

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6023

Chapter 354, Laws of 2007

(partial veto)

60th Legislature
2007 Regular Session

WASHINGTON ASSESSMENT OF STUDENT LEARNING

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 22, 2007
YEAS 30 NAYS 18

BRAD OWEN

President of the Senate

Passed by the House April 22, 2007
YEAS 56 NAYS 41

FRANK CHOPP

Speaker of the House of Representatives

Approved May 8, 2007, 2:51 p.m., with
the exception of sections 9, 10, 11 and
13 which are 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 6023** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 10, 2007

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6023

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe and Rasmussen)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to the Washington assessment of student learning;
2 amending RCW 28A.655.061, 28A.155.045, 28A.655.070, 28A.655.065,
3 28A.655.063, and 28A.655.200; adding new sections to chapter 28A.655
4 RCW; creating new sections; providing expiration dates; and declaring
5 an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature maintains a strong
8 commitment to high expectations and high academic achievement for all
9 students. The legislature finds that Washington schools and students
10 are making significant progress in improving achievement in reading and
11 writing. Schools are adapting instruction and providing remediation
12 for students who need additional assistance. Reading and writing are
13 being taught across the curriculum. Therefore, the legislature does
14 not intend to make changes to the Washington assessment of student
15 learning or high school graduation requirements in reading and writing.

16 (2) However, students are having difficulty improving their
17 academic achievement in mathematics and science, particularly as
18 measured by the high school Washington assessment of student learning.
19 The legislature finds that corrections are needed in the state's high

1 school assessment system that will improve alignment between learning
2 standards, instruction, diagnosis, and assessment of students'
3 knowledge and skills in high school mathematics and science. The
4 legislature further finds there is a sense of urgency to make these
5 corrections and intends to revise high school graduation requirements
6 in mathematics and science only for the minimum period for corrections
7 to be fully implemented.

8 **Sec. 2.** RCW 28A.655.061 and 2006 c 115 s 4 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 section 4 of this act, acquisition of the certificate is
26 required for graduation from a public high school but is not the only
27 requirement for graduation.

28 (3) Beginning with the graduating class of 2008, with the exception
29 of students satisfying the provisions of RCW 28A.155.045, a student who
30 meets the state standards on the reading, writing, and mathematics
31 content areas of the high school Washington assessment of student
32 learning shall earn a certificate of academic achievement. If a
33 student does not successfully meet the state standards in one or more
34 content areas required for the certificate of academic achievement,
35 then the student may retake the assessment in the content area up to
36 four times at no cost to the student. If the student successfully
37 meets the state standards on a retake of the assessment then the

1 student shall earn a certificate of academic achievement. Once
2 objective alternative assessments are authorized pursuant to subsection
3 (10) of this section, a student may use the objective alternative
4 assessments to demonstrate that the student successfully meets the
5 state standards for that content area if the student has (~~retaken~~)
6 taken the Washington assessment of student learning at least once. If
7 the student successfully meets the state standards on the objective
8 alternative assessments then the student shall earn a certificate of
9 academic achievement.

10 (4) Beginning no later than with the graduating class of (~~2010~~)
11 2013, a student must meet the state standards in science in addition to
12 the other content areas required under subsection (3) of this section
13 on the Washington assessment of student learning or the objective
14 alternative assessments in order to earn a certificate of academic
15 achievement. The state board of education may adopt a rule that
16 implements the requirements of this subsection (4) beginning with a
17 graduating class before the graduating class of 2013, if the state
18 board of education adopts the rule by September 1st of the freshman
19 school year of the graduating class to which the requirements of this
20 subsection (4) apply. The state board of education's authority under
21 this subsection (4) does not alter the requirement that any change in
22 performance standards for the tenth grade assessment must comply with
23 RCW 28A.305.130.

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

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

31 (~~Beginning in 2006,~~) School districts must make available to
32 students the following options:

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

36 (b) To retake the Washington assessment of student learning up to
37 four times in the content areas in which the student did not meet the
38 state standards if the student is enrolled in a high school completion

1 program at a community or technical college. The superintendent of
2 public instruction and the state board for community and technical
3 colleges shall jointly identify means by which students in these
4 programs can be assessed.

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

9 (9) ~~((Subject to available funding, the superintendent shall pilot
10 opportunities for retaking the high school assessment beginning in the
11 2004-05 school year. Beginning no later than September 2006,))~~
12 Opportunities to retake the assessment at least twice a year shall be
13 available to each school district.

14 (10)(a) The office of the superintendent of public instruction
15 shall develop options for implementing objective alternative
16 assessments, which may include an appeals process for students' scores,
17 for students to demonstrate achievement of the state academic
18 standards. The objective alternative assessments shall be comparable
19 in rigor to the skills and knowledge that the student must demonstrate
20 on the Washington assessment of student learning and be objective in
21 its determination of student achievement of the state standards.
22 Before any objective alternative assessments in addition to those
23 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
24 student to demonstrate that the student has met the state standards in
25 a content area required to obtain a certificate, the legislature shall
26 formally approve the use of any objective alternative assessments
27 through the omnibus appropriations act or by statute or concurrent
28 resolution.

29 (b)(i) A student's score on the mathematics ~~((portion of the
30 preliminary scholastic assessment test (PSAT)))~~, reading or English, or
31 writing portion of the scholastic assessment test (SAT)~~((7))~~ or the
32 American college test (ACT) may be used as an objective alternative
33 assessment under this section for demonstrating that a student has met
34 or exceeded the ~~((mathematics))~~ state standards for the certificate of
35 academic achievement. The state board of education shall identify the
36 scores students must achieve on the ~~((mathematics))~~ relevant portion of
37 the ~~((PSAT7))~~ SAT~~((7))~~ or ACT to meet or exceed the state standard
38 ~~((for mathematics))~~ in the relevant content area on the Washington

1 assessment of student learning. The state board of education shall
2 identify the first scores by December 1, (~~(2006, and thereafter)~~) 2007.
3 After the first scores are established, the state board may increase
4 but not decrease the scores required for students to meet or exceed the
5 state standards (~~(for mathematics)~~).

6 (ii) Until August 31, 2008, a student's score on the mathematics
7 portion of the preliminary scholastic assessment test (PSAT) may be
8 used as an objective alternative assessment under this section for
9 demonstrating that a student has met or exceeded the state standard for
10 the certificate of academic achievement. The state board of education
11 shall identify the score students must achieve on the mathematics
12 portion of the PSAT to meet or exceed the state standard in that
13 content area on the Washington assessment of student learning.

14 (iii) A student who scores at least a three on the grading scale
15 of one to five for selected advance placement examinations may use the
16 score as an objective alternative assessment under this section for
17 demonstrating that a student has met or exceeded state standards for
18 the certificate of academic achievement. A score of three on the
19 advance placement examinations in calculus or statistics may be used as
20 an alternative assessment for the mathematics portion of the Washington
21 assessment of student learning. A score of three on the advance
22 placement examinations in English language and composition may be used
23 as an alternative assessment for the writing portion of the Washington
24 assessment of student learning. A score of three on the advance
25 placement examinations in English literature and composition,
26 macroeconomics, microeconomics, psychology, United States history,
27 world history, United States government and politics, or comparative
28 government and politics may be used as an alternative assessment for
29 the reading portion of the Washington assessment of student learning.

30 (11) By December 15, 2004, the house of representatives and senate
31 education committees shall obtain information and conclusions from
32 recognized, independent, national assessment experts regarding the
33 validity and reliability of the high school Washington assessment of
34 student learning for making individual student high school graduation
35 determinations.

36 (12) To help assure continued progress in academic achievement as
37 a foundation for high school graduation and to assure that students are

1 on track for high school graduation, each school district shall prepare
2 plans for students as provided in this subsection (12).

3 (a) Student learning plans are required for eighth through twelfth
4 grade students who were not successful on any or all of the content
5 areas of the Washington assessment for student learning during the
6 previous school year. The plan shall include the courses,
7 competencies, and other steps needed to be taken by the student to meet
8 state academic standards and stay on track for graduation. ~~((This
9 requirement shall be phased in as follows:~~

10 ~~(i) Beginning no later than the 2004-05 school year ninth grade
11 students as described in this subsection (12)(a) shall have a plan.~~

12 ~~(ii) Beginning no later than the 2005-06 school year and every year
13 thereafter eighth grade students as described in this subsection
14 (12)(a) shall have a plan.~~

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

21 ~~((iv))~~ (ii) Progress made on the student plan shall be reported
22 to the student's parents or guardian at least annually and adjustments
23 to the plan made as necessary.

24 (b) ~~((Beginning with the 2005-06 school year and every year
25 thereafter,))~~ All fifth grade students who were not successful in one
26 or more of the content areas of the fourth grade Washington assessment
27 of student learning shall have a student learning plan.

28 (i) The parent or guardian of ((a)) the student ~~((described in this
29 subsection (12)(b))~~) shall be notified, preferably through a parent
30 conference, of the student's results on the Washington assessment of
31 student learning, actions the school intends to take to improve the
32 student's skills in any content area in which the student was
33 unsuccessful, and provide strategies to help them improve their
34 student's skills.

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

1 **Sec. 3.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to
2 read as follows:

3 Beginning with the graduating class of 2008, students served under
4 this chapter, who are not appropriately assessed by the high school
5 Washington assessment system as defined in RCW 28A.655.061, even with
6 accommodations, may earn a certificate of individual achievement. The
7 certificate may be earned using multiple ways to demonstrate skills and
8 abilities commensurate with their individual education programs. The
9 determination of whether the high school assessment system is
10 appropriate shall be made by the student's individual education program
11 team. Except as provided in section 4 of this act, for these students,
12 the certificate of individual achievement is required for graduation
13 from a public high school, but need not be the only requirement for
14 graduation. When measures other than the high school assessment system
15 as defined in RCW 28A.655.061 are used, the measures shall be in
16 agreement with the appropriate educational opportunity provided for the
17 student as required by this chapter. The superintendent of public
18 instruction shall develop the guidelines for determining which students
19 should not be required to participate in the high school assessment
20 system and which types of assessments are appropriate to use.

21 When measures other than the high school assessment system as
22 defined in RCW 28A.655.061 are used for high school graduation
23 purposes, the student's high school transcript shall note whether that
24 student has earned a certificate of individual achievement.

25 Nothing in this section shall be construed to deny a student the
26 right to participation in the high school assessment system as defined
27 in RCW 28A.655.061, and, upon successfully meeting the high school
28 standard, receipt of the certificate of academic achievement.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.655
30 RCW to read as follows:

31 (1) Beginning with the graduating class of 2008 and through no
32 later than the graduating class of 2012, students may graduate from
33 high school without earning a certificate of academic achievement or a
34 certificate of individual achievement if they:

35 (a) Have not successfully met the mathematics standard on the high
36 school Washington assessment of student learning, an approved objective

1 alternative assessment, or an alternate assessment developed for
2 eligible special education students;

3 (b) Have successfully met the state standard in the other content
4 areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

5 (c) Have met all other state and school district graduation
6 requirements; and

7 (d)(i) For the graduating class of 2008, successfully earn one
8 additional high school mathematics credit or career and technical
9 course equivalent, including courses offered at skill centers, after
10 the student's eleventh grade year intended to increase the student's
11 mathematics proficiency toward meeting or exceeding the mathematics
12 standards assessed on the high school Washington assessment of student
13 learning and continue to take the appropriate mathematics assessment at
14 least once annually until graduation; and

15 (ii) For the remaining graduating classes under this section,
16 successfully earn two additional mathematics credits or career and
17 technical course equivalent, including courses offered at skill
18 centers, after the student's tenth grade year intended to increase the
19 student's mathematics proficiency toward meeting or exceeding the
20 mathematics standards assessed on the high school Washington assessment
21 of student learning and continue to take the appropriate mathematics
22 assessment at least once annually until graduation.

23 (2) The state board of education may adopt a rule that ends the
24 application of this section with a graduating class before the
25 graduating class of 2012, if the state board of education adopts the
26 rule by September 1st of the freshman school year of the graduating
27 class to which the provisions of this section no longer apply. The
28 state board of education's authority under this section does not alter
29 the requirement that any change in performance standards for the tenth
30 grade assessment must comply with RCW 28A.305.130.

31 (3) This section expires August 31, 2013.

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

34 (1) The superintendent of public instruction shall develop
35 essential academic learning requirements that identify the knowledge
36 and skills all public school students need to know and be able to do
37 based on the student learning goals in RCW 28A.150.210, develop student

1 assessments, and implement the accountability recommendations and
2 requests regarding assistance, rewards, and recognition of the state
3 board of education.

4 (2) The superintendent of public instruction shall:

5 (a) Periodically revise the essential academic learning
6 requirements, as needed, based on the student learning goals in RCW
7 28A.150.210. Goals one and two shall be considered primary. To the
8 maximum extent possible, the superintendent shall integrate goal four
9 and the knowledge and skill areas in the other goals in the essential
10 academic learning requirements; and

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

27 (3) In consultation with the state board of education, the
28 superintendent of public instruction shall maintain and continue to
29 develop and revise a statewide academic assessment system in the
30 content areas of reading, writing, mathematics, and science for use in
31 the elementary, middle, and high school years designed to determine if
32 each student has mastered the essential academic learning requirements
33 identified in subsection (1) of this section. School districts shall
34 administer the assessments under guidelines adopted by the
35 superintendent of public instruction. The academic assessment system
36 (~~shall~~) may include a variety of assessment methods, including
37 criterion-referenced and performance-based measures.

1 (4) If the superintendent proposes any modification to the
2 essential academic learning requirements or the statewide assessments,
3 then the superintendent shall, upon request, provide opportunities for
4 the education committees of the house of representatives and the senate
5 to review the assessments and proposed modifications to the essential
6 academic learning requirements before the modifications are adopted.

7 (5)((+a)) The assessment system shall be designed so that the
8 results under the assessment system are used by educators as tools to
9 evaluate instructional practices, and to initiate appropriate
10 educational support for students who have not mastered the essential
11 academic learning requirements at the appropriate periods in the
12 student's educational development.

13 (~~(b) Assessments measuring the essential academic learning~~
14 ~~requirements in the content area of science shall be available for~~
15 ~~mandatory use in middle schools and high schools by the 2003-04 school~~
16 ~~year and for mandatory use in elementary schools by the 2004-05 school~~
17 ~~year unless the legislature takes action to delay or prevent~~
18 ~~implementation of the assessment.))~~

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

23 (7) To assist parents and teachers in their efforts to provide
24 educational support to individual students, the superintendent of
25 public instruction shall provide as much individual student performance
26 information as possible within the constraints of the assessment
27 system's item bank. The superintendent shall also provide to school
28 districts:

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

31 (b) A collection of diagnostic tools that educators may use to
32 evaluate the academic status of individual students. The tools shall
33 be designed to be inexpensive, easily administered, and quickly and
34 easily scored, with results provided in a format that may be easily
35 shared with parents and students.

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

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

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

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

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

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

17 **Sec. 6.** RCW 28A.655.065 and 2006 c 115 s 1 are each amended to
18 read as follows:

19 (1) The legislature has made a commitment to rigorous academic
20 standards for receipt of a high school diploma. The primary way that
21 students will demonstrate that they meet the standards in reading,
22 writing, mathematics, and science is through the Washington assessment
23 of student learning. Only objective assessments that are comparable in
24 rigor to the state assessment are authorized as an alternative
25 assessment. Before seeking an alternative assessment, the legislature
26 expects students to make a genuine effort to meet state standards,
27 through (~~retaking the Washington assessment of student learning~~)
28 regular and consistent attendance at school(+) and participation in
29 extended learning and other assistance programs.

30 (2) Under RCW 28A.655.061, beginning in the 2006-07 school year,
31 the superintendent of public instruction shall implement objective
32 alternative assessment methods as provided in this section for students
33 to demonstrate achievement of the state standards in content areas in
34 which the student has not yet met the standard on the high school
35 Washington assessment of student learning. A student may access an
36 alternative if the student meets applicable eligibility criteria in RCW
37 28A.655.061 and this section and other eligibility criteria established

1 by the superintendent of public instruction, including but not limited
2 to attendance criteria and participation in the remediation or
3 supplemental instruction contained in the student learning plan
4 developed under RCW 28A.655.061. A school district may waive
5 attendance and/or remediation criteria for special, unavoidable
6 circumstances.

7 (3) For the purposes of this section, "applicant" means a student
8 seeking to use one of the alternative assessment methods in this
9 section.

10 (4) One alternative assessment method shall be a combination of the
11 applicant's grades in applicable courses and the applicant's highest
12 score on the high school Washington assessment of student learning, as
13 provided in this subsection. A student is eligible to apply for the
14 alternative assessment method under this subsection (4) if the student
15 has a cumulative grade point average of at least 3.2 on a four point
16 grading scale. The superintendent of public instruction shall
17 determine which high school courses are applicable to the alternative
18 assessment method and shall issue guidelines to school districts.

19 (a) Using guidelines prepared by the superintendent of public
20 instruction, a school district shall identify the group of students in
21 the same school as the applicant who took the same high school courses
22 as the applicant in the applicable content area. From the group of
23 students identified in this manner, the district shall select the
24 comparison cohort that shall be those students who met or slightly
25 exceeded the state standard on the Washington assessment of student
26 learning.

27 (b) The district shall compare the applicant's grades in high
28 school courses in the applicable content area to the grades of students
29 in the comparison cohort for the same high school courses. If the
30 applicant's grades are equal to or above the mean grades of the
31 comparison cohort, the applicant shall be deemed to have met the state
32 standard on the alternative assessment.

33 (c) An applicant may not use the alternative assessment under this
34 subsection (4) if there are fewer than six students in the comparison
35 cohort.

36 (5) The superintendent of public instruction shall develop an
37 alternative assessment method that shall be an evaluation of a

1 collection of work samples prepared and submitted by the applicant, as
2 provided in this subsection and, for career and technical applicants,
3 the additional requirements of subsection (6) of this section.

4 (a) The superintendent of public instruction shall develop
5 guidelines for the types and number of work samples in each content
6 area that may be submitted as a collection of evidence that the
7 applicant has met the state standard in that content area. Work
8 samples may be collected from academic, career and technical, or
9 remedial courses and may include performance tasks as well as written
10 products. The superintendent shall submit the guidelines for approval
11 by the state board of education.

12 (b) The superintendent shall develop protocols for submission of
13 the collection of work samples that include affidavits from the
14 applicant's teachers and school district that the samples are the work
15 of the applicant and a requirement that a portion of the samples be
16 prepared under the direct supervision of a classroom teacher. The
17 superintendent shall submit the protocols for approval by the state
18 board of education.

19 (c) The superintendent shall develop uniform scoring criteria for
20 evaluating the collection of work samples and submit the scoring
21 criteria for approval by the state board of education. Collections
22 shall be scored at the state level or regionally by a panel of
23 educators selected and trained by the superintendent to ensure
24 objectivity, reliability, and rigor in the evaluation. An educator may
25 not score work samples submitted by applicants from the educator's
26 school district. If the panel awards an applicant's collection of work
27 samples the minimum required score, the applicant shall be deemed to
28 have met the state standard on the alternative assessment.

29 (d) Using an open and public process that includes consultation
30 with district superintendents, school principals, and other educators,
31 the state board of education shall consider the guidelines, protocols,
32 scoring criteria, and other information regarding the collection of
33 work samples submitted by the superintendent of public instruction.
34 The collection of work samples may be implemented as an alternative
35 assessment after the state board of education has approved the
36 guidelines, protocols, and scoring criteria and determined that the
37 collection of work samples: (i) Will meet professionally accepted
38 standards for a valid and reliable measure of the grade level

1 expectations and the essential academic learning requirements; and (ii)
2 is comparable to or exceeds the rigor of the skills and knowledge that
3 a student must demonstrate on the Washington assessment of student
4 learning in the applicable content area. The state board shall make an
5 approval decision and determination no later than December 1, 2006, and
6 thereafter may increase the required rigor of the collection of work
7 samples.

8 (e) By September of 2006, the superintendent of public instruction
9 shall develop informational materials for parents, teachers, and
10 students regarding the collection of work samples and the status of its
11 development as an alternative assessment method. The materials shall
12 provide specific guidance regarding the type and number of work samples
13 likely to be required, include examples of work that meets the state
14 learning standards, and describe the scoring criteria and process for
15 the collection. The materials shall also encourage students in the
16 graduating class of 2008 to begin creating a collection if they believe
17 they may seek to use the collection once it is implemented as an
18 alternative assessment.

19 (6)(a) For students enrolled in a career and technical education
20 program approved under RCW 28C.04.110, the superintendent of public
21 instruction shall develop additional guidelines for a collection of
22 work samples that evidences that the collection:

23 (i) Is relevant to the student's particular career and technical
24 program;

25 (ii) Focuses on the application of academic knowledge and skills
26 within the program;

27 (iii) Includes completed activities or projects where demonstration
28 of academic knowledge is inferred; and

29 (iv) Is related to the essential academic learning requirements and
30 state standards that students must meet to earn a certificate of
31 academic achievement or certificate of individual achievement, but also
32 represents the knowledge and skills that successful individuals in the
33 career and technical field of the approved program are expected to
34 possess.

35 (b) To meet the state standard on the alternative assessment under
36 this subsection (6), an applicant must also attain the state or
37 nationally recognized certificate or credential associated with the
38 approved career and technical program.

1 (c) The superintendent shall consult with community and technical
2 colleges, employers, the work force training and education coordinating
3 board, apprenticeship programs, and other regional and national experts
4 in career and technical education to create an appropriate collection
5 of work samples and other evidence of a career and technical student's
6 knowledge and skills on the state academic standards.

7 (7) The superintendent of public instruction shall study the
8 feasibility of using existing mathematics assessments in languages
9 other than English as an additional alternative assessment option. The
10 study shall include an estimation of the cost of translating the tenth
11 grade mathematics assessment into other languages and scoring the
12 assessments should they be implemented.

13 (8) The superintendent of public instruction shall implement:

14 (a) By June 1, 2006, a process for students to appeal the score
15 they received on the high school assessments; and

16 (b) By January 1, 2007, guidelines and appeal processes for waiving
17 specific requirements in RCW 28A.655.061 pertaining to the certificate
18 of academic achievement and to the certificate of individual
19 achievement for students who: (i) Transfer to a Washington public
20 school in their junior or senior year with the intent of obtaining a
21 public high school diploma, or (ii) have special, unavoidable
22 circumstances.

23 (9) The state board of education shall examine opportunities for
24 additional alternative assessments, including the possible use of one
25 or more standardized norm-referenced student achievement tests and the
26 possible use of the reading, writing, or mathematics portions of the
27 ACT ASSET and ACT COMPASS test instruments as objective alternative
28 assessments for demonstrating that a student has met the state
29 standards for the certificate of academic achievement. The state board
30 shall submit its findings and recommendations to the education
31 committees of the legislature by January 10, 2008.

32 (10) The superintendent of public instruction (~~may~~) shall adopt
33 rules to implement this section.

34 **Sec. 7.** RCW 28A.655.063 and 2006 c 115 s 5 are each amended to
35 read as follows:

36 Subject to the availability of funds appropriated for this purpose,
37 the office of the superintendent of public instruction shall provide

1 funds to school districts (~~shall~~) to reimburse students for the cost
2 of taking the tests in RCW 28A.655.061(10)(b) when the students take
3 the tests for the purpose of using the (~~mathematics~~) results as an
4 objective alternative assessment. The office of the superintendent of
5 public instruction may, as an alternative to providing funds to school
6 districts, arrange for students to receive a testing fee waiver or make
7 other arrangements to compensate the students.

8 **Sec. 8.** RCW 28A.655.200 and 2006 c 117 s 4 are each amended to
9 read as follows:

10 (1) (~~In the absence of mandatory, statewide, norm-referenced~~
11 ~~assessments,~~) The legislature intends to permit school districts to
12 offer norm-referenced assessments, make diagnostic tools available to
13 school districts, and provide funding for diagnostic assessments to
14 enhance (~~guidance and planning for students and to~~) student learning
15 at all grade levels and provide early intervention before the high
16 school Washington assessment of student learning.

17 (2) In addition to the diagnostic assessments provided under
18 (~~subsection (5) of~~) this section, school districts may, at their own
19 expense, administer norm-referenced assessments to students.

20 (3) (~~By September 1, 2005, subject to available funds,~~) The
21 office of the superintendent of public instruction shall post on its
22 web site for voluntary use by school districts, a guide of diagnostic
23 assessments. The assessments in the guide, to the extent possible,
24 shall include the characteristics listed in subsection (4) of this
25 section.

26 (4) Beginning September 1, 2007, the office of the superintendent
27 of public instruction shall make diagnostic assessments in reading,
28 writing, mathematics, and science in elementary, middle, and high
29 school grades available to school districts (~~diagnostic assessments~~
30 ~~that~~). Subject to funds appropriated for this purpose, the office of
31 the superintendent of public instruction shall also provide funding to
32 school districts for administration of diagnostic assessments to help
33 improve student learning, identify academic weaknesses, enhance student
34 planning and guidance, and develop targeted instructional strategies to
35 assist students before the high school Washington assessment of student
36 learning. To the greatest extent possible, the assessments shall be:

37 (a) Aligned to the state's grade level expectations;

1 (b) Individualized to each student's performance level;

2 (c) Administered efficiently to provide results either immediately
3 or within two weeks;

4 (d) Capable of measuring individual student growth over time and
5 allowing student progress to be compared to other students across the
6 country;

7 (e) Readily available to parents; and

8 (f) Cost-effective.

9 ~~(5) ((Beginning with the 2006-07 school year, the superintendent of
10 public instruction shall reimburse school districts for administration
11 of diagnostic assessments in grade nine for the purpose of identifying
12 academic weaknesses, enhancing student planning and guidance, and
13 developing targeted instructional strategies to assist students before
14 the high school Washington assessment of student learning.~~

15 ~~(6))~~ The office of the superintendent of public instruction ~~((is
16 encouraged to))~~ shall offer training at statewide and regional staff
17 development activities ~~((training opportunities that would assist
18 practitioners))~~ in:

19 (a) The interpretation of diagnostic assessments; and

20 (b) Application of instructional strategies that will increase
21 student learning based on diagnostic assessment data.

22 ****NEW SECTION. Sec. 9. A new section is added to chapter 28A.655
23 RCW to read as follows:***

24 ***(1)(a) The legislature's intent is to make significant improvements
25 in the high school Washington assessment of student learning in the
26 content areas of mathematics and science before requiring students to
27 meet the state standard on the assessment for graduation purposes.***

28 ***(b) The legislature believes that a high school assessment system
29 where students receive instruction through credited high school
30 mathematics and science courses and have their knowledge and skills
31 assessed after they complete the courses would be a superior assessment
32 system for mathematics and science to the current form of the
33 Washington assessment of student learning. The legislature also
34 believes that end-of-course assessments would offer more timely
35 results, better diagnostic information, and improved alignment between
36 curriculum, instruction, and assessment. End-of-course assessments in
37 mathematics should cover the content of at least algebra I and***

1 geometry. End-of-course assessments in science should cover the
2 content of at least biology, but also address other science content
3 areas.

4 (c) However, the legislature acknowledges that replacing the
5 current form of the Washington assessment of student learning in
6 mathematics and science with end-of-course assessments represents a
7 significant change that should be thoroughly evaluated and that an
8 implementation timeline to shift to end-of-course assessments no later
9 than for the graduating class of 2013 should be carefully developed.

10 (2) The state board of education, in consultation with the
11 superintendent of public instruction, shall examine and recommend
12 changes to the high school Washington assessment of student learning in
13 the content areas of mathematics and science. The state board of
14 education may contract with one or more independent national
15 consultants to conduct the examination. The primary change to be
16 examined shall be replacing the current high school Washington
17 assessment of student learning with a limited series of end-of-course
18 assessments in mathematics and science. The examination of end-of-
19 course assessments shall include:

20 (a) An objective analysis of the potential strengths and weaknesses
21 of end-of-course assessments as the primary high school assessment tool
22 for student and school accountability;

23 (b) Analysis of the possible impact of end-of-course assessments on
24 curriculum and instruction in mathematics and science;

25 (c) The appropriate mathematics and science content to be covered
26 by end-of-course assessments;

27 (d) Recommended implementation timelines and issues to be addressed
28 in replacing the current assessment; and

29 (e) An analysis of the costs of adopting end-of-course assessments.

30 (3) In any request for proposals for a new testing contractor for
31 the Washington assessment of student learning, the superintendent of
32 public instruction shall include the possible changes being examined by
33 the state board of education so that additional information about the
34 cost and feasibility of the changes can be provided by prospective
35 testing contractors.

36 (4) The state board of education shall submit a report to the
37 superintendent of public instruction and the education committees of
38 the legislature by January 10, 2008. The report shall contain findings

1 from the examination under this section, recommendations for changes to
2 the high school Washington assessment of student learning in
3 mathematics and science, and a timeline for expedited implementation of
4 the recommended changes.

5 (5) The legislature intends that the changes recommended by the
6 state board of education under this section shall be able to be
7 implemented no later than the 2010-11 school year in order to apply to
8 the graduating class of 2013. If the state board of education finds
9 that the changes cannot feasibly be implemented by the 2010-11 school
10 year, the state board shall state the specific reasons for such a
11 finding, along with supporting evidence, and recommend a revised
12 expedited timeline.

13 (6) This section expires June 30, 2009.

*Sec. 9 was vetoed. See message at end of chapter.

14 *NEW SECTION. Sec. 10. A new section is added to chapter 28A.655
15 RCW to read as follows:

16 (1) Before the 2007-08 school year, each educational service
17 district shall implement an appeals panel or panels comprised of
18 teachers, principals, and members of the business community with
19 relevant knowledge or expertise to review and decide appeals submitted
20 by students who did not meet the state standard on the tenth grade
21 Washington assessment of student learning or an objective alternative
22 assessment in one or more of the content areas assessed. The appeal
23 under this section shall be an appeal by a student to demonstrate that
24 he or she has the level of understanding of a content area assessed on
25 the Washington assessment of student learning necessary to meet the
26 state standard but was unable to demonstrate that understanding on the
27 assessment or alternative assessment. An appeals panel must issue a
28 determination of whether the appeal is approved or denied within sixty
29 days of receiving an appeal application.

30 (2) A student is eligible to access the appeals process under this
31 section if the student is in his or her junior or senior year of high
32 school; has retaken the Washington assessment of student learning or
33 has taken an alternative assessment in the content area in which the
34 student is appealing; has participated in the remediation or
35 supplemental instruction contained in the student learning plan
36 developed under RCW 28A.655.061; and meets at least one of the
37 following additional eligibility requirements:

1 (a) The student has met or is on track to meet all other state and
2 local graduation requirements except for meeting the state standard on
3 the Washington assessment of student learning;

4 (b) The student has completed a career and technical education
5 industry certification program, or is on track to enter an articulated
6 postsecondary program in an accredited community or technical college
7 that leads to industry certification;

8 (c) The student is eligible for assessment accommodations,
9 including accommodations for students with individualized education
10 programs, students with plans developed pursuant to section 504 of the
11 rehabilitation act of 1973, and English language learners. For
12 students appealing under this subsection (2)(c), the panel shall
13 consider, at a minimum, whether the appropriate assessment
14 accommodation was provided; or

15 (d) The student is an English language learner who has been in the
16 United States for fewer than three years.

17 (3) The educational service districts shall jointly submit an
18 annual report to the legislature on the number and types of appeals
19 received and approved.

20 (4) The state board of education shall adopt rules to implement
21 this section by August 1, 2007. The rules shall include uniform
22 criteria to be used by the appeals panels in making the panels'
23 determinations. The criteria shall include review of the student's
24 cumulative grade point average for those courses required for high
25 school graduation; whether the student had regular and consistent
26 attendance at school; the student's high school and beyond plan; and
27 the student's culminating project. The state board of education may
28 include additional criteria if necessary and shall determine how much
29 weight shall be given to each criteria.

**Sec. 10 was vetoed. See message at end of chapter.*

30 ***NEW SECTION.** Sec. 11. A new section is added to chapter 28A.655
31 RCW to read as follows:

32 English language learners who score below level four on the
33 Washington language proficiency test or the equivalent level of the
34 evaluation used by the superintendent of public instruction to assess
35 the English and academic proficiency of English language learners under
36 RCW 28A.180.090 shall not be required to take the Washington assessment

1 *of student learning, except as required by federal law. However, these*
2 *students are still subject to the graduation requirements established*
3 *in RCW 28A.655.061.*

**Sec. 11 was vetoed. See message at end of chapter.*

4 NEW SECTION. **Sec. 12.** (1) The superintendent of public
5 instruction and the workforce training and education coordinating board
6 shall jointly convene and staff an advisory committee to identify
7 career and technical education curricula that will assist in preparing
8 students for the state assessment system and provide the opportunity to
9 obtain a certificate of academic achievement.

10 (2) The advisory committee shall consist of the following nine
11 members:

12 (a) Four members of the legislature, with two members each
13 appointed by the respective caucuses of the house of representatives
14 and the senate;

15 (b) One representative from the career and technical education
16 section of the office of the superintendent of public instruction;

17 (c) One member appointed by the workforce training and education
18 coordinating board; and

19 (d) Three members appointed by the superintendent of public
20 instruction and the workforce training and education coordinating board
21 based on recommendations from the career and technical education
22 community.

23 (3) The advisory committee shall appoint a chair from among the
24 nonlegislative members.

25 (4) Legislative members of the advisory committee shall be
26 reimbursed for travel expenses in accordance with RCW 44.04.120.
27 Nonlegislative members, except those representing an employer or
28 organization, are entitled to be reimbursed for travel expenses in
29 accordance with RCW 43.03.050 and 43.03.060.

30 (5) By January 15, 2008, the advisory committee shall provide an
31 initial report to the governor and the legislature and, if necessary,
32 a work plan with additional reporting deadlines, which shall not extend
33 beyond December 15, 2008.

34 ***NEW SECTION.** **Sec. 13.** *This act is necessary for the immediate*
35 *preservation of the public peace, health, or safety, or support of the*

1 **state government and its existing public institutions, and takes effect**
2 **immediately.**

**Sec. 13 was vetoed. See message at end of chapter.*

Passed by the Senate April 22, 2007.

Passed by the House April 22, 2007.

Approved by the Governor May 8, 2007, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 10, 2007.

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

"I am returning, without my approval as to Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill 6023 entitled:

"AN ACT Relating to the Washington assessment of student learning."

Sections 1 through 7 of this bill provide for the adjustment of high school assessment provisions related to state high school graduation requirements. These include specific changes related to mathematics and science, as well as the addition of several alternative assessments and modification of two other alternative assessments. Section 8 expands the provision of diagnostic assessments to assist students in developing the skills required to be demonstrated on state assessments. Section 12 creates an advisory committee to identify curricula that will assist in preparing students for the state assessment system.

Section 9 of this bill directs the State Board of Education, in consultation with the Superintendent of Public Instruction, to study, examine and recommend changes to the high school assessments in mathematics and science, focusing on replacement of the current assessments with specifically identified end-of-course assessments. The study's recommendation topics and timelines are structured to point to implementing end-of-course assessments as the predetermined outcome. For this reason, I am vetoing Section 9.

However, I am well aware of the strong legislative interest in this subject, specifically related to mathematics and science assessments. I have asked the State Board of Education to conduct a broad, objective study of end-of-course assessments. In the course of this study they will examine the various end-of-course assessment systems used by other states; their purposes; the subjects assessed and how they align with state standards, curriculum, and instruction; whether the exams are used singly or in combination with other assessments for graduation decision purposes; how the exams integrate with an entire assessment system (all grades and subjects); implementation issues; costs and lessons learned. Additionally, OSPI will ask potential test vendors to provide information regarding cost and technical aspects of implementing end-of-course assessments and that information will be shared with the State Board. The State Board of Education will provide recommendations based upon their study and present the study information and recommendations by January 15, 2008.

Section 10 of this bill provides for the implementation of appeals panels in each education service district for students who have not been successful in meeting state standards through the high school assessment system. The appeals criteria specified in the legislation does not relate to the student's knowledge and skill of the state standards. Therefore, I do not support this activity. Additionally, I am concerned that such a system will not yield consistent results from appeals board to appeals board.

Section 11 of this bill sets forth the threshold for student English skills required for participation in the state assessment system, with the exception that meeting standards through the state assessment system remains a requirement for high school graduation. However, in practice, the provision of excusing students from the assessments has no effect since the federal statute sets requirements for student participation for federal accountability purposes. When the federal statutes are changed, state participation requirements will be adjusted. While this provision is well-meaning, having it in statute will be confusing to students and parents.

Section 13 of this bill is an emergency clause. I am vetoing Section 13, as the issues in this legislation do not rise to the level of an emergency that requires the immediate revision of state laws.

For these reasons, I have vetoed Sections 9, 10, 11 and 13 of Engrossed Substitute Senate Bill 6023.

With the exception of Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill 6023 is approved."