
SENATE BILL 5260

State of Washington

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2009 Regular Session

By Senators McAuliffe, Fraser, Pridemore, Hargrove, Sheldon, Kauffman, Hobbs, Hatfield, Fairley, and Roach

Read first time 01/19/09. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to motivating students through incentives to pursue
2 postsecondary education by eliminating the use of statewide assessments
3 as a high school graduation requirement; amending RCW 28A.655.070,
4 28A.655.061, 28A.655.066, 28A.180.100, 28A.195.010, 28A.200.010,
5 28A.230.090, 28A.305.130, 28A.600.310, 28B.15.520, 28B.15.067, and
6 28A.155.170; reenacting and amending RCW 28A.230.125; creating new
7 sections; and repealing RCW 28A.155.045, 28A.655.063, 28A.655.065,
8 28A.655.0611, 28B.50.534, and 28A.600.405.

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

10 NEW SECTION. **Sec. 1.** Student proficiency on the Washington state
11 academic standards is essential to assure readiness for work or
12 college. Therefore, it is important to continue to measure student
13 achievement on the standards with a statewide student assessment and to
14 use the results for system accountability. Currently, Washington uses
15 the statewide assessments in reading and math as a requirement for
16 students to graduate from high school. There is some research that
17 shows that using statewide assessments as a high school graduation
18 requirement does not improve student test scores and there is also
19 research that correlates such use with higher dropout rates. In light

1 of these findings, the legislature proposes removing the statewide
2 assessment as a requirement for high school graduation and dedicating
3 any savings realized to increasing student success and closing the
4 achievement gaps on the statewide assessment and motivating students
5 through incentives to pursue postsecondary education.

6 **Sec. 2.** RCW 28A.655.070 and 2008 c 163 s 2 are each amended to
7 read as follows:

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

15 (2) The superintendent of public instruction shall:

16 (a) Periodically revise the essential academic learning
17 requirements, as needed, based on the student learning goals in RCW
18 28A.150.210. Goals one and two shall be considered primary. To the
19 maximum extent possible, the superintendent shall integrate goal four
20 and the knowledge and skill areas in the other goals in the essential
21 academic learning requirements; and

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

1 (3)(a) In consultation with the state board of education, the
2 superintendent of public instruction shall maintain and continue to
3 develop and revise a statewide academic assessment system in the
4 content areas of reading, writing, mathematics, and science for use in
5 the elementary, middle, and high school years (~~designed~~). The
6 purpose of the statewide assessment system is to determine if each
7 student has mastered the essential academic learning requirements
8 identified in subsection (1) of this section and to monitor the
9 performance of the overall system of schools and school districts for
10 state and federal accountability purposes. School districts shall
11 administer the assessments under guidelines adopted by the
12 superintendent of public instruction. The academic assessment system
13 may include a variety of assessment methods, including criterion-
14 referenced and performance-based measures.

15 (b) Effective with the 2009 administration of the Washington
16 assessment of student learning, the superintendent shall redesign the
17 assessment in the content areas of reading, mathematics, and science in
18 all grades except high school by shortening test administration and
19 reducing the number of short answer and extended response questions.
20 Effective with the 2010 administration of the assessment, the
21 superintendent shall similarly redesign the high school assessment.

22 (4) If the superintendent proposes any modification to the
23 essential academic learning requirements or the statewide assessments,
24 then the superintendent shall, upon request, provide opportunities for
25 the education committees of the house of representatives and the senate
26 to review the assessments and proposed modifications to the essential
27 academic learning requirements before the modifications are adopted.

28 (5) The assessment system shall be designed so that the results
29 under the assessment system are used by educators as tools to evaluate
30 instructional practices, and to initiate appropriate educational
31 support for students who have not mastered the essential academic
32 learning requirements at the appropriate periods in the student's
33 educational development.

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

1 (7) To assist parents and teachers in their efforts to provide
2 educational support to individual students, the superintendent of
3 public instruction shall provide as much individual student performance
4 information as possible within the constraints of the assessment
5 system's item bank. The superintendent shall also provide to school
6 districts:

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

9 (b) A collection of diagnostic tools that educators may use to
10 evaluate the academic status of individual students. The tools shall
11 be designed to be inexpensive, easily administered, and quickly and
12 easily scored, with results provided in a format that may be easily
13 shared with parents and students.

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

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

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

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

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

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

32 **Sec. 3.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to
33 read as follows:

34 ~~(1) ((The high school assessment system shall include but need not~~
35 ~~be limited to the Washington assessment of student learning,~~
36 ~~opportunities for a student to retake the content areas of the~~
37 ~~assessment in which the student was not successful, and if approved by~~

1 the legislature pursuant to subsection (10) of this section, one or
2 more objective alternative assessments for a student to demonstrate
3 achievement of state academic standards. The objective alternative
4 assessments for each content area shall be comparable in rigor to the
5 skills and knowledge that the student must demonstrate on the
6 Washington assessment of student learning for each content area.

7 (2) Subject to the conditions in this section, a certificate of
8 academic achievement shall be obtained by most students at about the
9 age of sixteen, and is evidence that the students have successfully met
10 the state standard in the content areas included in the certificate.
11 With the exception of students satisfying the provisions of RCW
12 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
13 for graduation from a public high school but is not the only
14 requirement for graduation.

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

34 (4) Beginning no later than with the graduating class of 2013, a
35 student must meet the state standards in science in addition to the
36 other content areas required under subsection (3) of this section on
37 the Washington assessment of student learning or the objective
38 alternative assessments in order to earn a certificate of academic

1 achievement. The state board of education may adopt a rule that
2 implements the requirements of this subsection (4) beginning with a
3 graduating class before the graduating class of 2013, if the state
4 board of education adopts the rule by September 1st of the freshman
5 school year of the graduating class to which the requirements of this
6 subsection (4) apply. The state board of education's authority under
7 this subsection (4) does not alter the requirement that any change in
8 performance standards for the tenth grade assessment must comply with
9 RCW 28A.305.130.

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

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

17 (7) School districts must make available to students the following
18 options:

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

22 (b) 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 high school completion
25 program at a community or technical college. The superintendent of
26 public instruction and the state board for community and technical
27 colleges shall jointly identify means by which students in these
28 programs can be assessed.

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

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

35 (10)(a) The office of the superintendent of public instruction
36 shall develop options for implementing objective alternative
37 assessments, which may include an appeals process for students' scores,
38 for students to demonstrate achievement of the state academic

1 standards. The objective alternative assessments shall be comparable
2 in rigor to the skills and knowledge that the student must demonstrate
3 on the Washington assessment of student learning and be objective in
4 its determination of student achievement of the state standards.
5 Before any objective alternative assessments in addition to those
6 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
7 student to demonstrate that the student has met the state standards in
8 a content area required to obtain a certificate, the legislature shall
9 formally approve the use of any objective alternative assessments
10 through the omnibus appropriations act or by statute or concurrent
11 resolution.

12 (b)(i) A student's score on the mathematics, reading or English, or
13 writing portion of the scholastic assessment test (SAT) or the American
14 college test (ACT) may be used as an objective alternative assessment
15 under this section for demonstrating that a student has met or exceeded
16 the state standards for the certificate of academic achievement. The
17 state board of education shall identify the scores students must
18 achieve on the relevant portion of the SAT or ACT to meet or exceed the
19 state standard in the relevant content area on the Washington
20 assessment of student learning. The state board of education shall
21 identify the first scores by December 1, 2007. After the first scores
22 are established, the state board may increase but not decrease the
23 scores required for students to meet or exceed the state standards.

24 (ii) Until August 31, 2008, a student's score on the mathematics
25 portion of the preliminary scholastic assessment test (PSAT) may be
26 used as an objective alternative assessment under this section for
27 demonstrating that a student has met or exceeded the state standard for
28 the certificate of academic achievement. The state board of education
29 shall identify the score students must achieve on the mathematics
30 portion of the PSAT to meet or exceed the state standard in that
31 content area on the Washington assessment of student learning.

32 (iii) A student who scores at least a three on the grading scale of
33 one to five for selected AP examinations may use the score as an
34 objective alternative assessment under this section for demonstrating
35 that a student has met or exceeded state standards for the certificate
36 of academic achievement. A score of three on the AP examinations in
37 calculus or statistics may be used as an alternative assessment for the
38 mathematics portion of the Washington assessment of student learning.

1 ~~A score of three on the AP examinations in English language and~~
2 ~~composition may be used as an alternative assessment for the writing~~
3 ~~portion of the Washington assessment of student learning. A score of~~
4 ~~three on the AP examinations in English literature and composition,~~
5 ~~macroeconomics, microeconomics, psychology, United States history,~~
6 ~~world history, United States government and politics, or comparative~~
7 ~~government and politics may be used as an alternative assessment for~~
8 ~~the reading portion of the Washington assessment of student learning.~~

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

15 ~~(12)) To help assure continued progress in academic achievement as~~
16 ~~a foundation for high school graduation ((and to assure that students~~
17 ~~are on track for high school graduation)), each school district shall~~
18 ~~prepare plans for and notify students and their parents or legal~~
19 ~~guardians as provided in this ((subsection (12))) section.~~

20 ~~((a)) (2) Student learning plans are required for eighth through~~
21 ~~twelfth grade students who were not successful on any or all of the~~
22 ~~content areas of the Washington assessment for student learning during~~
23 ~~the previous school year or who may not be on track to graduate due to~~
24 ~~credit deficiencies or absences. The parent or legal guardian shall be~~
25 ~~notified about the information in the student learning plan, preferably~~
26 ~~through a parent conference and at least annually. To the extent~~
27 ~~feasible, schools serving English language learner students and their~~
28 ~~parents shall translate the plan into the primary language of the~~
29 ~~family. The plan shall include the following information as~~
30 ~~applicable:~~

31 ~~((i)) (a) The student's results on the Washington assessment of~~
32 ~~student learning;~~

33 ~~((ii)) (b) If the student is in the transitional bilingual~~
34 ~~program, the score on his or her Washington language proficiency test~~
35 ~~II;~~

36 ~~((iii)) (c) Any credit deficiencies;~~

37 ~~((iv)) (d) The student's attendance rates over the previous two~~
38 ~~years;~~

1 mathematics I, and integrated mathematics II. The superintendent shall
2 ((make)) pilot the algebra I and integrated mathematics I end-of-course
3 assessments available to school districts on an optional basis in the
4 2009-10 school year. The end-of-course assessments in algebra I,
5 geometry, integrated mathematics I, and integrated mathematics II shall
6 be implemented statewide in the 2010-11 school year.

7 ~~(2) ((For the graduating class of 2013 and for purposes of the
8 certificate of academic achievement under RCW 28A.655.061, results from
9 the algebra I end-of-course assessment plus the geometry end-of-course
10 assessment or results from the integrated mathematics I end-of-course
11 assessment plus the integrated mathematics II end-of-course assessment
12 may be used to demonstrate that a student meets the state standard on
13 the mathematics content area of the high school Washington assessment
14 of student learning.~~

15 ~~(3) Beginning with the graduating class of 2014 and for purposes
16 of the certificate of academic achievement under RCW 28A.655.061, the
17 mathematics content area of the Washington assessment of student
18 learning shall be assessed using either the algebra I end-of-course
19 assessment plus the geometry end-of-course assessment or the integrated
20 mathematics I end-of-course assessment plus the integrated mathematics
21 II end-of-course assessment. All of the objective alternative
22 assessments available to students under RCW 28A.655.061 and 28A.655.065
23 shall be available to any student who has taken the sequence of end-of-
24 course assessments once but does not meet the state mathematics
25 standard on the sequence of end-of-course assessments.~~

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

30 **Sec. 5.** RCW 28A.180.100 and 2004 c 19 s 105 are each amended to
31 read as follows:

32 The office of the superintendent of public instruction and the
33 state board for community and technical colleges shall jointly develop
34 a program plan to provide a continuing education option for students
35 who are eligible for the state transitional bilingual instruction
36 program and who need more time to develop language proficiency but who
37 are more age-appropriately suited for a postsecondary learning

1 environment than for a high school. In developing the plan, the
2 superintendent of public instruction shall consider options to formally
3 recognize the accomplishments of students in the state transitional
4 bilingual instruction program who have completed the twelfth grade but
5 have not earned a ~~((certificate of academic achievement. By December~~
6 ~~1, 2004, the agencies shall report to the legislative education and~~
7 ~~fiscal committees with any recommendations for legislative action and~~
8 ~~any resources necessary to implement the plan))~~ high school diploma.

9 **Sec. 6.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to
10 read as follows:

11 The legislature hereby recognizes that private schools should be
12 subject only to those minimum state controls necessary to insure the
13 health and safety of all the students in the state and to insure a
14 sufficient basic education to meet usual graduation requirements. The
15 state, any agency or official thereof, shall not restrict or dictate
16 any specific educational or other programs for private schools except
17 as hereinafter in this section provided.

18 Principals of private schools or superintendents of private school
19 districts shall file each year with the state superintendent of public
20 instruction a statement certifying that the minimum requirements
21 hereinafter set forth are being met, noting any deviations. After
22 review of the statement, the state superintendent will notify schools
23 or school districts of those deviations which must be corrected. In
24 case of major deviations, the school or school district may request and
25 the state board of education may grant provisional status for one year
26 in order that the school or school district may take action to meet the
27 requirements. The state board of education shall not require private
28 school students to meet the student learning goals, ~~((obtain a~~
29 ~~certificate of academic achievement, or a certificate of individual~~
30 ~~achievement to graduate from high school, to))~~ master the essential
31 academic learning requirements, ~~((to))~~ be assessed pursuant to RCW
32 ~~((28A.655.061))~~ 28A.655.070. However, private schools may choose, on
33 a voluntary basis, to have their students master these essential
34 academic learning requirements ~~((, and~~ or ~~obtain a certificate of academic achievement or a certificate of~~
35 ~~individual achievement))~~. Minimum requirements shall be as follows:

1 (1) The minimum school year for instructional purposes shall
2 consist of no less than one hundred eighty school days or the
3 equivalent in annual minimum program hour offerings as prescribed in
4 RCW 28A.150.220.

5 (2) The school day shall be the same as that required in RCW
6 28A.150.030 and 28A.150.220, except that the percentages of total
7 program hour offerings as prescribed in RCW 28A.150.220 for basic
8 skills, work skills, and optional subjects and activities shall not
9 apply to private schools or private sectarian schools.

10 (3) All classroom teachers shall hold appropriate Washington state
11 certification except as follows:

12 (a) Teachers for religious courses or courses for which no
13 counterpart exists in public schools shall not be required to obtain a
14 state certificate to teach those courses.

15 (b) In exceptional cases, people of unusual competence but without
16 certification may teach students so long as a certified person
17 exercises general supervision. Annual written statements shall be
18 submitted to the office of the superintendent of public instruction
19 reporting and explaining such circumstances.

20 (4) An approved private school may operate an extension program for
21 parents, guardians, or persons having legal custody of a child to teach
22 children in their custody. The extension program shall require at a
23 minimum that:

24 (a) The parent, guardian, or custodian be under the supervision of
25 an employee of the approved private school who is certified under
26 chapter 28A.410 RCW;

27 (b) The planning by the certified person and the parent, guardian,
28 or person having legal custody include objectives consistent with this
29 subsection and subsections (1), (2), (5), (6), and (7) of this section;

30 (c) The certified person spend a minimum average each month of one
31 contact hour per week with each student under his or her supervision
32 who is enrolled in the approved private school extension program;

33 (d) Each student's progress be evaluated by the certified person;
34 and

35 (e) The certified employee shall not supervise more than thirty
36 students enrolled in the approved private school's extension program.

37 (5) Appropriate measures shall be taken to safeguard all permanent
38 records against loss or damage.

1 (6) The physical facilities of the school or district shall be
2 adequate to meet the program offered by the school or district:
3 PROVIDED, That each school building shall meet reasonable health and
4 fire safety requirements. A residential dwelling of the parent,
5 guardian, or custodian shall be deemed to be an adequate physical
6 facility when a parent, guardian, or person having legal custody is
7 instructing his or her child under subsection (4) of this section.

8 (7) Private school curriculum shall include instruction of the
9 basic skills of occupational education, science, mathematics, language,
10 social studies, history, health, reading, writing, spelling, and the
11 development of appreciation of art and music, all in sufficient units
12 for meeting state board of education graduation requirements.

13 (8) Each school or school district shall be required to maintain
14 up-to-date policy statements related to the administration and
15 operation of the school or school district.

16 All decisions of policy, philosophy, selection of books, teaching
17 material, curriculum, except as in subsection (7) of this section
18 provided, school rules and administration, or other matters not
19 specifically referred to in this section, shall be the responsibility
20 of the administration and administrators of the particular private
21 school involved.

22 **Sec. 7.** RCW 28A.200.010 and 2004 c 19 s 107 are each amended to
23 read as follows:

24 (1) Each parent whose child is receiving home-based instruction
25 under RCW 28A.225.010(4) shall have the duty to:

26 (a) File annually a signed declaration of intent that he or she is
27 planning to cause his or her child to receive home-based instruction.
28 The statement shall include the name and age of the child, shall
29 specify whether a certificated person will be supervising the
30 instruction, and shall be written in a format prescribed by the
31 superintendent of public instruction. Each parent shall file the
32 statement by September 15th of the school year or within two weeks of
33 the beginning of any public school quarter, trimester, or semester with
34 the superintendent of the public school district within which the
35 parent resides or the district that accepts the transfer, and the
36 student shall be deemed a transfer student of the nonresident district.
37 Parents may apply for transfer under RCW 28A.225.220;

1 (b) Ensure that test scores or annual academic progress assessments
2 and immunization records, together with any other records that are kept
3 relating to the instructional and educational activities provided, are
4 forwarded to any other public or private school to which the child
5 transfers. At the time of a transfer to a public school, the
6 superintendent of the local school district in which the child enrolls
7 may require a standardized achievement test to be administered and
8 shall have the authority to determine the appropriate grade and course
9 level placement of the child after consultation with parents and review
10 of the child's records; and

11 (c) Ensure that a standardized achievement test approved by the
12 state board of education is administered annually to the child by a
13 qualified individual or that an annual assessment of the student's
14 academic progress is written by a certificated person who is currently
15 working in the field of education. The state board of education shall
16 not require these children to meet the student learning goals, master
17 the essential academic learning requirements, ~~((to))~~ or take the
18 assessments ~~((, or to obtain a certificate of academic achievement or a
19 certificate of individual achievement pursuant to RCW 28A.655.061 and
20 28A.155.045))~~ under RCW 28A.655.070. The standardized test
21 administered or the annual academic progress assessment written shall
22 be made a part of the child's permanent records. If, as a result of
23 the annual test or assessment, it is determined that the child is not
24 making reasonable progress consistent with his or her age or stage of
25 development, the parent shall make a good faith effort to remedy any
26 deficiency.

27 (2) Failure of a parent to comply with the duties in this section
28 shall be deemed a failure of such parent's child to attend school
29 without valid justification under RCW 28A.225.020. Parents who do
30 comply with the duties set forth in this section shall be presumed to
31 be providing home-based instruction as set forth in RCW 28A.225.010(4).

32 **Sec. 8.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
33 read as follows:

34 (1) The state board of education shall establish high school
35 graduation requirements or equivalencies for students, except those
36 equivalencies established by local high schools or school districts
37 under RCW 28A.230.097.

1 (a) Any course in Washington state history and government used to
2 fulfill high school graduation requirements shall consider including
3 information on the culture, history, and government of the American
4 Indian peoples who were the first inhabitants of the state.

5 ~~(b) ((The certificate of academic achievement requirements under
6 RCW 28A.655.061 or the certificate of individual achievement
7 requirements under RCW 28A.155.045 are required for graduation from a
8 public high school but are not the only requirements for graduation.~~

9 ~~(c))~~ Any decision on whether a student has met the state board's
10 high school graduation requirements for a high school and beyond plan
11 shall remain at the local level.

12 (2) In recognition of the statutory authority of the state board of
13 education to establish and enforce minimum high school graduation
14 requirements, the state board shall periodically reevaluate the
15 graduation requirements and shall report such findings to the
16 legislature in a timely manner as determined by the state board. The
17 state board shall reevaluate the graduation requirements for students
18 enrolled in vocationally intensive and rigorous career and technical
19 education programs, particularly those programs that lead to a
20 certificate or credential that is state or nationally recognized. The
21 purpose of the evaluation is to ensure that students enrolled in these
22 programs have sufficient opportunity to ~~((earn a certificate of
23 academic achievement))~~ meet the state's essential academic learning
24 requirements, complete the program and earn the program's certificate
25 or credential, and complete other state and local graduation
26 requirements. ~~((The board shall reports [report] its findings and
27 recommendations for additional flexibility in graduation requirements,
28 if necessary, to the legislature by December 1, 2007.))~~

29 (3) Pursuant to any requirement for instruction in languages other
30 than English established by the state board of education or a local
31 school district, or both, for purposes of high school graduation,
32 students who receive instruction in American sign language or one or
33 more American Indian languages shall be considered to have satisfied
34 the state or local school district graduation requirement for
35 instruction in one or more languages other than English.

36 (4) If requested by the student and his or her family, a student
37 who has completed high school courses before attending high school

1 shall be given high school credit which shall be applied to fulfilling
2 high school graduation requirements if:

3 (a) The course was taken with high school students, if the academic
4 level of the course exceeds the requirements for seventh and eighth
5 grade classes, and the student has successfully passed by completing
6 the same course requirements and examinations as the high school
7 students enrolled in the class; or

8 (b) The academic level of the course exceeds the requirements for
9 seventh and eighth grade classes and the course would qualify for high
10 school credit, because the course is similar or equivalent to a course
11 offered at a high school in the district as determined by the school
12 district board of directors.

13 (5) Students who have taken and successfully completed high school
14 courses under the circumstances in subsection (4) of this section shall
15 not be required to take an additional competency examination or perform
16 any other additional assignment to receive credit.

17 (6) At the college or university level, five quarter or three
18 semester hours equals one high school credit.

19 **Sec. 9.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6
20 are each reenacted and amended to read as follows:

21 (1) The superintendent of public instruction, in consultation with
22 the higher education coordinating board, the state board for community
23 and technical colleges, and the workforce training and education
24 coordinating board, shall develop for use by all public school
25 districts a standardized high school transcript. The superintendent
26 shall establish clear definitions for the terms "credits" and "hours"
27 so that school programs operating on the quarter, semester, or
28 trimester system can be compared.

29 ~~(2) ((The standardized high school transcript shall include a
30 notation of whether the student has earned a certificate of individual
31 achievement or a certificate of academic achievement.~~

32 ~~(3))~~) Transcripts are important documents to students who will
33 apply for admission to postsecondary institutions of higher education.
34 Transcripts are also important to students who will seek employment
35 upon or prior to graduation from high school. It is recognized that
36 student transcripts may be the only record available to employers in
37 their decision-making processes regarding prospective employees. The

1 superintendent of public instruction shall require school districts to
2 inform annually all high school students that prospective employers may
3 request to see transcripts and that the prospective employee's decision
4 to release transcripts can be an important part of the process of
5 applying for employment.

6 **Sec. 10.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to
7 read as follows:

8 The purpose of the state board of education is to provide advocacy
9 and strategic oversight of public education; implement a standards-
10 based accountability system to improve student academic achievement;
11 provide leadership in the creation of a system that personalizes
12 education for each student and respects diverse cultures, abilities,
13 and learning styles; and promote achievement of the goals of RCW
14 28A.150.210. In addition to any other powers and duties as provided by
15 law, the state board of education shall:

16 (1) Hold regularly scheduled meetings at such time and place within
17 the state as the board shall determine and may hold such special
18 meetings as may be deemed necessary for the transaction of public
19 business;

20 (2) Form committees as necessary to effectively and efficiently
21 conduct the work of the board;

22 (3) Seek advice from the public and interested parties regarding
23 the work of the board;

24 (4) For purposes of statewide accountability:

25 (a) Adopt and revise performance improvement goals in reading,
26 writing, science, and mathematics, by subject and grade level, once
27 assessments in these subjects are required statewide; academic and
28 technical skills, as appropriate, in secondary career and technical
29 education programs; and student attendance, as the board deems
30 appropriate to improve student learning. The goals shall be consistent
31 with student privacy protection provisions of RCW 28A.655.090(7) and
32 shall not conflict with requirements contained in Title I of the
33 federal elementary and secondary education act of 1965, or the
34 requirements of the Carl D. Perkins vocational education act of 1998,
35 each as amended. The goals may be established for all students,
36 economically disadvantaged students, limited English proficient
37 students, students with disabilities, and students from

1 disproportionately academically underachieving racial and ethnic
2 backgrounds. The board may establish school and school district goals
3 addressing high school graduation rates and dropout reduction goals for
4 students in grades seven through twelve. The board shall adopt the
5 goals by rule. However, before each goal is implemented, the board
6 shall present the goal to the education committees of the house of
7 representatives and the senate for the committees' review and comment
8 in a time frame that will permit the legislature to take statutory
9 action on the goal if such action is deemed warranted by the
10 legislature;

11 (b) Identify the scores students must achieve in order to meet the
12 standard on the Washington assessment of student learning (~~(and, for~~
13 ~~high school students, to obtain a certificate of academic~~
14 ~~achievement)~~). The board shall also determine student scores that
15 identify levels of student performance below and beyond the standard.
16 (~~The board shall consider the incorporation of the standard error of~~
17 ~~measurement into the decision regarding the award of the~~
18 ~~certificates.)~~) The board shall set such performance standards and
19 levels in consultation with the superintendent of public instruction
20 and after consideration of any recommendations that may be developed by
21 any advisory committees that may be established for this purpose.
22 (~~The initial performance standards and any changes recommended by the~~
23 ~~board in the performance standards for the tenth grade assessment shall~~
24 ~~be presented to the education committees of the house of~~
25 ~~representatives and the senate by November 30th of the school year in~~
26 ~~which the changes will take place to permit the legislature to take~~
27 ~~statutory action before the changes are implemented if such action is~~
28 ~~deemed warranted by the legislature.)~~) The legislature shall be
29 advised of the initial performance standards and any changes made to
30 the (~~elementary level~~) performance standards (~~and the middle school~~
31 ~~level performance standards~~);

32 (c) Adopt objective, systematic criteria to identify successful
33 schools and school districts and recommend to the superintendent of
34 public instruction schools and districts to be recognized for two types
35 of accomplishments, student achievement and improvements in student
36 achievement. Recognition for improvements in student achievement shall
37 include consideration of one or more of the following accomplishments:

1 (i) An increase in the percent of students meeting standards. The
2 level of achievement required for recognition may be based on the
3 achievement goals established by the legislature and by the board under
4 (a) of this subsection;

5 (ii) Positive progress on an improvement index that measures
6 improvement in all levels of the assessment; and

7 (iii) Improvements despite challenges such as high levels of
8 mobility, poverty, English as a second language learners, and large
9 numbers of students in special populations as measured by either the
10 percent of students meeting the standard, or the improvement index.
11 When determining the baseline year or years for recognizing individual
12 schools, the board may use the assessment results from the initial
13 years the assessments were administered, if doing so with individual
14 schools would be appropriate;

15 (d) Adopt objective, systematic criteria to identify schools and
16 school districts in need of assistance and those in which significant
17 numbers of students persistently fail to meet state standards. In its
18 deliberations, the board shall consider the use of all statewide
19 mandated criterion-referenced and norm-referenced standardized tests;

20 (e) Identify schools and school districts in which state
21 intervention measures will be needed and a range of appropriate
22 intervention strategies after the legislature has authorized a set of
23 intervention strategies. After the legislature has authorized a set of
24 intervention strategies, at the request of the board, the
25 superintendent shall intervene in the school or school district and
26 take corrective actions. This chapter does not provide additional
27 authority for the board or the superintendent of public instruction to
28 intervene in a school or school district;

29 (f) Identify performance incentive systems that have improved or
30 have the potential to improve student achievement;

31 (g) Annually review the assessment reporting system to ensure
32 fairness, accuracy, timeliness, and equity of opportunity, especially
33 with regard to schools with special circumstances and unique
34 populations of students, and a recommendation to the superintendent of
35 public instruction of any improvements needed to the system; and

36 (h) Include in the biennial report required under RCW 28A.305.035,
37 information on the progress that has been made in achieving goals
38 adopted by the board;

1 (5) Accredited, subject to such accreditation standards and
2 procedures as may be established by the state board of education, all
3 private schools that apply for accreditation, and approve, subject to
4 the provisions of RCW 28A.195.010, private schools carrying out a
5 program for any or all of the grades kindergarten through twelve:
6 PROVIDED, That no private school may be approved that operates a
7 kindergarten program only: PROVIDED FURTHER, That no private schools
8 shall be placed upon the list of accredited schools so long as secret
9 societies are knowingly allowed to exist among its students by school
10 officials;

11 (6) Articulate with the institutions of higher education, workforce
12 representatives, and early learning policymakers and providers to
13 coordinate and unify the work of the public school system;

14 (7) Hire an executive director and an administrative assistant to
15 reside in the office of the superintendent of public instruction for
16 administrative purposes. Any other personnel of the board shall be
17 appointed as provided by RCW 28A.300.020. The board may delegate to
18 the executive director by resolution such duties as deemed necessary to
19 efficiently carry on the business of the board including, but not
20 limited to, the authority to employ necessary personnel and the
21 authority to enter into, amend, and terminate contracts on behalf of
22 the board. The executive director, administrative assistant, and all
23 but one of the other personnel of the board are exempt from civil
24 service, together with other staff as now or hereafter designated as
25 exempt in accordance with chapter 41.06 RCW; and

26 (8) Adopt a seal that shall be kept in the office of the
27 superintendent of public instruction.

28 **Sec. 11.** RCW 28A.600.310 and 2005 c 125 s 1 are each amended to
29 read as follows:

30 (1) Eleventh and twelfth grade students or students who have not
31 yet received the credits required for the award of a high school
32 diploma and are eligible to be in the eleventh or twelfth grades may
33 apply to a participating institution of higher education to enroll in
34 courses or programs offered by the institution of higher education. A
35 student receiving home-based instruction enrolling in a public high
36 school for the sole purpose of participating in courses or programs
37 offered by institutions of higher education shall not be counted by the

1 school district in any required state or federal accountability
2 reporting if the student's parents or guardians filed a declaration of
3 intent to provide home-based instruction and the student received home-
4 based instruction during the school year before the school year in
5 which the student intends to participate in courses or programs offered
6 by the institution of higher education. Students receiving home-based
7 instruction under chapter 28A.200 RCW and students attending private
8 schools approved under chapter 28A.195 RCW shall not be required to
9 meet the student learning goals(~~(, obtain a certificate of academic~~
10 ~~achievement or a certificate of individual achievement to graduate from~~
11 ~~high school,~~) or to master the essential academic learning
12 requirements. However, students are eligible to enroll in courses or
13 programs in participating universities only if the board of directors
14 of the student's school district has decided to participate in the
15 program. Participating institutions of higher education, in
16 consultation with school districts, may establish admission standards
17 for these students. If the institution of higher education accepts a
18 secondary school pupil for enrollment under this section, the
19 institution of higher education shall send written notice to the pupil
20 and the pupil's school district within ten days of acceptance. The
21 notice shall indicate the course and hours of enrollment for that
22 pupil.

23 (2) The pupil's school district shall transmit to the institution
24 of higher education an amount per each full-time equivalent college
25 student at statewide uniform rates for vocational and nonvocational
26 students. The superintendent of public instruction shall separately
27 calculate and allocate moneys appropriated for basic education under
28 RCW 28A.150.260 to school districts for purposes of making such
29 payments and for granting school districts seven percent thereof to
30 offset program related costs. The calculations and allocations shall
31 be based upon the estimated statewide annual average per full-time
32 equivalent high school student allocations under RCW 28A.150.260,
33 excluding small high school enhancements, and applicable rules adopted
34 under chapter 34.05 RCW. The superintendent of public instruction, the
35 higher education coordinating board, and the state board for community
36 and technical colleges shall consult on the calculation and
37 distribution of the funds. The institution of higher education shall
38 not require the pupil to pay any other fees. The funds received by the

1 institution of higher education from the school district shall not be
2 deemed tuition or operating fees and may be retained by the institution
3 of higher education. A student enrolled under this subsection shall
4 not be counted for the purpose of determining any enrollment
5 restrictions imposed by the state on the institution of higher
6 education.

7 **Sec. 12.** RCW 28B.15.520 and 2007 c 355 s 6 are each amended to
8 read as follows:

9 Subject to the limitations of RCW 28B.15.910, the governing boards
10 of the community colleges may:

11 (1) Waive all or a portion of tuition fees and services and
12 activities fees for:

13 (a) Students nineteen years of age or older who are eligible for
14 resident tuition and fee rates as defined in RCW 28B.15.012 through
15 28B.15.015, who enroll in a course of study or program which will
16 enable them to finish their high school education and obtain a high
17 school diploma or certificate (~~(, but who are not eligible students as~~
18 ~~defined by RCW 28A.600.405)); and~~

19 (b) Children of any law enforcement officer or firefighter who lost
20 his or her life or became totally disabled in the line of duty while
21 employed by any public law enforcement agency or full time or volunteer
22 fire department in this state: PROVIDED, That such persons may receive
23 the waiver only if they begin their course of study at a community
24 college within ten years of their graduation from high school;

25 (2) Waive all or a portion of the nonresident tuition fees
26 differential for:

27 (a) Nonresident students enrolled in a community college course of
28 study or program which will enable them to finish their high school
29 education and obtain a high school diploma or certificate (~~(but who are~~
30 ~~not eligible students as defined by RCW 28A.600.405)). The waiver~~
31 shall be in effect only for those courses which lead to a high school
32 diploma or certificate; and

33 (b) Up to forty percent of the students enrolled in the regional
34 education program for deaf students, subject to federal funding of such
35 program.

1 **Sec. 13.** RCW 28B.15.067 and 2007 c 355 s 7 are each amended to
2 read as follows:

3 (1) Tuition fees shall be established under the provisions of this
4 chapter.

5 (2) Beginning with the 2003-04 academic year and ending with the
6 2008-09 academic year, reductions or increases in full-time tuition
7 fees for resident undergraduates shall be as provided in the omnibus
8 appropriations act.

9 (3) Beginning with the 2003-04 academic year and ending with the
10 2008-09 academic year, the governing boards of the state universities,
11 the regional universities, The Evergreen State College, and the state
12 board for community and technical colleges may reduce or increase full-
13 time tuition fees for all students other than resident undergraduates,
14 including summer school students and students in other self-supporting
15 degree programs. Percentage increases in full-time tuition fees may
16 exceed the fiscal growth factor. Reductions or increases may be made
17 for all or portions of an institution's programs, campuses, courses, or
18 students.

19 (4) Academic year tuition for full-time students at the state's
20 institutions of higher education beginning with 2009-10, other than
21 summer term, shall be as charged during the 2008-09 academic year
22 unless different rates are adopted by the legislature.

23 (5) The tuition fees established under this chapter shall not apply
24 to high school students enrolling in participating institutions of
25 higher education under RCW 28A.600.300 through 28A.600.400.

26 (6) The tuition fees established under this chapter shall not apply
27 to eligible students enrolling in a community or technical college
28 under RCW 28C.04.610.

29 (7) ~~((The tuition fees established under this chapter shall not
30 apply to eligible students enrolling in a community or technical
31 college participating in the pilot program under RCW 28B.50.534 for the
32 purpose of obtaining a high school diploma.~~

33 (+8)) For the academic years 2003-04 through 2008-09, the
34 University of Washington shall use an amount equivalent to ten percent
35 of all revenues received as a result of law school tuition increases
36 beginning in academic year 2000-01 through academic year 2008-09 to
37 assist needy low and middle income resident law students.

1 ~~((9))~~ (8) For the academic years 2003-04 through 2008-09,
2 institutions of higher education shall use an amount equivalent to ten
3 percent of all revenues received as a result of graduate academic
4 school tuition increases beginning in academic year 2003-04 through
5 academic year 2008-09 to assist needy low and middle-income resident
6 graduate academic students.

7 **Sec. 14.** RCW 28A.155.170 and 2007 c 318 s 2 are each amended to
8 read as follows:

9 (1) Beginning July 1, 2007, each school district that operates a
10 high school shall establish a policy and procedures that permit any
11 student who is receiving special education or related services under an
12 individualized education program pursuant to state and federal law and
13 who will continue to receive such services between the ages of eighteen
14 and twenty-one to participate in the graduation ceremony and activities
15 after four years of high school attendance with his or her age-
16 appropriate peers and receive a certificate of attendance.

17 (2) Participation in a graduation ceremony and receipt of a
18 certificate of attendance under this section does not preclude a
19 student from continuing to receive special education and related
20 services under an individualized education program beyond the
21 graduation ceremony.

22 (3) A student's participation in a graduation ceremony and receipt
23 of a certificate of attendance under this section shall not be
24 construed as the student's receipt of ~~((either~~
25 ~~(a))~~ a high school diploma pursuant to RCW 28A.230.120 ~~((or~~
26 ~~(b) A certificate of individual achievement pursuant to RCW~~
27 ~~28A.155.045))~~).

28 NEW SECTION. **Sec. 15.** The office of the superintendent of public
29 instruction, the higher education coordinating board, and the state
30 board for community and technical colleges shall use existing staff and
31 resources to collaboratively conduct a review of incentive programs in
32 other states. The incentive programs that are reviewed must have a
33 purpose of increasing the number of students who meet the state
34 standards at any grade level and/or motivating students through
35 incentives to pursue postsecondary education. By December 1, 2009, the
36 agencies shall make a joint report to the legislature detailing the

1 programs that were reviewed and making recommendations for incentive
2 programs that Washington should consider for spending any savings
3 realized by the state by eliminating the statewide assessment as a high
4 school graduation requirement. The recommendations could include
5 whether the state should create a public-private partnership or use
6 other creative models to implement any of the recommendations.

7 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 28A.155.045 (Certificate of individual achievement) and
10 2007 c 354 s 3 & 2004 c 19 s 104;

11 (2) RCW 28A.655.063 (Objective alternative assessments--
12 Reimbursement of costs--Testing fee waivers) and 2007 c 354 s 7 & 2006
13 c 115 s 5;

14 (3) RCW 28A.655.065 (Objective alternative assessment methods--
15 Appeals from assessment scores--Waivers and appeals from assessment
16 requirements--Rules) and 2008 c 170 s 205, 2007 c 354 s 6, & 2006 c 115
17 s 1;

18 (4) RCW 28A.655.0611 (Graduation without certificate of academic
19 achievement or certificate of individual achievement) and 2007 c 354 s
20 4;

21 (5) RCW 28B.50.534 (High school completion pilot program) and 2007
22 c 355 s 3; and

23 (6) RCW 28A.600.405 (Participation in high school completion pilot
24 program--Eligible students--Funding allocations--Rules--Information for
25 students and parents) and 2007 c 355 s 4.

--- END ---