

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5414

Chapter 310, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

STATEWIDE ASSESSMENTS AND CURRICULA

EFFECTIVE DATE: 07/26/09 - Except section 5, which becomes effective 04/30/09.

Passed by the Senate April 19, 2009
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 2009
YEAS 95 NAYS 2

FRANK CHOPP

Speaker of the House of Representatives

Approved April 30, 2009, 11:37 a.m.,
with the exception of Section 4 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5414** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 1, 2009

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5414

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

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.655.066; reenacting and amending RCW 28A.305.215; adding a new
3 section to chapter 28A.300 RCW; creating new sections; and declaring an
4 emergency.

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

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

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

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

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

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

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

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

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

16 (c) Provide rapid feedback;

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

19 (e) Provide tests that are appropriate to the skill level of the
20 student;

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

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

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

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

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

31 (k) Engage students in their learning.

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

- 1 (a) Be aligned to state standards in areas that are being assessed;
- 2 (b) Maintain and increase academic rigor;
- 3 (c) Measure student learning growth over years; and
- 4 (d) Strengthen curriculum.

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

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

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

19 (7) The superintendent of public instruction, in consultation with
20 the state board of education, shall begin design and development of an
21 overall assessment system that meets the principles and characteristics
22 described in this section. In designing formative and summative
23 assessments, the superintendent shall solicit bids for the use of
24 computerized adaptive testing methodologies.

25 (8) Beginning December 1, 2009, and annually thereafter, the
26 superintendent and state board shall jointly report to the legislature
27 regarding the assessment system, including a cost analysis of any
28 changes and costs to expand availability and use of instructionally
29 supportive formative assessments.

30 NEW SECTION. **Sec. 2.** The superintendent of public instruction
31 shall:

32 (1) Revise the number of open-ended questions and extended
33 responses in the statewide achievement assessment in grades three
34 through eight and ten to reduce the cost and time of administering the
35 assessment while retaining validity and reliability of the assessment
36 and retaining assessment of critical thinking skills. By December 1,

1 2009, the superintendent shall report to the legislature regarding the
2 changes, including a cost analysis of the changes; and

3 (2) Revisit the alternative assessments, the appeals process,
4 including considering authorizing local school districts to determine
5 the outcome of an appeal by a student to demonstrate that he or she has
6 the level of understanding of a content area assessed on the Washington
7 assessment of student learning necessary to meet the state standard but
8 was unable to demonstrate that understanding on the assessment or an
9 alternative assessment, and the Washington alternative assessment
10 system portfolios for students with the most significant cognitive
11 disabilities. By December 1, 2009, the superintendent shall make
12 recommendations to the legislature for improvements.

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

15 (1)(a) In consultation with the state board of education, the
16 superintendent of public instruction shall develop statewide end-of-
17 course assessments for high school mathematics that measure student
18 achievement of the state mathematics standards. The superintendent
19 shall take steps to ensure that the language of the assessments is
20 responsive to a diverse student population. The assessments shall be
21 implemented statewide in the 2010-11 school year.

22 (b) ~~The superintendent shall develop end-of-course assessments ((in~~
23 ~~algebra – I, – geometry, – integrated – mathematics – I, – and – integrated~~
24 ~~mathematics – II. – The – superintendent – shall – make – the – algebra – I – and~~
25 ~~integrated mathematics I end-of-course assessments available to school~~
26 ~~districts on an optional basis in the 2009-10 school year. – The end-of-~~
27 ~~course assessments in algebra I, geometry, integrated mathematics I,~~
28 ~~and integrated mathematics II shall be implemented statewide in the~~
29 ~~2010-11 school year))~~ for the first year of high school mathematics
30 that include the standards common to algebra I and integrated
31 mathematics I and for the second year of high school mathematics that
32 include the standards common to geometry and integrated mathematics II.
33 The assessments under this subsection (1)(b) shall be used to
34 demonstrate that a student meets the state standard on the mathematics
35 content area of the high school Washington assessment of student
36 learning for purposes of RCW 28A.655.061.

1 (c) The superintendent of public instruction shall also develop
2 subtests for the end-of-course assessments that measure standards for
3 the first two years of high school mathematics that are unique to
4 algebra I, integrated mathematics I, geometry, and integrated
5 mathematics II. The results of the subtests shall be reported at the
6 student, teacher, school, and district level.

7 (2) For the graduating (~~class of 2013~~) classes of 2013 and 2014
8 and for purposes of the certificate of academic achievement under RCW
9 28A.655.061, a student may use: (a) Results from the (~~algebra I end-~~
10 ~~of-course assessment plus the geometry end-of-course assessment or~~
11 ~~results from the integrated mathematics I end-of-course assessment plus~~
12 ~~the integrated mathematics II end-of-course assessment may be used)~~
13 end-of-course assessment for the first year of high school mathematics
14 plus the results from the end-of-course assessment for the second year
15 of high school mathematics; or (b) results from the comprehensive
16 mathematics assessment to demonstrate that a student meets the state
17 standard on the mathematics content area of the high school Washington
18 assessment of student learning.

19 (3) Beginning with the graduating class of (~~2014~~) 2015 and for
20 purposes of the certificate of academic achievement under RCW
21 28A.655.061, the mathematics content area of the Washington assessment
22 of student learning shall be assessed using (~~either the algebra I end-~~
23 ~~of-course assessment plus the geometry end-of-course assessment or the~~
24 ~~integrated mathematics I end-of-course assessment plus the integrated~~
25 ~~mathematics II end-of-course assessment)~~) the end-of-course assessment
26 for the first year of high school mathematics plus the end-of-course
27 assessment for the second year of high school mathematics. All of the
28 objective alternative assessments available to students under RCW
29 28A.655.061 and 28A.655.065 shall be available to any student who has
30 taken the sequence of end-of-course assessments once but does not meet
31 the state mathematics standard on the sequence of end-of-course
32 assessments.

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

1 ***NEW SECTION.** Sec. 4. (1) The office of the superintendent of
2 public instruction, in consultation with the state board of education
3 and the professional educator standards board, shall develop an
4 implementation plan and strategies to ensure that all students have the
5 opportunity to learn the new science and mathematics standards. The
6 plan must include the following components:

7 (a) Strategies to help districts improve their alignment of
8 curriculum and teacher instruction to the new standards;

9 (b) Identification of effective intervention programs and
10 strategies for struggling students; and

11 (c) An assessment of the feasibility of implementing the current
12 timelines for students to demonstrate that they have met state
13 mathematics and science standards on the statewide high school
14 assessments.

15 (2) The office of the superintendent of public instruction, in
16 consultation with the state board of education, shall also recommend
17 whether to use a comprehensive assessment or end-of-course assessments,
18 including the costs for developing and implementing these assessments,
19 for the high school assessment for students to demonstrate that they
20 have achieved proficiency on the state's science standards.

21 (3) The office of the superintendent of public instruction shall
22 report to the governor and legislature by December 1, 2009, on the
23 implementation plan and the recommended method of assessment for
24 science.

**Sec. 4 was vetoed. See message at end of chapter.*

25 **Sec. 5.** RCW 28A.305.215 and 2008 c 274 s 2 and 2008 c 172 s 2 are
26 each reenacted and amended to read as follows:

27 (1) The activities in this section revise and strengthen the state
28 learning standards that implement the goals of RCW 28A.150.210, known
29 as the essential academic learning requirements, and improve alignment
30 of school district curriculum to the standards.

31 (2) The state board of education shall be assisted in its work
32 under subsections (3), (4), and (5) of this section by: (a) An expert
33 national consultant in each of mathematics and science retained by the
34 state board; and (b) the mathematics and science advisory panels
35 created under RCW 28A.305.219, as appropriate, which shall provide
36 review and formal comment on proposed recommendations to the

1 superintendent of public instruction and the state board of education
2 on new revised standards and curricula.

3 (3) By September 30, 2007, the state board of education shall
4 recommend to the superintendent of public instruction revised essential
5 academic learning requirements and grade level expectations in
6 mathematics. The recommendations shall be based on:

7 (a) Considerations of clarity, rigor, content, depth, coherence
8 from grade to grade, specificity, accessibility, and measurability;

9 (b) Study of:

10 (i) Standards used in countries whose students demonstrate high
11 performance on the trends in international mathematics and science
12 study and the programme for international student assessment;

13 (ii) College readiness standards;

14 (iii) The national council of teachers of mathematics focal points
15 and the national assessment of educational progress content frameworks;
16 and

17 (iv) Standards used by three to five other states, including
18 California, and the nation of Singapore; and

19 (c) Consideration of information presented during public comment
20 periods.

21 (4)(a) By February 29, 2008, the superintendent of public
22 instruction shall revise the essential academic learning requirements
23 and the grade level expectations for mathematics and present the
24 revised standards to the state board of education and the education
25 committees of the senate and the house of representatives as required
26 by RCW 28A.655.070(4).

27 (b) The state board of education shall direct an expert national
28 consultant in mathematics to:

29 (i) Analyze the February 2008 version of the revised standards,
30 including a comparison to exemplar standards previously reviewed under
31 this section;

32 (ii) Recommend specific language and content changes needed to
33 finalize the revised standards; and

34 (iii) Present findings and recommendations in a draft report to the
35 state board of education.

36 (c) By May 15, 2008, the state board of education shall review the
37 consultant's draft report, consult the mathematics advisory panel, hold
38 a public hearing to receive comment, and direct any subsequent

1 modifications to the consultant's report. After the modifications are
2 made, the state board of education shall forward the final report and
3 recommendations to the superintendent of public instruction for
4 implementation.

5 (d) By July 1, 2008, the superintendent of public instruction shall
6 revise the mathematics standards to conform precisely to and
7 incorporate each of the recommendations of the state board of education
8 under (~~(subsection (4))~~)(c) of this (~~(section)~~) subsection and submit
9 the revisions to the state board of education.

10 (e) By July 31, 2008, the state board of education shall either
11 approve adoption by the superintendent of public instruction of the
12 final revised standards as the essential academic learning requirements
13 and grade level expectations for mathematics, or develop a plan for
14 ensuring that the recommendations under (~~(subsection (4))~~)(c) of this
15 (~~(section)~~) subsection are implemented so that final revised
16 mathematics standards can be adopted by September 25, 2008.

17 (5) By June 30, 2008, the state board of education shall recommend
18 to the superintendent of public instruction revised essential academic
19 learning requirements and grade level expectations in science. The
20 recommendations shall be based on:

21 (a) Considerations of clarity, rigor, content, depth, coherence
22 from grade to grade, specificity, accessibility, and measurability;

23 (b) Study of standards used by three to five other states and in
24 countries whose students demonstrate high performance on the trends in
25 international mathematics and science study and the programme for
26 international student assessment; and

27 (c) Consideration of information presented during public comment
28 periods.

29 (6) By December 1, 2008, the superintendent of public instruction
30 shall revise the essential academic learning requirements and the grade
31 level expectations for science and present the revised standards to the
32 state board of education and the education committees of the senate and
33 the house of representatives as required by RCW 28A.655.070(4). The
34 superintendent shall adopt the revised essential academic learning
35 requirements and grade level expectations unless otherwise directed by
36 the legislature during the 2009 legislative session.

37 (7)(a) Within six months after the standards under subsection (4)
38 of this section are adopted, the superintendent of public instruction

1 shall present to the state board of education recommendations for no
2 more than three basic mathematics curricula each for elementary,
3 middle, and high school grade spans.

4 (b) Within two months after the presentation of the recommended
5 curricula, the state board of education shall provide official comment
6 and recommendations to the superintendent of public instruction
7 regarding the recommended mathematics curricula. The superintendent of
8 public instruction shall make any changes based on the comment and
9 recommendations from the state board of education and adopt the
10 recommended curricula.

11 (c) By (~~May 15~~) June 30, 2009, the superintendent of public
12 instruction shall present to the state board of education
13 recommendations for no more than three basic science curricula each for
14 elementary(~~(7)~~) and middle(~~(7-and-high)~~) school grade spans and not
15 more than three recommendations for each of the major high school
16 courses within the following science domains: Earth and space science,
17 physical science, and life science.

18 (d) (~~By June 30, 2009~~) Within two months after the presentation
19 of the recommended curricula, the state board of education shall
20 provide official comment and recommendations to the superintendent of
21 public instruction regarding the recommended science curricula. The
22 superintendent of public instruction shall make any changes based on
23 the comment and recommendations from the state board of education and
24 adopt the recommended curricula.

25 (e) In selecting the recommended curricula under this subsection
26 (7), the superintendent of public instruction shall provide information
27 to the mathematics and science advisory panels created under RCW
28 28A.305.219, as appropriate, and seek the advice of the appropriate
29 panel regarding the curricula that shall be included in the
30 recommendations.

31 (f) The recommended curricula under this subsection (7) shall align
32 with the revised essential academic learning requirements and grade
33 level expectations. In addition to the recommended basic curricula,
34 appropriate diagnostic and supplemental materials shall be identified
35 as necessary to support each curricula.

36 (g) Subject to funds appropriated for this purpose and availability
37 of the curricula, at least one of the curricula in each grade span and

1 in each of mathematics and science shall be available to schools and
2 parents online at no cost to the school or parent.

3 (8) By December 1, 2007, the state board of education shall revise
4 the high school graduation requirements under RCW 28A.230.090 to
5 include a minimum of three credits of mathematics, one of which may be
6 a career and technical course equivalent in mathematics, and prescribe
7 the mathematics content in the three required credits.

8 (9) Nothing in this section requires a school district to use one
9 of the recommended curricula under subsection (7) of this section.
10 However, the statewide accountability plan adopted by the state board
11 of education under RCW 28A.305.130 shall recommend conditions under
12 which school districts should be required to use one of the recommended
13 curricula. The plan shall also describe the conditions for exception
14 to the curriculum requirement, such as the use of integrated academic
15 and career and technical education curriculum. Required use of the
16 recommended curricula as an intervention strategy must be authorized by
17 the legislature as required by RCW 28A.305.130(4)(e) before
18 implementation.

19 (10) The superintendent of public instruction shall conduct a
20 comprehensive survey of the mathematics curricula being used by school
21 districts at all grade levels and the textbook and curriculum
22 purchasing cycle of the districts and report the results of the survey
23 to the education committees of the legislature by November 15, 2008.

24 NEW SECTION. **Sec. 6.** Section 5 of this act is necessary for the
25 immediate preservation of the public peace, health, or safety, or
26 support of the state government and its existing public institutions,
27 and takes effect immediately.

Passed by the Senate April 19, 2009.
Passed by the House April 14, 2009.
Approved by the Governor April 30, 2009, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 1, 2009.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 4, Engrossed
Substitute Senate Bill 5414 entitled:

"AN ACT Relating to statewide assessments and curricula."

Section 4, in part, requires the Office of the Superintendent of
Public Instruction, in consultation with the State Board of Education,
to develop an implementation plan, including an assessment of the
feasibility of implementing the current timelines for students to
demonstrate that they have met state mathematics and science standards
in high school assessments. These timelines are critical components

of our statewide effort to ensure that our students are ready for the 21st century. Now is not the time to indicate any lack of resolve in our commitment to our students by revisiting or adjusting those standards. For these reasons, I have vetoed Section 4 of Engrossed Substitute Senate Bill 5414.

With the exception of Section 4, Engrossed Substitute Senate Bill 5414 is approved."