

HOUSE BILL REPORT

ESSB 5803

As Passed House:
April 9, 2015

Title: An act relating to the notification of parents when their children are below basic on the third grade statewide English language arts assessment.

Brief Description: Concerning the notification of parents when their children are below basic on the third grade statewide English language arts assessment.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Dammeier, McAuliffe and Keiser).

Brief History:

Committee Activity:

Education: 3/17/15, 3/30/15 [DP].

Floor Activity:

Passed House: 4/9/15, 95-2.

Brief Summary of Engrossed Substitute Bill

- Makes timing and other changes to the process for addressing third grade students reading below grade level.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 21 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Calder, Fagan, Gregory, Griffey, Hargrove, Hayes, S. Hunt, Kilduff, Klippert, Lytton, McCaslin, Orwall, Pollet and Springer.

Staff: Cece Clynch (786-7195).

Background:

In 2013 the Legislature directed school districts to take certain prescribed steps in the event a third grade student scored below basic on the third grade statewide English Language Arts

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.

(ELA) assessment. "Basic" is defined as a score of two on the four-level scoring system. "Below basic" is a score of one.

Beginning in the 2014-15 school year, districts are required to do the following:

- Schedule a meeting, before the end of the school year, between the student's parent or guardian, teacher, and the principal to discuss appropriate grade placement and recommended intensive strategies to improve the student's reading skills.
- For students to be placed in fourth grade, the discussion must include an intensive improvement strategy that includes a summer program or other option identified as appropriately meeting the student's need to prepare for fourth grade.
- The student's parent or guardian must be fully informed and their consent must be obtained for the grade placement and improvement strategy, which must then be implemented by the district.

In 2015 the third grade statewide student ELA assessment is to be administered between March 10 and April 23, in order to meet the meeting requirements above. In contrast, the third grade statewide mathematics assessment has a longer administration window: March 10 through June 15, 2015 (within the last 12 weeks of the school year).

Students in special education are exempt from these policies because communication with parents and improvement strategies are based on the student's individualized education program. English language learner students are also exempt unless they have been enrolled in the Transitional Bilingual Instruction Program for three school years.

Summary of Bill:

The timing of the meeting with parents and guardians is changed, and the requirement that principals attend the meeting is removed. Prior to the return of the results of the third grade statewide ELA assessment, elementary schools shall require meetings between teachers and parents or guardians of students in third grade who are reading below grade-level or who, based on formative or diagnostic assessment and other indicators, are likely to score in the below basic level on the third grade statewide ELA assessment. At the meeting, the teacher must inform the parents or guardians of the reading improvement strategies that will be available to students before fourth grade and the district's grade placement policy for the following year. For students to be placed in the fourth grade, the district must provide an intensive improvement strategy that includes a summer program or other options developed to meet the needs of students preparing for fourth grade.

Schools that have regularly scheduled parent teacher conferences may use those conferences to comply with the meeting requirement.

In the event that a student scores below grade level on the third grade statewide ELA assessment, and no prior meeting has occurred, the principal or his or her designee must notify the student's parents or guardians of the following:

- the below basic score;
- an explanation regarding the requirements of the law with respect to the meeting, provision of improvement strategies, and grade placement;
- the intensive improvement strategy options that are available;

- the school district's grade placement policy;
- contact information for a school district employee who can respond to questions and provide additional information; and
- a reasonable deadline for obtaining the parent's consent regarding the student's intensive improvement strategies that will be implemented and the student's grade placement.

Regardless of whether there is a meeting between teacher and parent or guardian, or whether the information is communicated via the principal or his or her designee, the school district must still receive the parent's or guardian's consent regarding appropriate grade placement and the intensive improvement strategy to be implemented. If there is not agreement, the parent's request will be honored. If a parent or guardian does not respond by the deadline or a reasonable time thereafter, the principal or his or her designee must make a decision on the student's grade placement for the following year and the intensive improvement strategies that will be implemented during the following school year.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This bill makes it easier on school districts. It allows districts to combine two meetings into a single meeting, work with parents, and get improvement strategies in place sooner. The emergency clause in the bill is aimed at sending an early signal to the school districts that these changes are being made in order to make it easier on them. By expediting the passage of this bill, and including an emergency clause, it can have an effect this spring. This is a reasonable fix for the problems created by the current statutory requirements.

Currently, the meeting requirements are causing chaos. This will allow more flexibility, while still making sure that the improvement strategies are put in place. More meetings and conferences results in less instructional time and less time for the other things that teachers must do. More meetings also lead to the need to hire more substitutes. Removing the requirement that the principal attend each meeting also makes it more workable, since it is impractical to coordinate lots of meetings with lots of personnel. This bill is good for kids, good for families, and good for teachers and principals.

The Washington Education Association does not support using high stakes testing for purposes of grade placement. This bill will focus the conversation on formative and diagnostic testing rather than just the Smarter Balanced Assessment Consortium tests. The bill allows districts to use existing meetings with parents to satisfy the meeting requirements. It also clarifies that parents have the final say over grade placement. The Legislature is urged to expedite this bill.

(Opposed) None.

(Other) There is support for what this bill is doing, but a request is made for another fix that hasn't previously been mentioned. The underlying statute exempts students participating in the Transitional Bilingual Instruction Program (TBIP), but only during the first three years that the student participates in that program. After three years, if the student receives a score of below basic on the third grade statewide assessment in ELA, he or she is not exempt and the requirements are applicable. In the Pasco School District, a large percentage are English language learners. In 2015 710 third graders in the district are expected to score below basic. Pasco uses the late exit program which allows students to be taught in their native language for a longer period, perhaps through the third, fourth, or even fifth grades. The results show that these students outperform their English speaking peers by grade 10. A change in the law is requested to exempt students participating in the TBIP until they have passed the English language proficiency requirements rather than eliminating the exemption after three years of participation.

Persons Testifying: (In support) Senator Dammeier, prime sponsor; Corina Hansen, Quil Ceda Tulalip Elementary School; Julie Anneberg, Shoreline Schools; Wendy Rader-Konofalski, Washington Education Association; Jerry Bender, Association of Washington School Principals; Lisa Potts, Office of the Superintendent of Public Instruction; and Bill Keim, Washington Association of School Administrators.

(Other) Marie Sullivan, Pasco School District.

Persons Signed In To Testify But Not Testifying: None.