
HOUSE BILL 2489

State of Washington 59th Legislature 2006 Regular Session

By Representatives Hunter, Jarrett, P. Sullivan, Springer, Morrell, Tom, Simpson, Miloscia, O'Brien, Roberts and Green

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1 AN ACT Relating to providing assistance to students who are not on
2 track to graduate from high school on time; amending RCW 28A.225.010,
3 28A.230.195, 28A.320.500, and 28A.655.070; adding a new section to
4 chapter 28A.230 RCW; adding a new section to chapter 28A.655 RCW;
5 recodifying RCW 28A.230.195; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.230
8 RCW to read as follows:

9 (1) For each high school student who was not successful on any or
10 all of the content areas of the high school Washington assessment of
11 student learning, either initially or after subsequent retakes of the
12 assessment:

13 (a) Before the end of the school year in which the assessment was
14 taken, the school district shall identify the student as one of the
15 following using the criteria in this section:

16 (i) High risk of not graduating on time;

17 (ii) Moderate risk of not graduating on time; or

18 (iii) Low risk of not graduating on time but needing short-term
19 assistance.

1 (b) For the purposes of this section:
2 (i) "High risk" means a student who scored at the below basic level
3 in two or more content areas on the high school assessment or did not
4 take the assessment;
5 (ii) "Moderate risk" means a student who scored at the basic level
6 in two or more content areas or at the below basic level in one content
7 area on the high school assessment; and
8 (iii) "Low risk but needing short-term assistance" means a student
9 who scored at but not below the basic level in one content area on the
10 high school assessment.
11 (c) The school district shall make summer school programs available
12 at no charge to the student. The programs may be provided directly by
13 the district or through online courses; interdistrict cooperative
14 agreements; contracts with private educational service providers,
15 community service organizations, or community or technical colleges; or
16 other service delivery options.
17 (d) The district shall also make one or more of the following
18 assistance strategies available:
19 (i) After school or Saturday programs;
20 (ii) Intensive programs offered during other student vacation
21 periods;
22 (iii) Tutoring, which may include online tutorials and courses;
23 (iv) Specialized courses offered during the regular school day;
24 (v) Remediation integrated into career technical courses or offered
25 through skills centers; or
26 (vi) Other assistance, counseling, or programs designed to enable
27 the student to gain proficiency in the specific skill areas in which
28 the student needs improvement.
29 (2) Each high school student identified under this section as at
30 high risk of not graduating on time must attend a summer school program
31 made available through the school district under this section. A
32 student identified as at high risk of not graduating on time shall
33 retain sophomore status until the student either attends summer school
34 or scores at the basic level or above in each required content area on
35 the assessment.

36 **Sec. 2.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
37 read as follows:

1 (1) All parents in this state of any child eight years of age and
2 under eighteen years of age shall cause such child to attend the public
3 school of the district in which the child resides and such child shall
4 have the responsibility to and therefore shall attend for the full time
5 when such school may be in session unless:

6 (a) The child is attending an approved private school for the same
7 time or is enrolled in an extension program as provided in RCW
8 28A.195.010(4);

9 (b) The child is receiving home-based instruction as provided in
10 subsection (4) of this section;

11 (c) The child is attending an education center as provided in
12 chapter 28A.205 RCW;

13 (d) The school district superintendent of the district in which the
14 child resides shall have excused such child from attendance because the
15 child is physically or mentally unable to attend school, is attending
16 a residential school operated by the department of social and health
17 services, is incarcerated in an adult correctional facility, or has
18 been temporarily excused upon the request of his or her parents for
19 purposes agreed upon by the school authorities and the parent:
20 PROVIDED, That such excused absences shall not be permitted if deemed
21 to cause a serious adverse effect upon the student's educational
22 progress: PROVIDED FURTHER, That students excused for such temporary
23 absences may be claimed as full time equivalent students to the extent
24 they would otherwise have been so claimed for the purposes of RCW
25 28A.150.250 and 28A.150.260 and shall not affect school district
26 compliance with the provisions of RCW 28A.150.220; or

27 (e) The child is sixteen years of age or older and:

28 (i) The child is regularly and lawfully employed and either the
29 parent agrees that the child should not be required to attend school or
30 the child is emancipated in accordance with chapter 13.64 RCW;

31 (ii) The child has already met graduation requirements in
32 accordance with state board of education rules and regulations; or

33 (iii) The child has received a certificate of educational
34 competence under rules and regulations established by the state board
35 of education under RCW 28A.305.190.

36 (2) A parent for the purpose of this chapter means a parent,
37 guardian, or person having legal custody of a child.

1 (3) An approved private school for the purposes of this chapter and
2 chapter 28A.200 RCW shall be one approved under regulations established
3 by the state board of education pursuant to RCW 28A.305.130.

4 (4) For the purposes of this chapter and chapter 28A.200 RCW,
5 instruction shall be home-based if it consists of planned and
6 supervised instructional and related educational activities, including
7 a curriculum and instruction in the basic skills of occupational
8 education, science, mathematics, language, social studies, history,
9 health, reading, writing, spelling, and the development of an
10 appreciation of art and music, provided for a number of hours
11 equivalent to the total annual program hours per grade level
12 established for approved private schools under RCW 28A.195.010 and
13 28A.195.040 and if such activities are:

14 (a) Provided by a parent who is instructing his or her child only
15 and are supervised by a certificated person. A certificated person for
16 purposes of this chapter and chapter 28A.200 RCW shall be a person
17 certified under chapter 28A.410 RCW. For purposes of this section,
18 "supervised by a certificated person" means: The planning by the
19 certificated person and the parent of objectives consistent with this
20 subsection; a minimum each month of an average of one contact hour per
21 week with the child being supervised by the certificated person; and
22 evaluation of such child's progress by the certificated person. The
23 number of children supervised by the certificated person shall not
24 exceed thirty for purposes of this subsection; or

25 (b) Provided by a parent who is instructing his or her child only
26 and who has either earned forty-five college level quarter credit hours
27 or its equivalent in semester hours or has completed a course in home-
28 based instruction at a postsecondary institution or a vocational-
29 technical institute; or

30 (c) Provided by a parent who is deemed sufficiently qualified to
31 provide home-based instruction by the superintendent of the local
32 school district in which the child resides.

33 (5) The legislature recognizes that home-based instruction is less
34 structured and more experiential than the instruction normally provided
35 in a classroom setting. Therefore, the provisions of subsection (4) of
36 this section relating to the nature and quantity of instructional and
37 related educational activities shall be liberally construed.

1 (6) Compulsory school attendance under this section applies to
2 students identified under section 1 of this act as at high risk for not
3 graduating on time who are required to attend summer school.

4 **Sec. 3.** RCW 28A.230.195 and 2005 c 217 s 1 are each amended to
5 read as follows:

6 (1) If students' scores on the test or assessments under RCW
7 28A.655.070 indicate that students need help in identified areas, the
8 school district shall evaluate its instructional practices and make
9 appropriate adjustments.

10 (2) Each school district shall notify the parents of each student
11 of their child's performance on the test and assessments conducted
12 under this chapter.

13 (3) Notification to the parent or guardian of the assessment
14 results for a student who was not successful on any or all of the
15 content areas of the high school Washington assessment of student
16 learning shall include the following additional information:

17 (a) A description of the specific skill areas in which the student
18 needs improvement;

19 (b) The student's level of risk of not graduating on time, as
20 determined under section 1 of this act;

21 (c) The availability or mandate of summer school, as applicable,
22 and other assistance strategies and how to access these programs;

23 (d) Information about the next available opportunity for the
24 student to retake the assessment, possible alternative assessments, and
25 other options for high school completion; and

26 (e) Contact information for an individual at the student's school
27 who can assist and answer the parent's questions.

28 **Sec. 4.** RCW 28A.320.500 and 1990 c 33 s 339 are each amended to
29 read as follows:

30 Every school district board of directors is authorized to establish
31 and operate summer and/or other student vacation period programs and to
32 assess such tuition and special fees as it deems necessary to offset
33 the maintenance and operation costs of such programs in whole or part,
34 except that summer or other vacation period programs shall be made
35 available at no charge to students identified under section 1 of this
36 act. A summer and/or other student vacation period program may consist

1 of such courses and activities as the school district board shall
2 determine to be appropriate: PROVIDED, That such courses and
3 activities shall not conflict with the provisions of RCW 28A.305.130.
4 Except for students identified under section 1 of this act as at high
5 risk for not graduating on time, attendance shall be voluntary.

6 **Sec. 5.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to
7 read as follows:

8 (1) The superintendent of public instruction shall develop
9 essential academic learning requirements that identify the knowledge
10 and skills all public school students need to know and be able to do
11 based on the student learning goals in RCW 28A.150.210, develop student
12 assessments, and implement the accountability recommendations and
13 requests regarding assistance, rewards, and recognition of the state
14 board of education.

15 (2) The superintendent of public instruction shall:

16 (a) Periodically revise the essential academic learning
17 requirements, as needed, based on the student learning goals in RCW
18 28A.150.210. Goals one and two shall be considered primary. To the
19 maximum extent possible, the superintendent shall integrate goal four
20 and the knowledge and skill areas in the other goals in the essential
21 academic learning requirements; and

22 (b) Review and prioritize the essential academic learning
23 requirements and identify, with clear and concise descriptions, the
24 grade level content expectations to be assessed on the Washington
25 assessment of student learning and used for state or federal
26 accountability purposes. The review, prioritization, and
27 identification shall result in more focus and targeting with an
28 emphasis on depth over breadth in the number of grade level content
29 expectations assessed at each grade level. Grade level content
30 expectations shall be articulated over the grades as a sequence of
31 expectations and performances that are logical, build with increasing
32 depth after foundational knowledge and skills are acquired, and
33 reflect, where appropriate, the sequential nature of the discipline.
34 The office of the superintendent of public instruction, within seven
35 working days, shall post on its web site any grade level content
36 expectations provided to an assessment vendor for use in constructing
37 the Washington assessment of student learning.

1 (3) In consultation with the state board of education, the
2 superintendent of public instruction shall maintain and continue to
3 develop and revise a statewide academic assessment system in the
4 content areas of reading, writing, mathematics, and science for use in
5 the elementary, middle, and high school years designed to determine if
6 each student has mastered the essential academic learning requirements
7 identified in subsection (1) of this section. School districts shall
8 administer the assessments under guidelines adopted by the
9 superintendent of public instruction. The academic assessment system
10 shall include a variety of assessment methods, including criterion-
11 referenced and performance-based measures.

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

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

24 (b) Assessments measuring the essential academic learning
25 requirements in the content area of science shall be available for
26 mandatory use in middle schools and high schools by the 2003-04 school
27 year and for mandatory use in elementary schools by the 2004-05 school
28 year unless the legislature takes action to delay or prevent
29 implementation of the assessment.

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

34 (7) To assist parents and teachers in their efforts to provide
35 educational support to individual students, the superintendent of
36 public instruction shall provide as much individual student performance
37 information as possible within the constraints of the assessment

1 system's item bank. The superintendent shall also provide to school
2 districts:

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

5 (b) A collection of diagnostic tools that educators may use to
6 evaluate the academic status of individual students particularly
7 students who were not successful on one or more of the content areas of
8 the high school Washington assessment of student learning. The tools
9 shall be designed to be inexpensive, easily administered, and quickly
10 and easily scored, with results provided in a format that may be easily
11 shared with parents and students.

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

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

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

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

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

27 (13) The superintendent shall post on the superintendent's web site
28 lists of resources and model assessments in social studies, the arts,
29 and health and fitness.

30 NEW SECTION. Sec. 6. RCW 28A.230.195 is recodified as a new
31 section in chapter 28A.655 RCW.

32 NEW SECTION. Sec. 7. This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect

1 immediately.

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