
SUBSTITUTE HOUSE BILL 2538

State of Washington **62nd Legislature** **2012 Regular Session**

By House Education (originally sponsored by Representatives Santos and Maxwell; by request of Governor Gregoire)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to reducing certain requirements affecting school
2 districts; amending RCW 28A.230.090, 43.09.260, 28A.165.025,
3 28A.305.130, 28A.655.061, 28A.655.185, 28A.655.200, 28A.655.070,
4 28A.655.065, and 28A.230.095; and providing an effective date.

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

6 **Sec. 1.** RCW 28A.230.090 and 2011 c 203 s 2 are each amended to
7 read as follows:

8 (1) The state board of education shall establish high school
9 graduation requirements or equivalencies for students, except as
10 provided in RCW 28A.230.122 and except those equivalencies established
11 by local high schools or school districts under RCW 28A.230.097. The
12 purpose of a high school diploma is to declare that a student is ready
13 for success in postsecondary education, gainful employment, and
14 citizenship, and is equipped with the skills to be a lifelong learner.

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

1 (b) The certificate of academic achievement requirements under RCW
2 28A.655.061 or the certificate of individual achievement requirements
3 under RCW 28A.155.045 are required for graduation from a public high
4 school but are not the only requirements for graduation.

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

8 (d) A student is not required to complete the state board's high
9 school graduation requirement for a culminating project or a high
10 school and beyond plan if the student has completed at least one of the
11 following:

12 (i) A running start program and is leaving high school with an
13 associate degree;

14 (ii) A high school navigation 101, advancement via individual
15 determination, or similar program focused on career planning and skill
16 development in preparation for a targeted career;

17 (iii) A career and technical education program resulting in a skill
18 certificate;

19 (iv) A year of college-level coursework;

20 (v) An international baccalaureate certificate program; or

21 (vi) At least four courses in any of the following programs or at
22 least four courses among the following programs: AP, engineering or
23 biological sciences, international baccalaureate, or Cambridge with
24 college credit equivalency exams.

25 (2)(a) In recognition of the statutory authority of the state board
26 of education to establish and enforce minimum high school graduation
27 requirements, the state board shall periodically reevaluate the
28 graduation requirements and shall report such findings to the
29 legislature in a timely manner as determined by the state board.

30 (b) The state board shall reevaluate the graduation requirements
31 for students enrolled in vocationally intensive and rigorous career and
32 technical education programs, particularly those programs that lead to
33 a certificate or credential that is state or nationally recognized.
34 The purpose of the evaluation is to ensure that students enrolled in
35 these programs have sufficient opportunity to earn a certificate of
36 academic achievement, complete the program and earn the program's
37 certificate or credential, and complete other state and local
38 graduation requirements.

1 (c) The state board shall forward any proposed changes to the high
2 school graduation requirements to the education committees of the
3 legislature for review and to the quality education council established
4 under RCW 28A.290.010. The legislature shall have the opportunity to
5 act during a regular legislative session before the changes are adopted
6 through administrative rule by the state board. Changes that have a
7 fiscal impact on school districts, as identified by a fiscal analysis
8 prepared by the office of the superintendent of public instruction,
9 shall take effect only if formally authorized and funded by the
10 legislature through the omnibus appropriations act or other enacted
11 legislation.

12 (3) Pursuant to any requirement for instruction in languages other
13 than English established by the state board of education or a local
14 school district, or both, for purposes of high school graduation,
15 students who receive instruction in American sign language or one or
16 more American Indian languages shall be considered to have satisfied
17 the state or local school district graduation requirement for
18 instruction in one or more languages other than English.

19 (4) If requested by the student and his or her family, a student
20 who has completed high school courses before attending high school
21 shall be given high school credit which shall be applied to fulfilling
22 high school graduation requirements if:

23 (a) The course was taken with high school students, if the academic
24 level of the course exceeds the requirements for seventh and eighth
25 grade classes, and the student has successfully passed by completing
26 the same course requirements and examinations as the high school
27 students enrolled in the class; or

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

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

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

1 **Sec. 2.** RCW 43.09.260 and 2009 c 564 s 927 are each amended to
2 read as follows:

3 (1) The examination of the financial affairs of all local
4 governments shall be made at such reasonable, periodic intervals as the
5 state auditor shall determine. However, an examination of the
6 financial affairs of all local governments shall be made at least once
7 in every three years, and an examination of individual local government
8 health and welfare benefit plans and local government self-insurance
9 programs shall be made at least once every two years. Additionally,
10 after July 1, 2012, the state auditor shall conduct fiscal and
11 performance audits no more often than once every three years for school
12 districts when no findings of impropriety were found for the school
13 districts for the three-year period immediately preceding the audit
14 period. This subsection does not prohibit the state auditor from
15 conducting audits: (a) To address suspected fraud or irregular
16 conduct; (b) at the request of the local school board of directors; (c)
17 if there has been a change in the superintendent or the chief financial
18 officer in the year immediately preceding the audit; or (d) as required
19 by federal laws or regulations.

20 (2) During the 2009-2011 fiscal biennium, the state auditor shall
21 conduct audits no more often than once every two years of local
22 governments with annual general fund revenues of ten million dollars or
23 less and no findings of impropriety for the three-year period
24 immediately preceding the audit period. This subsection does not
25 prohibit the state auditor from conducting audits: (a) To address
26 suspected fraud or irregular conduct; (b) at the request of the local
27 government governing body; or (c) as required by federal laws or
28 regulations.

29 (3) The term local governments for purposes of this chapter
30 includes but is not limited to all counties, cities, and other
31 political subdivisions, municipal corporations, and quasi-municipal
32 corporations, however denominated.

33 (4) The state auditor shall establish a schedule to govern the
34 auditing of local governments which shall include: A designation of
35 the various classifications of local governments; a designation of the
36 frequency for auditing each type of local government; and a description
37 of events which cause a more frequent audit to be conducted.

1 (5) On every such examination, inquiry shall be made as to the
2 financial condition and resources of the local government; whether the
3 Constitution and laws of the state, the ordinances and orders of the
4 local government, and the requirements of the state auditor have been
5 properly complied with; and into the methods and accuracy of the
6 accounts and reports.

7 (6) A report of such examination shall be made and filed in the
8 office of state auditor, and one copy shall be transmitted to the local
9 government. A copy of any report containing findings of noncompliance
10 with state law shall be transmitted to the attorney general. If any
11 such report discloses malfeasance, misfeasance, or nonfeasance in
12 office on the part of any public officer or employee, within thirty
13 days from the receipt of his or her copy of the report, the attorney
14 general shall institute, in the proper county, such legal action as is
15 proper in the premises by civil process and prosecute the same to final
16 determination to carry into effect the findings of the examination.

17 (7) It shall be unlawful for any local government or the
18 responsible head thereof, to make a settlement or compromise of any
19 claim arising out of such malfeasance, misfeasance, or nonfeasance, or
20 any action commenced therefor, or for any court to enter upon any
21 compromise or settlement of such action, without the written approval
22 and consent of the attorney general and the state auditor.

23 **Sec. 3.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to
24 read as follows:

25 (1) A participating school district shall submit the district's
26 plan for using learning assistance funds to the office of the
27 superintendent of public instruction for approval, to the extent
28 required under subsection (2) of this section. The program plan must
29 identify the program activities to be implemented from RCW 28A.165.035
30 and implement all of the elements in (a) through (h) of this
31 subsection. The school district plan shall include the following:

32 (a) District and school-level data on reading(~~(, writing,)~~) and
33 mathematics achievement as reported pursuant to chapter 28A.655 RCW and
34 relevant federal law;

35 (b) Processes used for identifying the underachieving students to
36 be served by the program, including the identification of school or
37 program sites providing program activities;

1 (c) How accelerated learning plans are developed and implemented
2 for participating students. Accelerated learning plans may be
3 developed as part of existing student achievement plan process such as
4 student plans for achieving state high school graduation standards,
5 individual student academic plans, or the achievement plans for groups
6 of students. Accelerated learning plans shall include:

7 (i) Achievement goals for the students;

8 (ii) Roles of the student, parents, or guardians and teachers in
9 the plan;

10 (iii) Communication procedures regarding student accomplishment;
11 and

12 (iv) Plan reviews and adjustments processes;

13 (d) How state level and classroom assessments are used to inform
14 instruction;

15 (e) How focused and intentional instructional strategies have been
16 identified and implemented;

17 (f) How highly qualified instructional staff are developed and
18 supported in the program and in participating schools;

19 (g) How other federal, state, district, and school resources are
20 coordinated with school improvement plans and the district's strategic
21 plan to support underachieving students; and

22 (h) How a program evaluation will be conducted to determine
23 direction for the following school year.

24 (2) If a school district has received approval of its plan once, it
25 is not required to submit a plan for approval under RCW 28A.165.045 or
26 this section unless the district has made a significant change to the
27 plan. If a district has made a significant change to only a portion of
28 the plan the district need only submit a description of the changes
29 made and not the entire plan. Plans or descriptions of changes to the
30 plan must be submitted by July 1st as required under this section. The
31 office of the superintendent of public instruction shall establish
32 guidelines for what a "significant change" is.

33 **Sec. 4.** RCW 28A.305.130 and 2011 1st sp.s. c 6 s 1 are each
34 amended to read as follows:

35 The purpose of the state board of education is to provide advocacy
36 and strategic oversight of public education; implement a standards-
37 based accountability framework that creates a unified system of

1 increasing levels of support for schools in order to improve student
2 academic achievement; provide leadership in the creation of a system
3 that personalizes education for each student and respects diverse
4 cultures, abilities, and learning styles; and promote achievement of
5 the goals of RCW 28A.150.210. In addition to any other powers and
6 duties as provided by law, the state board of education shall:

7 (1) Hold regularly scheduled meetings at such time and place within
8 the state as the board shall determine and may hold such special
9 meetings as may be deemed necessary for the transaction of public
10 business;

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

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

15 (4) For purposes of statewide accountability:

16 (a) Adopt and revise performance improvement goals in reading,
17 (~~writing~~), science, and mathematics, by subject and grade level, once
18 assessments in these subjects are required statewide; academic and
19 technical skills, as appropriate, in secondary career and technical
20 education programs; and student attendance, as the board deems
21 appropriate to improve student learning. The goals shall be consistent
22 with student privacy protection provisions of RCW 28A.655.090(7) and
23 shall not conflict with requirements contained in Title I of the
24 federal elementary and secondary education act of 1965, or the
25 requirements of the Carl D. Perkins vocational education act of 1998,
26 each as amended. The goals may be established for all students,
27 economically disadvantaged students, limited English proficient
28 students, students with disabilities, and students from
29 disproportionately academically underachieving racial and ethnic
30 backgrounds. The board may establish school and school district goals
31 addressing high school graduation rates and dropout reduction goals for
32 students in grades seven through twelve. The board shall adopt the
33 goals by rule. However, before each goal is implemented, the board
34 shall present the goal to the education committees of the house of
35 representatives and the senate for the committees' review and comment
36 in a time frame that will permit the legislature to take statutory
37 action on the goal if such action is deemed warranted by the
38 legislature;

1 (b) Identify the scores students must achieve in order to meet the
2 standard on the statewide student assessment and, for high school
3 students, to obtain a certificate of academic achievement. The board
4 shall also determine student scores that identify levels of student
5 performance below and beyond the standard. The board shall consider
6 the incorporation of the standard error of measurement into the
7 decision regarding the award of the certificates. The board shall set
8 such performance standards and levels in consultation with the
9 superintendent of public instruction and after consideration of any
10 recommendations that may be developed by any advisory committees that
11 may be established for this purpose. The legislature shall be advised
12 of the initial performance standards for the high school statewide
13 student assessment. Any changes recommended by the board in the
14 performance standards for the high school assessment shall be presented
15 to the education committees of the house of representatives and the
16 senate by November 30th of the school year in which the changes will
17 take place to permit the legislature to take statutory action before
18 the changes are implemented if such action is deemed warranted by the
19 legislature. The legislature shall be advised of the initial
20 performance standards and any changes made to the elementary level
21 performance standards and the middle school level performance
22 standards. The board must provide an explanation of and rationale for
23 all initial performance standards and any changes, for all grade levels
24 of the statewide student assessment. If the board changes the
25 performance standards for any grade level or subject, the
26 superintendent of public instruction must recalculate the results from
27 the previous ten years of administering that assessment regarding
28 students below, meeting, and beyond the state standard, to the extent
29 that this data is available, and post a comparison of the original and
30 recalculated results on the superintendent's web site;

31 (c) 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 (d) 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) Accredite, 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 However, no private school may be approved that operates a kindergarten
7 program only and no private school shall be placed upon the list of
8 accredited schools so long as secret societies are knowingly allowed to
9 exist among its students by school officials;

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

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

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

27 **Sec. 5.** RCW 28A.655.061 and 2011 1st sp.s. c 22 s 2 are each
28 amended to read as follows:

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

1 knowledge that the student must demonstrate on the statewide student
2 assessment for each content area.

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

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

29 (4) Beginning with the graduating class of 2015, a student must
30 meet the state standards in science in addition to the other content
31 areas required under subsection (3) of this section on the statewide
32 student assessment or the objective alternative assessments in order to
33 earn a certificate of academic achievement.

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

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

3 (7) School districts must make available to students the following
4 options:

5 (a) To retake the statewide student assessment up to four times in
6 the content areas in which the student did not meet the state standards
7 if the student is enrolled in a public school; or

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

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

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

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

35 (b)(i) A student's score on the mathematics(~~(7)~~) or reading or
36 English(~~(7, or writing)~~) portion of the SAT or the ACT may be used as an
37 objective alternative assessment under this section for demonstrating
38 that a student has met or exceeded the state standards for the

1 certificate of academic achievement. The state board of education
2 shall identify the scores students must achieve on the relevant portion
3 of the SAT or ACT to meet or exceed the state standard in the relevant
4 content area on the statewide student assessment. A student's score on
5 the science portion of the ACT or the science subject area tests of the
6 SAT may be used as an objective alternative assessment under this
7 section as soon as the state board of education determines that
8 sufficient data is available to identify reliable equivalent scores for
9 the science content area of the statewide student assessment. After
10 the first scores are established, the state board may increase but not
11 decrease the scores required for students to meet or exceed the state
12 standards.

13 (ii) A student who scores at least a three on the grading scale of
14 one to five for selected AP examinations may use the score as an
15 objective alternative assessment under this section for demonstrating
16 that a student has met or exceeded state standards for the certificate
17 of academic achievement. A score of three on the AP examinations in
18 calculus or statistics may be used as an alternative assessment for the
19 mathematics portion of the statewide student assessment. (~~A score of
20 three on the AP examinations in English language and composition may be
21 used as an alternative assessment for the writing portion of the
22 statewide student assessment.~~) A score of three on the AP
23 examinations in English literature and composition, macroeconomics,
24 microeconomics, psychology, United States history, world history,
25 United States government and politics, or comparative government and
26 politics may be used as an alternative assessment for the reading
27 portion of the statewide student assessment. A score of three on the
28 AP examination in biology, physics, chemistry, or environmental science
29 may be used as an alternative assessment for the science portion of the
30 statewide student assessment.

31 (11) By December 15, 2004, the house of representatives and senate
32 education committees shall obtain information and conclusions from
33 recognized, independent, national assessment experts regarding the
34 validity and reliability of the high school Washington assessment of
35 student learning for making individual student high school graduation
36 determinations.

37 (12) To help assure continued progress in academic achievement as
38 a foundation for high school graduation and to assure that students are

1 on track for high school graduation, each school district shall prepare
2 plans for and notify students and their parents or legal guardians as
3 provided in this subsection. Student learning plans are required for
4 eighth grade students who were not successful on any or all of the
5 content areas of the state assessment during the previous school year
6 or who may not be on track to graduate due to credit deficiencies or
7 absences. The parent or legal guardian shall be notified about the
8 information in the student learning plan, preferably through a parent
9 conference and at least annually. To the extent feasible, schools
10 serving English language learner students and their parents shall
11 translate the plan into the primary language of the family. The plan
12 shall include the following information as applicable:

- 13 (a) The student's results on the state assessment;
- 14 (b) If the student is in the transitional bilingual program, the
15 score on his or her Washington language proficiency test II;
- 16 (c) Any credit deficiencies;
- 17 (d) The student's attendance rates over the previous two years;
- 18 (e) The student's progress toward meeting state and local
19 graduation requirements;
- 20 (f) The courses, competencies, and other steps needed to be taken
21 by the student to meet state academic standards and stay on track for
22 graduation;
- 23 (g) Remediation strategies and alternative education options
24 available to students, including informing students of the option to
25 continue to receive instructional services after grade twelve or until
26 the age of twenty-one;
- 27 (h) The alternative assessment options available to students under
28 this section and RCW 28A.655.065;
- 29 (i) School district programs, high school courses, and career and
30 technical education options available for students to meet graduation
31 requirements; and
- 32 (j) Available programs offered through skill centers or community
33 and technical colleges, including the college high school diploma
34 options under RCW 28B.50.535.

35 **Sec. 6.** RCW 28A.655.185 and 2005 c 495 s 1 are each amended to
36 read as follows:

- 37 (1) It is the intent of the legislature, through the creation of

1 the apple award, to honor and reward students in Washington's public
2 elementary schools who have shown significant improvement in their
3 school's results on the ((Washington)) statewide student assessment
4 ((of student learning)).

5 (2) The apple award program is created to honor and reward public
6 elementary schools that have the greatest combined average increase in
7 the percentage of students meeting the fourth grade reading((7)) and
8 mathematics((7-and-writing)) standards on the ((Washington)) statewide
9 student assessment ((of student learning)) each school year. The
10 program shall be administered by the state board of education.

11 (3) Within the amounts appropriated for this purpose, each school
12 that receives an apple award shall be provided with a twenty-five
13 thousand dollar grant to be used for capital construction purposes that
14 have been selected by students in the school and approved by the
15 district's school directors. The funds may be used exclusively for
16 capital construction projects on school property or on other public
17 property in the community, city, or county in which the school is
18 located.

19 **Sec. 7.** RCW 28A.655.200 and 2009 c 539 s 1 are each amended to
20 read as follows:

21 (1) The legislature intends to permit school districts to offer
22 norm-referenced assessments, make diagnostic tools available to school
23 districts, and provide funding for diagnostic assessments to enhance
24 student learning at all grade levels and provide early intervention
25 before the high school ((Washington)) statewide student assessment ((of
26 student learning)).

27 (2) In addition to the diagnostic assessments provided under this
28 section, school districts may, at their own expense, administer norm-
29 referenced assessments to students.

30 (3) Subject to the availability of amounts appropriated for this
31 purpose, the office of the superintendent of public instruction shall
32 post on its web site for voluntary use by school districts, a guide of
33 diagnostic assessments. The assessments in the guide, to the extent
34 possible, shall include the characteristics listed in subsection (4) of
35 this section.

36 (4) Subject to the availability of amounts appropriated for this
37 purpose, beginning September 1, 2007, the office of the superintendent

1 of public instruction shall make diagnostic assessments in reading,
2 (~~writing,~~) mathematics, and science in elementary, middle, and high
3 school grades available to school districts. Subject to funds
4 appropriated for this purpose, the office of the superintendent of
5 public instruction shall also provide funding to school districts for
6 administration of diagnostic assessments to help improve student
7 learning, identify academic weaknesses, enhance student planning and
8 guidance, and develop targeted instructional strategies to assist
9 students before the high school (~~Washington~~) statewide student
10 assessment (~~of student learning~~). To the greatest extent possible,
11 the assessments shall be:

- 12 (a) Aligned to the state's grade level expectations;
- 13 (b) Individualized to each student's performance level;
- 14 (c) Administered efficiently to provide results either immediately
15 or within two weeks;
- 16 (d) Capable of measuring individual student growth over time and
17 allowing student progress to be compared to other students across the
18 country;
- 19 (e) Readily available to parents; and
- 20 (f) Cost-effective.

21 (5) The office of the superintendent of public instruction shall
22 offer training at statewide and regional staff development activities
23 in:

- 24 (a) The interpretation of diagnostic assessments; and
- 25 (b) Application of instructional strategies that will increase
26 student learning based on diagnostic assessment data.

27 **Sec. 8.** RCW 28A.655.070 and 2008 c 163 s 2 are each amended to
28 read as follows:

29 (1) The superintendent of public instruction shall develop
30 essential academic learning requirements that identify the knowledge
31 and skills all public school students need to know and be able to do
32 based on the student learning goals in RCW 28A.150.210, develop student
33 assessments, and implement the accountability recommendations and
34 requests regarding assistance, rewards, and recognition of the state
35 board of education.

36 (2) The superintendent of public instruction shall:

1 (a) Periodically revise the essential academic learning
2 requirements, as needed, based on the student learning goals in RCW
3 28A.150.210. Goals one and two shall be considered primary. To the
4 maximum extent possible, the superintendent shall integrate goal four
5 and the knowledge and skill areas in the other goals in the essential
6 academic learning requirements; and

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

24 (3)(a) In consultation with the state board of education, the
25 superintendent of public instruction shall maintain and continue to
26 develop and revise a statewide academic assessment system in the
27 content areas of reading, ((writing)), mathematics, and science for use
28 in the elementary, middle, and high school years designed to determine
29 if each student has mastered the essential academic learning
30 requirements identified in subsection (1) of this section. School
31 districts shall administer the assessments under guidelines adopted by
32 the superintendent of public instruction. The academic assessment
33 system may include a variety of assessment methods, including
34 criterion-referenced and performance-based measures.

35 (b) Effective with the 2009 administration of the ((Washington))
36 statewide student assessment ((of student learning)), the
37 superintendent shall redesign the assessment in the content areas of

1 reading, mathematics, and science in all grades except high school by
2 shortening test administration and reducing the number of short answer
3 and extended response questions.

4 (c) The legislature recognizes that, when implemented, the
5 assessment used to assess the common core state standards may include
6 a writing assessment.

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

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

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

23 (7) To assist parents and teachers in their efforts to provide
24 educational support to individual students, the superintendent of
25 public instruction shall provide as much individual student performance
26 information as possible within the constraints of the assessment
27 system's item bank. The superintendent shall also provide to school
28 districts:

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

31 (b) A collection of diagnostic tools that educators may use to
32 evaluate the academic status of individual students. The tools shall
33 be designed to be inexpensive, easily administered, and quickly and
34 easily scored, with results provided in a format that may be easily
35 shared with parents and students.

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

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

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

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

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

14 (13) The superintendent shall post on the superintendent's web site
15 lists of resources and model assessments in writing, social studies,
16 the arts, and health and fitness.

17 **Sec. 9.** RCW 28A.655.065 and 2009 c 556 s 19 are each amended to
18 read as follows:

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

30 (2) Under RCW 28A.655.061, beginning in the 2006-07 school year,
31 the superintendent of public instruction shall implement objective
32 alternative assessment methods as provided in this section for students
33 to demonstrate achievement of the state standards in content areas in
34 which the student has not yet met the standard on the high school
35 (~~Washington~~) statewide student assessment (~~of student learning~~).
36 A student may access an alternative if the student meets applicable
37 eligibility criteria in RCW 28A.655.061 and this section and other

1 eligibility criteria established by the superintendent of public
2 instruction, including but not limited to attendance criteria and
3 participation in the remediation or supplemental instruction contained
4 in the student learning plan developed under RCW 28A.655.061. A school
5 district may waive attendance and/or remediation criteria for special,
6 unavoidable circumstances.

7 (3) For the purposes of this section, "applicant" means a student
8 seeking to use one of the alternative assessment methods in this
9 section.

10 (4) One alternative assessment method shall be a combination of the
11 applicant's grades in applicable courses and the applicant's highest
12 score on the high school (~~(Washington)~~) statewide student assessment
13 (~~(of student learning)~~), as provided in this subsection. A student is
14 eligible to apply for the alternative assessment method under this
15 subsection (4) if the student has a cumulative grade point average of
16 at least 3.2 on a four point grading scale. The superintendent of
17 public instruction shall determine which high school courses are
18 applicable to the alternative assessment method and shall issue
19 guidelines to school districts.

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

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

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

37 (5) The superintendent of public instruction shall develop an
38 alternative assessment method that shall be an evaluation of a

1 collection of work samples prepared and submitted by the applicant.
2 Effective September 1, 2009, collection of work samples may be
3 submitted only in content areas where meeting the state standard on the
4 high school assessment is required for purposes of graduation.

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

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

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

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

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

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

20 (6)(a) For students enrolled in a career and technical education
21 program approved under RCW 28A.700.030, the superintendent of public
22 instruction shall develop additional guidelines for collections of work
23 samples that are tailored to different career and technical programs.
24 The additional guidelines shall:

25 (i) Provide multiple examples of work samples that are related to
26 the particular career and technical program;

27 (ii) Permit work samples based on completed activities or projects
28 where demonstration of academic knowledge is inferred; and

29 (iii) Provide multiple examples of work samples drawn from career
30 and technical courses.

31 (b) The purpose of the additional guidelines is to provide a clear
32 pathway toward a certificate of academic achievement for career and
33 technical students by showing them applied and relevant opportunities
34 to demonstrate their knowledge and skills, and to provide guidance to
35 teachers in integrating academic and career and technical instruction
36 and assessment and assisting career and technical students in compiling
37 a collection. The superintendent of public instruction shall develop
38 and disseminate additional guidelines for no fewer than ten career and

1 technical education programs representing a variety of program
2 offerings by no later than September 1, 2008. Guidelines for ten
3 additional programs shall be developed and disseminated no later than
4 June 1, 2009.

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 appropriate guidelines and
9 examples of work samples and other evidence of a career and technical
10 student's 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) The superintendent of public instruction shall implement:

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

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

27 (9) The state board of education shall examine opportunities for
28 additional alternative assessments, including the possible use of one
29 or more standardized norm-referenced student achievement tests and the
30 possible use of the reading(~~(, writing,)~~) or mathematics portions of
31 the ACT ASSET and ACT COMPASS test instruments as objective alternative
32 assessments for demonstrating that a student has met the state
33 standards for the certificate of academic achievement. The state board
34 shall submit its findings and recommendations to the education
35 committees of the legislature by January 10, 2008.

36 (10) The superintendent of public instruction shall adopt rules to
37 implement this section.

1 **Sec. 10.** RCW 28A.230.095 and 2011 c 185 s 5 are each amended to
2 read as follows:

3 (1) By the end of the (~~2008-09~~) 2015-16 school year, school
4 districts shall have in place in elementary schools, middle schools,
5 and high schools assessments or other strategies chosen by the district
6 to assure that students have an opportunity to learn the essential
7 academic learning requirements in writing, social studies, the arts,
8 and health and fitness. Social studies includes history, geography,
9 civics, economics, and social studies skills. Health and fitness
10 includes, but is not limited to, mental health and suicide prevention
11 education. Beginning with the (~~2008-09~~) 2015-16 school year, school
12 districts shall annually submit an implementation verification report
13 to the office of the superintendent of public instruction. The office
14 of the superintendent of public instruction may not require school
15 districts to use a classroom-based assessment in writing, social
16 studies, the arts, and health and fitness to meet the requirements of
17 this section and shall clearly communicate to districts their option to
18 use other strategies chosen by the district.

19 (2) Beginning with the (~~2008-09~~) 2015-16 school year, school
20 districts shall require students in the seventh or eighth grade, and
21 the eleventh or twelfth grade to each complete at least one classroom-
22 based assessment in civics. Beginning with the (~~2010-11~~) 2015-16
23 school year, school districts shall require students in the fourth or
24 fifth grade to complete at least one classroom-based assessment in
25 civics. The civics assessment may be selected from a list of
26 classroom-based assessments approved by the office of the
27 superintendent of public instruction. Beginning with the (~~2008-09~~)
28 2015-16 school year, school districts shall annually submit
29 implementation verification reports to the office of the superintendent
30 of public instruction documenting the use of the classroom-based
31 assessments in civics.

32 (3) Verification reports shall require school districts to report
33 only the information necessary to comply with this section.

34 NEW SECTION. **Sec. 11.** Section 10 of this act takes effect July 1,
35 2012.

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