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**SECOND SUBSTITUTE HOUSE BILL 1182**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Santos, Steele, Dolan, Ortiz-Self, and Slatter)

AN ACT Relating to modifying the learning assistance program to balance local control and state accountability by making the allowable uses of program funds more flexible and requiring that the expenditure of funds be consistent with the Washington integrated student supports protocol; amending RCW 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.035, 28A.165.100, 28A.165.065, 28A.300.139, 28A.320.190, and 28A.710.280; adding a new section to chapter 28A.630 RCW; creating new sections; providing an effective date; and providing expiration dates.

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

NEW SECTION. **Sec.**  (1) The legislature acknowledges that the learning assistance program was developed to provide supplemental services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support participating students. Over time, the legislature restricted, and established priorities for, the use of learning assistance program funds. The legislature finds that it is time to restore flexibility to the use of learning assistance program funds; however, local control must be balanced with local accountability for improvement in student academic achievement.

(2)(a) The legislature acknowledges that it established the Washington integrated student supports protocol in 2016 to, among other things: (i) Support a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment; (ii) fulfill a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded; and (iii) support the integration of high quality, evidence-based, student-centered, coordinated school-based approaches throughout the state.

(b) The protocol developed by the center for the improvement of student learning, within the office of the superintendent of public instruction, includes the following components: (i) Student-level and system-level needs and strengths assessments; (ii) community partners that provide nonacademic supports; (iii) coordination and integration of academic and nonacademic supports with the school district and schools; and (iv) analysis of school-level and student-level data to determine the efficiency of the activities, practices, and programs funded by the district's learning assistance program.

(3)(a) During a four-year pilot project, the legislature intends to restore flexibility to the use of learning assistance program funds, but to require that school districts budget and expend learning assistance program funds at both the district and school levels in a manner consistent with the Washington integrated student supports protocol. Before engaging in the budgeting process, it is expected that school districts will use needs assessments and data to map the resources of the district, each school, and the community; identify gaps in the coordination and integration of academic and nonacademic supports; and engage community partners in strategic planning that prioritizes the needs of students. It is also expected that each school will use needs assessments and data to determine how to best engage community partners to address the academic and nonacademic needs of its students in an integrated and coordinated manner. Data must be used in an iterative process to drive decisions about how learning assistance program funds are used in the district and schools, and to determine whether decisions about the use of program funds resulted in improvement in students' academic achievement.

(b) In addition, the legislature intends to require monitoring of school district learning assistance programs to ensure fidelity in implementing best practices in a manner consistent with the Washington integrated student supports protocol. School districts and schools should be able to demonstrate the link between the results of the various needs assessments, the learning assistance program budget and expenditures, and the improvement in participating students' academic achievement. At the end of the four-year period, the legislature intends to review innovations made after the implementation of this act by school districts to reduce barriers to student achievement. The legislature intends to continue to allow flexible use of learning assistance program funds, as described under this act, as long as that use results in greater student academic growth gains across the state.

NEW SECTION. **Sec.**  (1) In preparation for the required implementation of the Washington integrated student supports protocol as described in this act, school districts are encouraged to expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, in a manner consistent with the Washington integrated student supports protocol, established under RCW 28A.300.139. Plans for district expenditures should consider the needs of participating students at the school district's various schools, and prioritize student needs based on system-level, including district, school, and community, needs assessments and student-level needs assessments performed as part of the Washington integrated student supports protocol.

(2) This section expires August 1, 2022.

**Sec.**  RCW 28A.165.055 and 2018 c 266 s 104 are each amended to read as follows:

(1) While the state allocations for the learning assistance program under this chapter are intended to be flexible dollars within the control of the public school and school district, this local control must be balanced with local accountability for improvement in student achievement. Therefore, the expenditure of learning assistance program funds must be consistent with the Washington integrated student supports protocol, established under RCW 28A.300.139. Plans for district expenditures must address the needs of participating students at the school district's various schools, and prioritize student needs based on system-level, including district, school, and community, needs assessments and student-level needs assessments performed as part of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(2) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

((~~(2)~~)) (3) A district's high poverty-based allocation is generated by its qualifying schools as defined in RCW 28A.150.260(10) and must be expended by the district for those schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools.

**Sec.**  RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

((~~(1)~~)) This chapter is designed to: ((~~(a)~~)) (1) Promote the use of data when developing programs to assist students who are not meeting academic standards ((~~and reduce disruptive behaviors in the classroom~~)); and ((~~(b)~~)) (2) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards ((~~and reduce disruptive behaviors in the classroom~~)).

((~~(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy.~~))

**Sec.**  RCW 28A.165.035 and 2018 c 75 s 7 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

((~~(d)~~)) (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

((~~(e)~~)) (f) Tutoring support for participating students;

((~~(f)~~)) (g) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; ((~~and~~

~~(g) Up to five percent of a district's learning assistance program allocation may be used for development of~~))

(h) Partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended for the purpose of partnerships under this subsection;

(i) Screening and intervention requirements under RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program; and

(j) Staff trainings necessary to implement RCW 28A.320.260.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

((~~(5) School districts may use learning assistance program allocations to meet the screening and intervention requirements of RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of RCW 28A.320.260.~~))

**Sec.**  RCW 28A.165.035 and 2018 c 75 s 7 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. ((~~To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235,~~)) The office of the superintendent of public instruction shall convene a panel of experts to identify best practices and strategies that may be used to provide behavioral and other nonacademic supports to participating students or to assist them in meeting state standards in federally required state assessments. The office of the superintendent of public instruction shall publish the best practices and strategies by July 1, 2023, and update this publication by each July 1st thereafter.

(2) The following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

((~~(d)~~)) (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

((~~(e)~~)) (f) Tutoring support for participating students;

((~~(f)~~)) (g) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; ((~~and~~

~~(g) Up to five percent of a district's learning assistance program allocation may be used for development of~~))

(h) Partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The academic and nonacademic supports must be identified through system-level, including district, school, and community, needs assessments and student-level needs assessments performed as part of the Washington integrated student supports protocol, established under RCW 28A.300.139. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended for the purpose of partnerships under this subsection;

(i) Screening and intervention requirements under RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program; and

(j) Staff trainings necessary to implement RCW 28A.320.260.

((~~(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.~~

~~(3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.~~

~~(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.~~

~~(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.~~

~~(4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.~~

~~(5) School districts may use learning assistance program allocations to meet the screening and intervention requirements of RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of RCW 28A.320.260.~~))

**Sec.**  RCW 28A.165.100 and 2019 c 208 s 1 are each amended to read as follows:

(1) School districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) By August 1, 2014, and each September 30th thereafter, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth;

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding; and

(d) Other data if required by the office of the superintendent of public instruction to demonstrate the efficacy of the learning assistance program expenditures to show student academic growth gains, including indicators aligned with the accountability framework for schools receiving support under RCW 28A.657.110.

(3) By January 1, 2020, and each January 1st thereafter, the office of the superintendent of public instruction shall compile the school district data reported as required by subsection (2) of this section, and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with the annual and longitudinal gains for the specific practices, activities, and programs used by the school districts and schools to show which are the most effective. The data must be disaggregated by student subgroups.

**Sec.**  RCW 28A.165.065 and 2013 2nd sp.s. c 18 s 206 are each amended to read as follows:

To ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs no less than once every four years. The primary purpose of program monitoring is to evaluate the effectiveness of a district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices. The office of the superintendent of public instruction may provide technical assistance to school districts identified, using data reported as required under RCW 28A.165.100, as needing to improve the effectiveness of a learning assistance program.

**Sec.**  RCW 28A.300.139 and 2016 c 72 s 801 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A system-level needs assessment with resource mapping must be conducted in order to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community. A student-level needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

**Sec.**  RCW 28A.320.190 and 2019 c 252 s 113 are each amended to read as follows:

(1) The extended learning opportunities program is created for eligible ((~~eleventh and~~)) ninth through twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Attendance in a public high school or public alternative school classes or at a skill center;

(c) Inclusion in remediation programs, including summer school;

(d) Language development instruction for English language learners;

(e) Online curriculum and instructional support, including programs for credit retrieval and statewide student assessment preparatory classes; and

(f) Reading improvement specialists available at the educational service districts to serve eighth((~~, eleventh, and~~)) through twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

**Sec.**  RCW 28A.710.280 and 2018 c 266 s 403 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for ((~~underachieving~~)) students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.630 RCW to read as follows:

(1) By December 1, 2023, and by December 1st annually for the next two years, and in compliance with RCW 43.01.036, the center for the improvement of student learning, established under RCW 28A.300.130, must:

(a) Review the learning assistance program data and reports submitted by school districts to the office of the superintendent of public instruction under RCW 28A.165.100 to determine which school districts have achieved the greatest student academic growth gains; and

(b) Report to the appropriate committees of the legislature with a summary of the innovations made by these school districts to reduce barriers to student academic achievement.

(2) This section expires June 30, 2026.

NEW SECTION. **Sec.**  Section 5 of this act expires August 1, 2022.

NEW SECTION. **Sec.**  Sections 3 and 6 of this act take effect August 1, 2023.

NEW SECTION. **Sec.**  Sections 1, 3, 4, and 6 through 10 of this act expire June 30, 2026.

**--- END ---**