

# SENATE BILL REPORT

## SB 5237

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As of February 1, 2013

**Title:** An act relating to establishing accountability for student performance in third grade.

**Brief Description:** Establishing accountability for student performance in third grade.

**Sponsors:** Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield, Carrell and Shin.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/30/13.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Susan Mielke (786-7422)

**Background:** Generally, third grade reading skills are assessed using the state's Measurements of Student Progress (MSP) assessment; unless the student has a disability and is not appropriately assessed by the MSP then the state uses an alternate assessment. A student's performance on the MSP, is reported for individual students, schools, districts, and the state according to four performance levels defined by the Washington State Board of Education:

- Level 4: Advanced – exceeding state standard.
- Level 3: Proficient – meeting state standard.
- Level 2: Basic – not meeting state standard.
- Level 1: Below Basic – not meeting state standard.

The state report card on the website of the Office of Superintendent of Public Instruction, indicates that 68.8 percent of Washington students in third grade met or exceeded the state standard on the reading MSP in the 2011-12 school year; and 31.2 percent did not meet the state standard.

Recently, Washington revised its student learning standards in reading, writing, and mathematics, which are tested on the MSP, to align with the Common Core State Standards (CCSS). The CCSS are student learning standards in English language arts (ELA) and mathematics that were developed by a multistate consortium.

Washington is participating in a multistate consortium using a federal grant to develop new student assessments that are, among other things, aligned with the CCSS. The assessments

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will include a third grade ELA assessment. The assessments will be ready to implement in the 2014-15 school year. To continue in the consortium after the beginning of the 2014-15 school year, Washington must agree to use the consortium-developed tests to meet the accountability requirements of the federal No Child Left Behind Act, also known as the reauthorization of the Elementary and Secondary Education Act.

**Summary of Bill:** Beginning in the 2014-15 school year, a student who scores below basic on the state's third grade ELA assessment may not be promoted to fourth grade unless the student meets a good cause exemption. A good cause exemption may be applied by the school district when:

- the student took an alternate assessment designed for students with significant cognitive disabilities;
- the student is disabled and the student's Individualized Education Program (IEP) includes specially designed instruction in ELA, and the team that develops the student's IEP determines that retention in third grade is not an appropriate placement for the student;
- the student is an English language learner who has been enrolled in the Transitional Bilingual Instructional Program (TBIP) for two or fewer years; or
- the student has been previously retained in the same grade and received remediation services for at least two years.

School districts must adopt a policy for mid-year promotion to the fourth grade if a student retained in the third grade is demonstrating sufficient progress to score at least in the basic level on the state's fourth grade ELA assessment.

Beginning in 2015-16, a school district must provide remediation for any student who did not meet the state standard on the state's third grade ELA assessment. The district may use state apportionment or learning assistance program funds to provide the remediation; and may use state TBIP and special education funds, and federal funds of specified programs, when the student receiving the remediation is eligible for the programs. The remediation must include the following:

- a minimum of 90 minutes of daily, research-based instruction in ELA;
- small group instruction or reduced teacher to student ratios;
- supplemental tutoring; and
- use of diagnostic assessments to identify the specific skills in which the student needs assistance.

Additionally, the school district must provide supplemental learning opportunities through an extended school day, school year, or summer school program for a student who was eligible to be retained but met a good cause exemption or was retained due to not meeting the state standard on the state's third grade ELA assessment. School districts are encouraged to provide supplemental learning opportunities for other students who scored below the state standard on the state's third grade ELA assessment.

If a student does not have a third grade ELA assessment score, then the promotion and remediation policies are required to be followed if the district determines the student's performance level is equivalent to basic or below basic using other assessments. A school district must provide written notification regarding the promotion and remediation policies to

the parent or guardian of a student who does not meet the state standard on the state's third grade ELA assessment.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2013.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We have an achievement and opportunity gap that has persisted for decades. At some point we must do something differently. Students need to be able to read by the third grade; it is a great predictor of success, and the lack of being able to read is connected to the prison pipeline. This legislation is based on Florida law but 14 other states have done this. They have had tremendous success in improving students' academic performance. This is not an attack on teachers – it is giving teachers the tools to help them make their students successful. A bright line around third grade reading is important for communities to choose to support education.

CON: The intent of getting all kids to read at grade level is a laudable goal. But not all children learn at the same rate and that doesn't mean they won't learn it. The MSP is not a complete picture of the student and you need to look at the whole child when making such decisions. Research shows that any improvements that might be gained from retention are very short lived and that retention will lower graduation rates. These decisions should be made at the local level with teachers and parents. Olympia should not be telling schools how to do their jobs and overburden the system. The coalition of communities of color have concerns about the ramification of the bill. The effect is that students of color will be disproportionately retained. There are better ways to use our time and resources. It would be better to focus and build on the early learning structure with early prevention and intervention before children get to school. It would be better to provide teachers with more training to more effectively teach reading. It would be better to invest in our schools and teachers and to involve families. Instead of retaining students you can better help them through an intensive summer program or an extended day program. This bill provides no new money – more unfunded mandates are not what we need. We have the most crowded classrooms in the nation; we should lower class size so teachers can help struggling students.

OTHER: We appreciate that you are putting a laser-like focus on third grade reading. But there needs to be greater internal supports, the problem is much more profound than that students are slipping through the cracks. We need to use the Washington Kindergarten Inventory of Developing Skills and screen students twice a year so we can address what they need. Teachers need to use evidence-based literacy instruction that is phonemically based. Teachers and administrators need to be trained to use data responsibly. The state should provide a statewide early learning program.

**Persons Testifying:** PRO: Senator Dammeier, prime sponsor; Dave Powell, Stand for Children; Frank Ordway, League of Education Voters.

CON: Randy Dorn, State Superintendent of Public Instruction; Anita Boyum, Ellensburg School Director; Sharonne Navas, Equity in Education Coalition; Edri Gieger, Vancouver School District Director; Erin Jones, Federal Way School District; Dawn Mason, Parents for Student Success; John Deeder, Evergreen Public Schools; Wendy Rader-Konofalski, WA Education Assn.; Tim Fries, Elementary School Principals of WA; Ron Sisson, Elementary School Principals of WA.

OTHER: Ramona Hattendorff, WA State PTA; Ben Rarick, State Board of Education.