AN ACT Relating to establishing accountability for student performance in third grade; adding new sections to chapter 28A.655 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. (1) The legislature finds that significant state investments have been and will be made to support a continuum of learning from prekindergarten through third grade, including through early learning programs, statewide implementation of full-day kindergarten, and reduced class sizes in grades kindergarten through three. These investments reflect the importance of providing young children with the best possible opportunities to develop foundational knowledge and skills, particularly in the critical area of English language arts. The investments also reflect the legislature's recognition that early intervention represents the best hope of eliminating the educational opportunity gap among groups of students.

(2) The legislature also finds that such investments and the state's commitment to prekindergarten through third grade learning warrant an accountability mechanism to ensure positive student outcomes. School districts should be required to provide intensive
remediation if student performance in English language arts continues to fall below grade level after completion of third grade. Furthermore, statewide implementation of aligned curriculum, instruction, and assessments associated with the common core state standards provides a timely opportunity to initiate this accountability mechanism.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and sections 3 and 4 of this act unless the context clearly requires otherwise.

(a) "Basic" means a score on the statewide student assessment at a level two in a four-level scoring system.

(b) "Below basic" means a score on the statewide student assessment at a level one in a four-level scoring system.

(c) "Not meet the state standard" means a score on the statewide student assessment at either a level one or a level two in a four-level scoring system.

(2) Beginning in the 2014-15 school year, a student who receives a score of below basic on the third grade statewide student assessment in English language arts may not be promoted to fourth grade unless the student meets one of the good cause exemptions under section 3 of this act.

(3) Beginning in the 2015-16 school year, a school district must provide remediation as required under section 4 of this act for any student who did not meet the state standard on the third grade statewide student assessment in English language arts in the previous school year.

(4) If a student does not have a score in English language arts on the third grade statewide student assessment, the promotion and remediation policies under this section are required if the district determines, using district or classroom-based diagnostic assessments or another standardized assessment, that the student's performance is equivalent to basic or below basic in English language arts.

(5) A school district must provide written notification to the parent or guardian of a student who did not meet the state standard on the third grade statewide student assessment in English language arts.
The notification must outline the requirements of this section and sections 3 and 4 of this act and provide information about the remediation that will be provided by the school district.

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

(1) A school district may exempt the following students from the performance standard for promotion to fourth grade required under section 2 of this act:

(a) Students who participate in the statewide student assessment system through an alternate assessment designed for students with significant cognitive disabilities;

(b) Students with disabilities whose individualized education program includes specially designed instruction in English language arts, and whose individualized education program team determines that retention in third grade is not an appropriate educational placement;

(c) Students who are English language learners who have been enrolled in the transitional bilingual instructional program under chapter 28A.180 RCW for two or fewer years; and

(d) Students who have previously been retained in the same grade and who have received supplemental instruction and remediation for at least two years.

(2) School districts must adopt a policy for the mid-year promotion to fourth grade of a student who is retained in third grade under section 2 of this act if the district determines the student is demonstrating sufficient progress to be likely to achieve at least a score of basic on the fourth grade statewide student assessment in English language arts.

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

(1) Beginning in the 2015-16 school year, a school district must provide the following remediation for any student who did not meet the state standard on the third grade statewide assessment in English language arts in the previous school year:

(a) A minimum of ninety minutes of daily, research-based instruction in English language arts;

(b) Small group instruction or reduced teacher-to-student ratios;
(c) Supplemental tutoring; and

(d) Use of diagnostic assessments to identify specific skills where
the student needs assistance and other formative assessments to monitor
student progress during the school year.

(2) In addition to the remediation required under subsection (1) of
this section, a school district must provide supplemental learning
opportunities through an extended school day or school year or through
a summer school program for any student who is retained in third grade
under section 2 of this act and for any student who was eligible to be
retained but was promoted to fourth grade as a result of an exemption
under section 3 of this act. School districts are encouraged but not
required to provide such supplemental learning opportunities for other
students who did not meet the state standard on the third grade
statewide assessment.

(3) To implement the remediation required under this section,
school districts may use state funds provided for basic education
through general apportionment or the learning assistance program, state
and federal funds for the transitional bilingual instructional program
for students eligible for and enrolled in the program, state and
federal funds for special education for students with disabilities,
federal funds from Title I of the elementary and secondary education
act, or any other state, federal, local, or private funds available
generally or specifically to support student learning in English
language arts.

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