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**SUBSTITUTE SENATE BILL 5414 (Corrected Copy)**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, King, Oemig, and McDermott)

READ FIRST TIME 02/13/09.

1            AN ACT Relating to statewide assessments and curricula; amending  
2 RCW 28A.655.061 and 28A.655.066; adding a new section to chapter  
3 28A.300 RCW; and creating new sections.

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

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

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

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

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

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

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

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

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

14 (c) Provide rapid feedback;

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

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

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

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

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

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

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

29 (k) Engage students in their learning.

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

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

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

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

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

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

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

26 NEW SECTION. **Sec. 2.** The superintendent of public instruction  
27 shall:

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

35 (2) Revisit the alternative assessments, the appeals process,  
36 including considering authorizing local school districts to determine  
37 the outcome of an appeal by a student to demonstrate that he or she has

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

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

10 (1) The high school assessment system shall include but need not be  
11 limited to the Washington assessment of student learning, opportunities  
12 for a student to retake the content areas of the assessment in which  
13 the student was not successful, and if approved by the legislature  
14 pursuant to subsection (10) of this section, one or more objective  
15 alternative assessments for a student to demonstrate achievement of  
16 state academic standards. The objective alternative assessments for  
17 each content area shall be comparable in rigor to the skills and  
18 knowledge that the student must demonstrate on the Washington  
19 assessment of student learning for each content area.

20 (2) Subject to the conditions in this section, a certificate of  
21 academic achievement shall be obtained by most students at about the  
22 age of sixteen, and is evidence that the students have successfully met  
23 the state standard in the content areas included in the certificate.  
24 With the exception of students satisfying the provisions of RCW  
25 28A.155.045 or 28A.655.0611, acquisition of the certificate is required  
26 for graduation from a public high school but is not the only  
27 requirement for graduation.

28 (3)(a) Beginning with the graduating class of 2008, with the  
29 exception of students satisfying the provisions of RCW 28A.155.045, a  
30 student who meets the state standards on the reading((~~τ~~)) and  
31 writing((~~,—and—mathematics~~)) content areas of the high school  
32 Washington assessment of student learning or an objective alternative  
33 assessment shall earn a certificate of academic achievement.

34 (b) After a determination is made by the state board of education  
35 that the high school Washington assessment of student learning in the  
36 content areas of mathematics and science is sufficiently reliable and  
37 valid, with the exception of students satisfying the provisions of RCW

1 28A.155.045, students must also meet the state standards on the  
2 mathematics and science content areas of the Washington assessment of  
3 student learning or an objective alternative assessment in order to  
4 earn a certificate of academic achievement. The state board of  
5 education may make a separate determination for the mathematics and the  
6 science content areas of the assessment. The determination by the  
7 state board of education must be adopted by rule by September 1st of  
8 the freshman school year of the graduating class to which the  
9 graduation requirement under subsection (2) of this section applies.  
10 In making the determination, the state board of education shall obtain  
11 information and conclusions from recognized, independent, national  
12 assessment experts and other objective sources of expertise as the  
13 board deems necessary.

14 (c) Beginning no later than with the graduating class of 2013, a  
15 student must meet the state standards in science in addition to the  
16 other content areas required under this subsection on the Washington  
17 assessment of student learning or the approved objective alternative  
18 assessments in order to earn a certificate of academic achievement.

19 (4) If a student does not successfully meet the state standards in  
20 one or more content areas required for the certificate of academic  
21 achievement, then the student may retake the assessment in the content  
22 area up to four times at no cost to the student. If the student  
23 successfully meets the state standards on a retake of the assessment  
24 then the student shall earn a certificate of academic achievement.  
25 Once objective alternative assessments are authorized pursuant to  
26 subsection (10) of this section, a student may use the objective  
27 alternative assessments to demonstrate that the student successfully  
28 meets the state standards for that content area if the student has  
29 taken the Washington assessment of student learning at least once. If  
30 the student successfully meets the state standards on the objective  
31 alternative assessments then the student shall earn a certificate of  
32 academic achievement.

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

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

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

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

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

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

21 (b) To retake the Washington assessment of student learning up to  
22 four times in the content areas in which the student did not meet the  
23 state standards if the student is enrolled in a high school completion  
24 program at a community or technical college. The superintendent of  
25 public instruction and the state board for community and technical  
26 colleges shall jointly identify means by which students in these  
27 programs can be assessed.

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

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

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

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

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

24 (ii) Until August 31, 2008, a student's score on the mathematics  
25 portion of the (~~(preliminary scholastic assessment test~~(+))PSAT((+))  
26 may be used as an objective alternative assessment under this section  
27 for demonstrating that a student has met or exceeded the state standard  
28 for the certificate of academic achievement. The state board of  
29 education shall identify the score students must achieve on the  
30 mathematics portion of the PSAT to meet or exceed the state standard in  
31 that 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  
10 senate education committees shall obtain information and conclusions  
11 from 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 are  
17 on track for high school graduation, each school district shall prepare  
18 plans for and notify students and their parents or legal guardians as  
19 provided in this subsection (~~((12))~~) (11).

20 (a) Student learning plans are required for eighth through twelfth  
21 grade students who were not successful on any or all of the content  
22 areas of the Washington assessment for student learning during the  
23 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) The student's results on the Washington assessment of student  
32 learning;
- 33 (ii) If the student is in the transitional bilingual program, the  
34 score on his or her Washington language proficiency test II;
- 35 (iii) Any credit deficiencies;
- 36 (iv) The student's attendance rates over the previous two years;
- 37 (v) The student's progress toward meeting state and local  
38 graduation requirements;



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

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

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

10 (ix) School district programs, high school courses, and career and  
11 technical education options available for students to meet graduation  
12 requirements; and

13 (x) Available programs offered through skill centers or community  
14 and technical colleges.

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

18 (i) The parent or guardian of the student shall be notified,  
19 preferably through a parent conference, of the student's results on the  
20 Washington assessment of student learning, actions the school intends  
21 to take to improve the student's skills in any content area in which  
22 the student was unsuccessful, and provide strategies to help them  
23 improve their student's skills.

24 (ii) Progress made on the student plan shall be reported to the  
25 student's parents or guardian at least annually and adjustments to the  
26 plan made as necessary.

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

29 (1) In consultation with the state board of education, the  
30 superintendent of public instruction shall develop statewide end-of-  
31 course assessments for high school mathematics that measure student  
32 achievement of the state mathematics standards. The superintendent  
33 shall take steps to ensure that the language of the assessments is  
34 responsive to a diverse student population. The superintendent shall  
35 develop end-of-course assessments in algebra I, geometry, integrated  
36 mathematics I, and integrated mathematics II(~~(. The superintendent~~  
37 ~~shall make the algebra I and integrated mathematics I end-of-course~~

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

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

14 ~~(3))~~ Beginning with the ~~((graduating class of 2014 and for~~  
15 ~~purposes of the certificate of academic achievement under RCW~~  
16 ~~28A.655.061,)) 2010-11 school year the mathematics content area of the  
17 Washington assessment of student learning shall be assessed using  
18 either the algebra I end-of-course assessment plus the geometry end-of-  
19 course assessment or the integrated mathematics I end-of-course  
20 assessment plus the integrated mathematics II end-of-course assessment.  
21 All of the objective alternative assessments available to students  
22 under RCW 28A.655.061 and 28A.655.065 shall be available to any student  
23 who has taken the sequence of end-of-course assessments once but does  
24 not meet the state mathematics standard on the sequence of end-of-  
25 course assessments.~~

26 ~~((+4))~~ (3) The superintendent of public instruction shall report  
27 at 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 NEW SECTION. Sec. 5. The state board of education shall analyze  
31 the feasibility of the current statutory timeline for students to meet  
32 the state standard in the science content area of the current  
33 Washington assessment of student learning for purposes of high school  
34 graduation. The analysis shall examine trends and projections of  
35 student performance on the science assessment, time available in the  
36 school day and school week for science instruction, implementation of  
37 the revised science standards, whether science curricula used by school

1 districts align with the recommended curricula, the availability of an  
2 adequate number of highly qualified science teachers, trends in the  
3 design of high school science assessments in other states, and the  
4 possible impact of new graduation requirements in science. The board  
5 shall submit the analysis to the governor and the education committees  
6 of the legislature by December 1, 2009, with recommendations on whether  
7 the graduation requirement timeline should be adjusted, whether the  
8 assessment design should be changed, and any other recommendations for  
9 improvement of science teaching and learning.

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