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**SUBSTITUTE SENATE BILL 5165**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Franklin, Fairley, Shin and Rasmussen; by request of Governor Gregoire and Superintendent of Public Instruction)

READ FIRST TIME 02/28/07.

1       AN ACT Relating to providing temporary graduation provisions for  
2 students who do not meet standards on the high school mathematics  
3 assessments but meet all other graduation requirements; amending RCW  
4 28A.655.061 and 28A.155.045; adding a new section to chapter 28A.655  
5 RCW; and declaring an emergency.

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

7       **Sec. 1.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to  
8 read as follows:

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

1 (2) Subject to the conditions in this section, a certificate of  
2 academic achievement shall be obtained by most students at about the  
3 age of sixteen, and is evidence that the students have successfully met  
4 the state standard in the content areas included in the certificate.  
5 With the exception of students satisfying the provisions of RCW  
6 28A.155.045 or section 3 of this act, acquisition of the certificate is  
7 required for graduation from a public high school but is not the only  
8 requirement for graduation.

9 (3) Beginning with the graduating class of 2008, with the exception  
10 of students satisfying the provisions of RCW 28A.155.045, a student who  
11 meets the state standards on the reading, writing, and mathematics  
12 content areas of the high school Washington assessment of student  
13 learning shall earn a certificate of academic achievement. If a  
14 student does not successfully meet the state standards in one or more  
15 content areas required for the certificate of academic achievement,  
16 then the student may retake the assessment in the content area up to  
17 four times at no cost to the student. If the student successfully  
18 meets the state standards on a retake of the assessment then the  
19 student shall earn a certificate of academic achievement. Once  
20 objective alternative assessments are authorized pursuant to subsection  
21 (10) of this section, a student may use the objective alternative  
22 assessments to demonstrate that the student successfully meets the  
23 state standards for that content area if the student has retaken the  
24 Washington assessment of student learning at least once. If the  
25 student successfully meets the state standards on the objective  
26 alternative assessments then the student shall earn a certificate of  
27 academic achievement.

28 (4) Beginning with the graduating class of 2010, a student must  
29 meet the state standards in science in addition to the other content  
30 areas required under subsection (3) of this section on the Washington  
31 assessment of student learning or the objective alternative assessments  
32 in order to earn a certificate of academic achievement.

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

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

3 (7) Beginning in 2006, school districts must make available to  
4 students the following options:

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

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

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

19 (9) Subject to available funding, the superintendent shall pilot  
20 opportunities for retaking the high school assessment beginning in the  
21 2004-05 school year. Beginning no later than September 2006,  
22 opportunities to retake the assessment at least twice a year shall be  
23 available to each school district.

24 (10)(a) The office of the superintendent of public instruction  
25 shall develop options for implementing objective alternative  
26 assessments, which may include an appeals process, for students to  
27 demonstrate achievement of the state academic standards. The objective  
28 alternative assessments shall be comparable in rigor to the skills and  
29 knowledge that the student must demonstrate on the Washington  
30 assessment of student learning and be objective in its determination of  
31 student achievement of the state standards. Before any objective  
32 alternative assessments in addition to those authorized in RCW  
33 28A.655.065 or (b) of this subsection are used by a student to  
34 demonstrate that the student has met the state standards in a content  
35 area required to obtain a certificate, the legislature shall formally  
36 approve the use of any objective alternative assessments through the  
37 omnibus appropriations act or by statute or concurrent resolution.

1 (b) A student's score on the mathematics portion of the preliminary  
2 scholastic assessment test (PSAT), the scholastic assessment test  
3 (SAT), or the American college test (ACT) may be used as an objective  
4 alternative assessment under this section for demonstrating that a  
5 student has met or exceeded the mathematics standards for the  
6 certificate of academic achievement. The state board of education  
7 shall identify the scores students must achieve on the mathematics  
8 portion of the PSAT, SAT, or ACT to meet or exceed the state standard  
9 for mathematics. The state board of education shall identify the first  
10 scores by December 1, 2006, and thereafter may increase but not  
11 decrease the scores required for students to meet or exceed the state  
12 standard for mathematics.

13 (11) By December 15, 2004, the house of representatives and senate  
14 education committees shall obtain information and conclusions from  
15 recognized, independent, national assessment experts regarding the  
16 validity and reliability of the high school Washington assessment of  
17 student learning for making individual student high school graduation  
18 determinations.

19 (12) To help assure continued progress in academic achievement as  
20 a foundation for high school graduation and to assure that students are  
21 on track for high school graduation, each school district shall prepare  
22 plans for students as provided in this subsection (12).

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

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

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

35 (iii) The parent or guardian shall be notified, preferably through  
36 a parent conference, of the student's results on the Washington  
37 assessment of student learning, actions the school intends to take to

1 improve the student's skills in any content area in which the student  
2 was unsuccessful, strategies to help them improve their student's  
3 skills, and the content of the student's plan.

4 (iv) Progress made on the student plan shall be reported to the  
5 student's parents or guardian at least annually and adjustments to the  
6 plan made as necessary.

7 (b) Beginning with the 2005-06 school year and every year  
8 thereafter, all fifth grade students who were not successful in one or  
9 more of the content areas of the fourth grade Washington assessment of  
10 student learning shall have a student learning plan.

11 (i) The parent or guardian of a student described in this  
12 subsection (12)(b) shall be notified, preferably through a parent  
13 conference, of the student's results on the Washington assessment of  
14 student learning, actions the school intends to take to improve the  
15 student's skills in any content area in which the student was  
16 unsuccessful, and provide strategies to help them improve their  
17 student's skills.

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

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

23 Beginning with the graduating class of 2008, students served under  
24 this chapter, who are not appropriately assessed by the high school  
25 Washington assessment system as defined in RCW 28A.655.061, even with  
26 accommodations, may earn a certificate of individual achievement. The  
27 certificate may be earned using multiple ways to demonstrate skills and  
28 abilities commensurate with their individual education programs. The  
29 determination of whether the high school assessment system is  
30 appropriate shall be made by the student's individual education program  
31 team. Except as provided in section 3 of this act, for these students,  
32 the certificate of individual achievement is required for graduation  
33 from a public high school, but need not be the only requirement for  
34 graduation. When measures other than the high school assessment system  
35 as defined in RCW 28A.655.061 are used, the measures shall be in  
36 agreement with the appropriate educational opportunity provided for the  
37 student as required by this chapter. The superintendent of public

1 instruction shall develop the guidelines for determining which students  
2 should not be required to participate in the high school assessment  
3 system and which types of assessments are appropriate to use.

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

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

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.655  
13 RCW to read as follows:

14 (1) For the graduating classes of 2008, 2009, and 2010, students  
15 may graduate from high school without earning a certificate of academic  
16 achievement or a certificate of individual achievement if they:

17 (a) Have not successfully met the mathematics standard on the high  
18 school Washington assessment of student learning, an approved objective  
19 alternative assessment, or an alternate assessment developed for  
20 eligible special education students;

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

23 (c) Have met all other state and school district graduation  
24 requirements; and

25 (2) In addition to the requirements under subsection (1) of this  
26 section:

27 (a) For the graduating class of 2008, students must successfully  
28 earn one additional high school mathematics credit, or a credit in a  
29 course that teaches equivalent skills, after the student's eleventh  
30 grade year designed to increase the individual student's mathematics  
31 proficiency toward meeting or exceeding the mathematics standards  
32 assessed on the high school Washington assessment of student learning  
33 and continue to take the appropriate mathematics assessment at least  
34 once annually until graduation; and

35 (b) For the graduating classes of 2009 and 2010, students must  
36 successfully earn two additional mathematics credits, or credits in  
37 courses that teach equivalent skills, after the student's tenth grade

1 year designed to increase the individual student's mathematics  
2 proficiency toward meeting or exceeding the mathematics standards  
3 assessed on the high school Washington assessment of student learning  
4 and continue to take the appropriate mathematics assessment at least  
5 once annually until graduation.

6 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately.

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