 progress includes many data points and does not rely on solely the
4 results of a single assessment.

5 (2) The legislature further finds that one component of the
6 assessment system should be instructionally supportive formative
7 assessments. The key design elements or characteristics of an
8 instructionally supportive assessment must:

9 (a) Be aligned to state standards in areas that are being assessed;

10 (b) Measure student growth and competency at multiple points
11 throughout the year in a manner that allows instructors to monitor
12 student progress and have the necessary trend data with which to
13 improve instruction;

14 (c) Provide rapid feedback;

15 (d) Link student growth with instructional elements in order to
16 gauge the effectiveness of educators and curricula;

17 (e) Provide tests that are appropriate to the skill level of the
18 student;

19 (f) Support instruction for students of all abilities, including
20 highly capable students and students with learning disabilities;

21 (g) Be culturally, linguistically, and cognitively relevant,
22 appropriate, and understandable to each student taking the assessment;

23 (h) Inform parents and draw parents into greater participation of
24 the student's study plan;

25 (i) Provide a way to analyze the assessment results relative to
26 characteristics of the student such as, but not limited to, English
27 language learners, gender, ethnicity, poverty, age, and disabilities;

28 (j) Strive to be computer-based and adaptive; and

29 (k) Engage students in their learning.

30 (3) The legislature further finds that a second component of the
31 assessment system should be a state-administered summative achievement
32 assessment that can be used as a check on the educational system in
33 order to guide state expectations for the instruction of children and
34 satisfy legislative demands for accountability. The key design
35 elements or characteristics of the state administered achievement
36 assessment must:

37 (a) Be aligned to state standards in areas that are being assessed;

- 1 (b) Maintain and increase academic rigor;
- 2 (c) Measure student learning growth over years; and
- 3 (d) Strengthen curriculum.

4 (4) The legislature further finds that a third component of the
5 assessment system should include classroom-based assessments, which may
6 be formative, summative, or both. Depending on their use, classroom-
7 based assessments should have the same design elements and
8 characteristics described in this section for formative and summative
9 assessments.

10 (5) The legislature further finds that to sustain a strong and
11 viable assessment system, preservice and ongoing training should be
12 provided for teachers and administrators on the effective use of
13 different types of assessments.

14 (6) The legislature further finds that as the statewide data system
15 is developed, data should be collected for all state-required statewide
16 assessments to be used for accountability and to monitor overall
17 student achievement.

18 (7) The superintendent of public instruction, in consultation with
19 the state board of education, shall begin design and development of an
20 overall assessment system that meets the principles and characteristics
21 described in this section. Beginning December 1, 2009, and annually
22 thereafter, the superintendent and state board shall jointly report to
23 the legislature regarding the assessment system, including a cost
24 analysis of any changes and costs to expand availability and use of
25 instructionally supportive formative assessments.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
27 RCW to read as follows:

28 The superintendent of public instruction shall:

29 (1) Revise the number of open-ended questions and extended
30 responses in the statewide achievement assessment in grades three
31 through eight and ten to reduce the cost and time of administering the
32 assessment while retaining validity and reliability of the assessment
33 and retaining assessment of critical thinking skills. By December 1,
34 2009, the superintendent shall report to the legislature regarding the
35 changes, including a cost analysis of the changes;

36 (2) Revisit the alternative assessments, the appeals process,
37 including considering authorizing local school districts to determine

1 the outcome of an appeal by a student to demonstrate that he or she has
2 the level of understanding of a content area assessed on the Washington
3 assessment of student learning necessary to meet the state standard but
4 was unable to demonstrate that understanding on the assessment or an
5 alternative assessment, and the Washington alternative assessment
6 system portfolios for students with the most significant cognitive
7 disabilities. By December 1, 2009, the superintendent shall make
8 recommendations to the legislature for improvements;

9 (3) Beginning in the 2010-11 school year, encourage college and
10 career readiness by arranging for a fee waiver for eligible students
11 who want to take the PSAT, at no cost to the student. Students are
12 eligible if they have obtained a certificate of academic achievement.

13 NEW SECTION. **Sec. 3.** (1) As part of the duties of the state board
14 of education under RCW 28A.305.130 to promote achievement of the
15 student goals and under RCW 28A.230.090 to establish high school
16 graduation requirements, the board shall:

17 (a) Examine the extent that the essential academic learning
18 requirements in all subjects align with college and career readiness
19 requirements; and

20 (b) Examine and justify how the board's draft high school
21 graduation credit framework called Core 24 aligns with the current
22 essential academic learning requirements.

23 (2) By December 1, 2009, the board shall make a report to the
24 legislature.

25 **Sec. 4.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to
26 read as follows:

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

1 (2) Subject to the conditions in this section, a certificate of
2 academic achievement shall be obtained by most students at about the
3 age of sixteen, and is evidence that the students have successfully met
4 the state standard in the content areas included in the certificate.
5 With the exception of students satisfying the provisions of RCW
6 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
7 for graduation from a public high school but is not the only
8 requirement for graduation.

9 (3) Beginning with the graduating class of 2008, with the exception
10 of students satisfying the provisions of RCW 28A.155.045, a student who
11 meets the state standards on the reading(~~(r)~~) and writing(~~(r) and~~
12 ~~mathematics~~) content areas of the high school Washington assessment of
13 student learning or an objective alternative assessment shall earn a
14 certificate of academic achievement. After a determination is made by
15 the state board of education that the high school Washington assessment
16 of student learning in the content areas of mathematics and science is
17 sufficiently reliable and valid, with the exception of students
18 satisfying the provisions of RCW 28A.155.045, students must also meet
19 the state standards on the mathematics and science content areas of the
20 Washington assessment of student learning or an objective alternative
21 assessment in order to earn a certificate of academic achievement. The
22 state board of education may make a separate determination for the
23 mathematics and the science content areas of the assessment. The
24 determination by the state board of education must be adopted by rule
25 by September 1st of the freshman school year of the graduating class to
26 which the graduation requirement under subsection (2) of this section
27 applies. In making the determination, the state board of education
28 shall obtain information and conclusions from recognized, independent,
29 national assessment experts and other objective sources of expertise as
30 the board deems necessary.

31 (4) If a student does not successfully meet the state standards in
32 one or more content areas required for the certificate of academic
33 achievement, then the student may retake the assessment in the content
34 area up to four times at no cost to the student. If the student
35 successfully meets the state standards on a retake of the assessment
36 then the student shall earn a certificate of academic achievement.
37 Once objective alternative assessments are authorized pursuant to
38 subsection (10) of this section, a student may use the objective

1 alternative assessments to demonstrate that the student successfully
2 meets the state standards for that content area if the student has
3 taken the Washington assessment of student learning at least once. If
4 the student successfully meets the state standards on the objective
5 alternative assessments then the student shall earn a certificate of
6 academic achievement.

7 ~~((4) Beginning no later than with the graduating class of 2013, a
8 student must meet the state standards in science in addition to the
9 other content areas required under subsection (3) of this section on
10 the Washington assessment of student learning or the objective
11 alternative assessments in order to earn a certificate of academic
12 achievement. The state board of education may adopt a rule that
13 implements the requirements of this subsection (4) beginning with a
14 graduating class before the graduating class of 2013, if the state
15 board of education adopts the rule by September 1st of the freshman
16 school year of the graduating class to which the requirements of this
17 subsection (4) apply. The state board of education's authority under
18 this subsection (4) does not alter the requirement that any change in
19 performance standards for the tenth grade assessment must comply with
20 RCW 28A.305.130.))~~

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

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

28 (7) School districts must make available to students the following
29 options:

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

33 (b) To retake the Washington assessment of student learning up to
34 four times in the content areas in which the student did not meet the
35 state standards if the student is enrolled in a high school completion
36 program at a community or technical college. The superintendent of
37 public instruction and the state board for community and technical

1 colleges shall jointly identify means by which students in these
2 programs can be assessed.

3 (8) Students who achieve the standard in a content area of the high
4 school assessment but who wish to improve their results shall pay for
5 retaking the assessment, using a uniform cost determined by the
6 superintendent of public instruction.

7 (9) Opportunities to retake the assessment at least twice a year
8 shall be available to each school district.

9 (10)(a) The office of the superintendent of public instruction
10 shall develop options for implementing objective alternative
11 assessments, which may include an appeals process for students' scores,
12 for students to demonstrate achievement of the state academic
13 standards. The objective alternative assessments shall be comparable
14 in rigor to the skills and knowledge that the student must demonstrate
15 on the Washington assessment of student learning and be objective in
16 its determination of student achievement of the state standards.
17 Before any objective alternative assessments in addition to those
18 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
19 student to demonstrate that the student has met the state standards in
20 a content area required to obtain a certificate, the legislature shall
21 formally approve the use of any objective alternative assessments
22 through the omnibus appropriations act or by statute or concurrent
23 resolution.

24 (b)(i) A student's score on the mathematics, reading or English, or
25 writing portion of the (~~(scholastic assessment test (-))~~)SAT((+)) or the
26 (~~(American college test (-))~~)ACT((+)) may be used as an objective
27 alternative assessment under this section for demonstrating that a
28 student has met or exceeded the state standards for the certificate of
29 academic achievement. The state board of education shall identify the
30 scores students must achieve on the relevant portion of the SAT or ACT
31 to meet or exceed the state standard in the relevant content area on
32 the Washington assessment of student learning. The state board of
33 education shall identify the first scores by December 1, 2007. After
34 the first scores are established, the state board may increase but not
35 decrease the scores required for students to meet or exceed the state
36 standards.

37 (ii) Until August 31, 2008, a student's score on the mathematics
38 portion of the (~~(preliminary scholastic assessment test (-))~~)PSAT((+))

1 may be used as an objective alternative assessment under this section
2 for demonstrating that a student has met or exceeded the state standard
3 for the certificate of academic achievement. The state board of
4 education shall identify the score students must achieve on the
5 mathematics portion of the PSAT to meet or exceed the state standard in
6 that content area on the Washington assessment of student learning.

7 (iii) A student who scores at least a three on the grading scale of
8 one to five for selected AP examinations may use the score as an
9 objective alternative assessment under this section for demonstrating
10 that a student has met or exceeded state standards for the certificate
11 of academic achievement. A score of three on the AP examinations in
12 calculus or statistics may be used as an alternative assessment for the
13 mathematics portion of the Washington assessment of student learning.
14 A score of three on the AP examinations in English language and
15 composition may be used as an alternative assessment for the writing
16 portion of the Washington assessment of student learning. A score of
17 three on the AP examinations in English literature and composition,
18 macroeconomics, microeconomics, psychology, United States history,
19 world history, United States government and politics, or comparative
20 government and politics may be used as an alternative assessment for
21 the reading portion of the Washington assessment of student learning.

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

28 ~~(12))~~ To help assure continued progress in academic achievement as
29 a foundation for high school graduation and to assure that students are
30 on track for high school graduation, each school district shall prepare
31 plans for and notify students and their parents or legal guardians as
32 provided in this subsection ~~((12))~~ (11).

33 (a) Student learning plans are required for eighth through twelfth
34 grade students who were not successful on any or all of the content
35 areas of the Washington assessment for student learning during the
36 previous school year or who may not be on track to graduate due to
37 credit deficiencies or absences. The parent or legal guardian shall be
38 notified about the information in the student learning plan, preferably

1 through a parent conference and at least annually. To the extent
2 feasible, schools serving English language learner students and their
3 parents shall translate the plan into the primary language of the
4 family. The plan shall include the following information as
5 applicable:

6 (i) The student's results on the Washington assessment of student
7 learning;

8 (ii) If the student is in the transitional bilingual program, the
9 score on his or her Washington language proficiency test II;

10 (iii) Any credit deficiencies;

11 (iv) The student's attendance rates over the previous two years;

12 (v) The student's progress toward meeting state and local
13 graduation requirements;

14 (vi) The courses, competencies, and other steps needed to be taken
15 by the student to meet state academic standards and stay on track for
16 graduation;

17 (vii) Remediation strategies and alternative education options
18 available to students, including informing students of the option to
19 continue to receive instructional services after grade twelve or until
20 the age of twenty-one;

21 (viii) The alternative assessment options available to students
22 under this section and RCW 28A.655.065;

23 (ix) School district programs, high school courses, and career and
24 technical education options available for students to meet graduation
25 requirements; and

26 (x) Available programs offered through skill centers or community
27 and technical colleges.

28 (b) All fifth grade students who were not successful in one or more
29 of the content areas of the fourth grade Washington assessment of
30 student learning shall have a student learning plan.

31 (i) The parent or guardian of the student shall be notified,
32 preferably through a parent conference, of the student's results on the
33 Washington assessment of student learning, actions the school intends
34 to take to improve the student's skills in any content area in which
35 the student was unsuccessful, and provide strategies to help them
36 improve their student's skills.

37 (ii) Progress made on the student plan shall be reported to the

1 student's parents or guardian at least annually and adjustments to the
2 plan made as necessary.

3 **Sec. 5.** RCW 28A.655.066 and 2008 c 163 s 3 are each amended to
4 read as follows:

5 (1) In consultation with the state board of education, the
6 superintendent of public instruction shall develop statewide end-of-
7 course assessments for high school mathematics that measure student
8 achievement of the state mathematics standards. The superintendent
9 shall take steps to ensure that the language of the assessments is
10 responsive to a diverse student population. The superintendent shall
11 develop end-of-course assessments in algebra I, geometry, integrated
12 mathematics I, and integrated mathematics II(~~(. The superintendent~~
13 ~~shall make the algebra I and integrated mathematics I end-of-course~~
14 ~~assessments available to school districts on an optional basis in the~~
15 ~~2009-10 school year. The end-of-course assessments in algebra I,~~
16 ~~geometry, integrated mathematics I, and integrated mathematics II)) and
17 the assessments shall be implemented statewide in the 2010-11 school
18 year.~~

19 (2) (~~For the graduating class of 2013 and for purposes of the~~
20 ~~certificate of academic achievement under RCW 28A.655.061, results from~~
21 ~~the algebra I end-of-course assessment plus the geometry end-of-course~~
22 ~~assessment or results from the integrated mathematics I end-of-course~~
23 ~~assessment plus the integrated mathematics II end-of-course assessment~~
24 ~~may be used to demonstrate that a student meets the state standard on~~
25 ~~the mathematics content area of the high school Washington assessment~~
26 ~~of student learning.~~

27 (3)) Beginning with the (~~graduating class of 2014 and for~~
28 ~~purposes of the certificate of academic achievement under RCW~~
29 ~~28A.655.061,)~~ 2010-11 school year the mathematics content area of the
30 Washington assessment of student learning shall be assessed using
31 either the algebra I end-of-course assessment plus the geometry end-of-
32 course assessment or the integrated mathematics I end-of-course
33 assessment plus the integrated mathematics II end-of-course assessment.
34 All of the objective alternative assessments available to students
35 under RCW 28A.655.061 and 28A.655.065 shall be available to any student
36 who has taken the sequence of end-of-course assessments once but does

1 not meet the state mathematics standard on the sequence of end-of-
2 course assessments.

3 ~~((+4))~~ (3) By December 1, 2009, the superintendent of public
4 instruction and the state board of education shall jointly recommend to
5 the governor and legislature whether the high school science assessment
6 should continue to be a comprehensive assessment or be changed to one
7 or more science end-of-course assessments.

8 (4) The superintendent of public instruction shall report at least
9 annually or more often if necessary to keep the education committees of
10 the legislature informed on each step of the development and
11 implementation process under this section.

12 **Sec. 6.** RCW 28A.655.0611 and 2007 c 354 s 4 are each amended to
13 read as follows:

14 ~~((+1))~~ Beginning with the graduating class of 2008 and ~~((through~~
15 ~~no later than the graduating class of 2012,))~~ until the state board of
16 education makes the validity and reliability determination for the
17 mathematics end-of-course assessments and the science assessment under
18 section 4 of this act, in order to graduate from high school students
19 ~~((may graduate from high school without earning a certificate of~~
20 ~~academic achievement or a certificate of individual achievement))~~ shall
21 be required to successfully earn two additional mathematics credits or
22 career and technical course equivalent, including courses offered at
23 skill centers, after the student's tenth grade year intended to
24 increase the student's mathematics proficiency toward meeting or
25 exceeding the mathematics standards assessed on the high school
26 Washington assessment of student learning and continue to take the
27 appropriate mathematics assessment at least once annually until
28 graduation if they:

29 ~~((+a))~~ (1) Have not successfully met the mathematics standard on
30 the high school Washington assessment of student learning, an approved
31 objective alternative assessment, or an alternate assessment developed
32 for eligible special education students;

33 ~~((+b))~~ (2) Have successfully met the state standard in the other
34 content areas required for a certificate under RCW 28A.655.061 or
35 28A.155.045; and

36 ~~((+c))~~ (3) Have met all other state and school district graduation
37 requirements~~((; and~~

1 ~~(d)(i) For the graduating class of 2008, successfully earn one~~
2 ~~additional high school mathematics credit or career and technical~~
3 ~~course equivalent, including courses offered at skill centers, after~~
4 ~~the student's eleventh grade year intended to increase the student's~~
5 ~~mathematics proficiency toward meeting or exceeding the mathematics~~
6 ~~standards assessed on the high school Washington assessment of student~~
7 ~~learning and continue to take the appropriate mathematics assessment at~~
8 ~~least once annually until graduation; and~~

9 ~~(ii) For the remaining graduating classes under this section,~~
10 ~~successfully earn two additional mathematics credits or career and~~
11 ~~technical course equivalent, including courses offered at skill~~
12 ~~centers, after the student's tenth grade year intended to increase the~~
13 ~~student's mathematics proficiency toward meeting or exceeding the~~
14 ~~mathematics standards assessed on the high school Washington assessment~~
15 ~~of student learning and continue to take the appropriate mathematics~~
16 ~~assessment at least once annually until graduation.~~

17 ~~(2) The state board of education may adopt a rule that ends the~~
18 ~~application of this section with a graduating class before the~~
19 ~~graduating class of 2012, if the state board of education adopts the~~
20 ~~rule by September 1st of the freshman school year of the graduating~~
21 ~~class to which the provisions of this section no longer apply. The~~
22 ~~state board of education's authority under this section does not alter~~
23 ~~the requirement that any change in performance standards for the tenth~~
24 ~~grade assessment must comply with RCW 28A.305.130.~~

25 ~~(3) This section expires August 31, 2013)).~~

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