

# HOUSE BILL REPORT

## E2SSB 5237

---

### As Reported by House Committee On:

Education  
Appropriations

**Title:** An act relating to establishing accountability for student performance in reading.

**Brief Description:** Establishing accountability for student performance in reading.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield and Carrell).

### Brief History:

#### Committee Activity:

Education: 3/19/13, 4/2/13 [DPA];

Appropriations: 4/5/13, 4/8/13 [DPA(ED)].

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

- Assigns responsibilities to the Office of the Superintendent of Public Instruction (OSPI) to continue implementation of a Comprehensive Literacy Plan and support school districts in reading and early literacy.
- Requires school districts to provide a system of instruction and services in reading and early literacy that includes screening and diagnostic assessments, use of evidence-based instructional strategies, continuous use of data, partnerships with community organizations, and family engagement.
- Makes the third grade reading assessment an accountability measure for these efforts.
- Directs the State Board of Education (SBE) to monitor results and progress in third grade reading and submit its findings to the OSPI biennially.
- Requires the OSPI to submit recommendations based on the SBE report by December 1 of each even-numbered year.

---

### HOUSE COMMITTEE ON EDUCATION

---

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

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Santos, Chair; Stonier, Vice Chair; Bergquist, Haigh, Hunt, Lytton, Maxwell, McCoy, Orwall, Pollet and Seaquist.

**Minority Report:** Do not pass. Signed by 10 members: Representatives Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Fagan, Hargrove, Hawkins, Hayes, Klippert, Parker, Pike and Warnick.

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

**Background:**

*Support for Early Literacy.*

In 2010 Washington received funds from the U.S. Department of Education to develop a Comprehensive Literacy Plan (Plan) intended to provide guidance and support for parents, early learning providers, teachers, and literacy experts. The Office of the Superintendent of Public Instruction (OSPI) collaborated with the Department of Early Learning (DEL) and others in developing the Plan. The Plan:

- focuses on birth to grade 12;
- expands the definition of literacy to include new research on brain development;
- integrates the Common Core State Standards and Response to Intervention (a data-based approach to early identification and targeted support services based on students' needs); and
- promotes the use of technology.

Other state policies to support reading and early literacy include the Washington Reading Corps, a second grade reading assessment conducted by school districts for diagnostic purposes, the Learning Assistance Program for struggling students, and the Dyslexia Pilot Project and Handbook.

Under 2010 legislation, the Legislature is phasing-in funding to support statewide all-day kindergarten and reduced class size in kindergarten through third grade (K-3).

*Statewide Assessments for Reading.*

The statewide student assessment in grades 3 through 8 is called the Measurements of Student Progress (MSP). The following table from the OSPI website shows the results from the MSP in third grade reading for 2011-12:

<b>Performance Level</b>	<b>Percent</b>	<b>Number</b>
Level 4: Advanced	32.1%	24,644
Level 3: Proficient	35.7%	27,434
Level 2: Basic	21.8%	16,731
Level 1: Below Basic	8.4%	6,430
Special Education Portfolio	—	777
No Score/Not Included	—	1,701

## **Summary of Amended Bill:**

The responsibility for reading and early literacy is shared among local school districts, state and regional education agencies, and the Legislature. The Legislature's responsibility is to continue funding for Basic Education, including phased-in implementation of all-day kindergarten and reduced K-3 class size. The Legislature also supports such initiatives as the Washington Reading Corps, early learning, and professional development for educators.

The responsibility of the OSPI is to:

- continue to work collaboratively with the DEL and the Educational Service Districts (ESDs) on early literacy benchmarks and the Plan;
- disseminate research and information about evidence-based practices in reading and early literacy, English language acquisition, instruction for students with dyslexia, and how neuroscience can inform reading instruction;
- provide statewide models to support district implementation of Response to Intervention, Positive Behavior Intervention Support Systems, and other similar models of data-based identification and early intervention; and
- within available funds and in partnership with the ESDs, provide technical assistance and professional development.

School districts are responsible for providing a comprehensive system of instruction and services in reading and early literacy for K-3 students that is tiered based on the degree of students' need for additional support. Such systems must include:

- annual use of screening assessments and other tools to identify at-risk readers;
- use of appropriate diagnostic assessments and evaluations to identify potential causes of low literacy skills, based on the screening results and progress monitoring;
- provision of a range of research and evidence-based strategies to assist students in reaching grade-level performance;
- continuous use of data;
- creation of partnerships with early learning, out-of-school service providers, and social and health service organizations to align and coordinate provision of in- and out-of-school supports and services in a wraparound manner; and
- family involvement and engagement strategies.

The state third grade reading or English Language Arts (ELA) assessment serves as an accountability measure for the comprehensive system of instruction and services in reading and early literacy. The State Board of Education (SBE) must monitor reading/ELA results in third grade, as well as progress on the assessment in fourth through eighth grade. The SBE must examine trends and patterns over time, within and among schools, and by student subgroup. The SBE must establish benchmarks to serve as warning indicators of system problems based on results over a three-year period. The SBE must submit a biennial report of its analysis and findings to the OSPI.

Based on the report, the OSPI must consult with teachers, the DEL, the ESDs, and others to develop recommendations for action to improve outcomes in reading and early literacy. The recommendations must be submitted to the legislative Education Committees by December 1 of each even-numbered year.

Subject to funds appropriated for this purpose, the University of Washington must conduct a research study on the neuroscience associated with early literacy and use the findings to suggest strategies for improved instruction.

**Amended Bill Compared to Engrossed Second Substitute Bill:**

All provisions of the underlying bill are replaced. The underlying bill required expansion of the Early Childhood Education and Assistance Program, if funds were appropriated; required professional development opportunities in reading instruction for K-3 teachers; directed that the Learning Assistance Program be focused first on K-3 students who were deficient in reading; required report cards to include whether the student was at grade-level in reading; required an automatic meeting with parents to discuss placement and remedial strategies for any student who scored Below Basic on the third grade ELA assessment; and specified the types of remediation to be provided beginning in 2016-17 for any student who did not meet the standard on the third grade ELA assessment, if funds were appropriated.

---

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Students in first through third grade are learning to read, but beginning in fourth grade, they are reading to learn. Students who are not reading adequately by fourth grade will struggle in schools. They are four times more likely to drop out. If they are poor or are children of color, then they are eight times more likely to drop out. Something must be done to address the opportunity gap and the trajectory of these numbers. There should be additional resources directed toward early childhood and K-3 students specifically to assure that students are reading at grade level. The bill has been worked on by many senators and is currently better than it was.

This bill is a stepping stone toward closing the achievement gap. The strategies include parent engagement, professional development, and providing earlier support services to have children reading by third grade.

(In support with concerns) Although this is a good framework to assure that all students are reading by third grade, there are concerns about collapsing the use of Learning Assistance Program (LAP) funds. More than half of the third grade students who are not reading at grade level are students of color. To better prepare students, the types of support outlined in the bill are needed. Work has been done to make the bill stronger and shift the focus to early intervention so that fewer students need remediation on the back end.

High school students in Oroville are using this bill as a case study in civics. The students believe these strategies must be adequately funded. They are skeptical about the effectiveness of retention, but they support early intervention and believe in the importance of reading by third grade. They are split on the issue of greater involvement of parents through increased parent meetings and notice requirements. They have concerns for children who do not have strong parent relationships.

There has been a lot of work on this bill. It is not a retention bill anymore, but instead focuses on the importance of K-3 reading. There are some concerns with the funding and some of the prescriptiveness of the language. For example, requiring 90 minutes per day of reading is probably too limiting.

Schools already use many strategies to assist young children, including full-day kindergarten, reading specialists, diagnostic screening, and early identification. Schools put their money where it counts in K-3 interventions. The real concern is with retention. Retained students are twice as likely to drop out of school.

(Opposed) The policies in this bill will not work. Schools do not get the test results until August, so it is not possible to require summer school for students who do not pass. Schools have already been working on good reforms. There is also a second grade reading test that is used to help identify struggling students. Schools need additional funding to hire back the reading specialists and counselors they have lost. Retention is disastrous. The negative effects are pervasive across all academic outcomes and grade levels. It would be difficult to find another educational practice where the evidence is so negative.

The conversation about the importance of early reading is appreciated, but this bill is still opposed. The best concept in the bill is that there should be investments to support early reading. Teachers are excited about reforms that have already passed, such as full-day kindergarten and reduced class size, but time is needed to see the full effect. Placing such a heavy emphasis on a reading test will have an emotional impact on third graders. Students will no longer be able to learn effectively for fear of what will happen. The bill is much improved, but there are still concerns with the provisions. The focus of LAP funds on first through third grade means many other good things will not be done. Some school districts use funds to stop dropouts and improve graduation rates. The reprioritization of LAP funds is a significant concern. The bill provides only two choices: retention or attendance in summer school. This is too directive. It is an example of the Legislature acting like a school district in the sky by requiring extra meetings with parents and specifying 90 minutes per day of a particular activity. These are decisions to be made by local school boards in consultation with teachers and parents.

**Persons Testifying:** (In support) Senator Dammeier, prime sponsor; Sharonne Navas, Equity in Education Coalition; and Dave Powell, Stand for Children.

(In support with concerns) Frank Ordway, League of Education Voters; Carolyn Logue, Oroville High School and TVW Classroom Connect; Joan Bower, Olympia School District; and Ben Rarick, State Board of Education.

(Opposed) Nancy Truitt Pierce, Monroe Public Schools; Pam Veltri, Medical Lake School District; Wendy Rader-Konofalski, Washington Education Association; Julie Jackson, Elma School Board; Marcia Fromhold, Office of the Superintendent of Public Instruction; Marie Sullivan, Washington State School Directors' Association; and Dan Steele, Washington Association of School Administrators.

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

---

## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Education. Signed by 18 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Green, Haigh, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Pedersen, Pettigrew, Seaquist, Springer and Sullivan.

**Minority Report:** Do not pass. Signed by 13 members: Representatives Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dahlquist, Fagan, Haler, Harris, Parker, Pike, Ross, Schmick and Taylor.

**Staff:** Jessica Harrell (786-7349).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) The striking amendment represents a distinct improvement over the Senate version of the bill. Reading progress is measured in multiple ways and the bill uses the assessments as a system check. The shared responsibility for the reading achievement is also a good thing. Lowering class sizes for early grades will also help support reading education of young students.

Children learn to read in very different ways and 20 percent of students find learning to read remarkably difficult without a great deal of assistance. It is known, from research and experience, that children must be screened, diagnosed, and appropriate interventions provided early on, and on a continued basis, to make sure that all students are able to learn to read. This bill addresses all of the reading issues. With that being said, funds are needed for professional development in the use of data and diagnostic tools and in instructional support

for kids with learning needs. Any kid can have special needs. Needs are not determined by poverty level. It is important to make sure the teachers providing instruction to students have the ability to support the unique needs of kids with learning disorders.

(Opposed) None.

**Persons Testifying:** Senator Dammeier, prime sponsor; Wendy Rader-Konafalski, Washington Education Association; and Ramona Hattendorf, Washington State PTA.

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