
HOUSE BILL 2084

State of Washington

56th Legislature

1999 Regular Session

By Representatives Quall and Talcott

Read first time 02/15/1999. Referred to Committee on Education.

1 AN ACT Relating to the learning assistance program; amending RCW
2 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060,
3 28A.165.070, 28A.165.080, and 28A.165.095; creating a new section; and
4 repealing RCW 28A.165.010.

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

6 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that the
7 adoption of state-wide academic standards requires that school
8 districts carefully analyze the use of funds intended to assist low-
9 performing students and that schools should be using research-based
10 instructional practices and programs. The legislature further finds
11 that additional state funds should be allocated to school districts
12 that would be used to provide assistance and extended learning
13 opportunities for students before and after school, on Saturdays,
14 during the summer, during other vacation periods, and during the school
15 day. The legislature further finds that schools and districts should
16 be given more flexibility in how funds are used, and that state-level
17 monitoring should be based primarily on how effective schools are at
18 helping students achieve the state-wide standards.

1 **Sec. 2.** RCW 28A.165.012 and 1987 c 478 s 2 are each amended to
2 read as follows:

3 There is hereby created a state-wide program designed to enhance
4 educational opportunities for public school students who ~~((are~~
5 ~~deficient in basic skills achievement))~~, without additional assistance,
6 are not likely to meet the state-wide academic standards, or who did
7 not meet the standards, as measured by the Washington assessment of
8 student learning. This program shall be known as the learning
9 assistance program.

10 **Sec. 3.** RCW 28A.165.030 and 1990 c 33 s 148 are each amended to
11 read as follows:

12 Unless the context clearly indicates otherwise the definitions in
13 this section apply throughout RCW 28A.165.010 through 28A.165.090.

14 ~~(1) ("Basic skills" means reading, mathematics, and language arts~~
15 ~~as well as readiness activities associated with such skills.~~

16 ~~(2) "Placement testing" means the administration of objective~~
17 ~~measures by a school district for the purposes of diagnosing the basic~~
18 ~~skills achievement levels, determining the basic skills areas of~~
19 ~~greatest need, and establishing the learning assistance needs of~~
20 ~~individual students in conformance with instructions established by the~~
21 ~~superintendent of public instruction for such purposes.~~

22 ~~(3) "Approved program" means a program conducted pursuant to a plan~~
23 ~~submitted by a district and approved by the superintendent of public~~
24 ~~instruction under RCW 28A.165.040.~~

25 ~~(4)) "Participating student" means a low-performing student in~~
26 ~~kindergarten through grade nine who ((scores below grade level in basic~~
27 ~~skills, as determined by placement testing, and who)) is identified~~
28 ~~((under RCW 28A.165.050)) to receive additional services or support~~
29 ~~((under an approved program.~~

30 ~~(5) "Basic skills tests" means state-wide tests at the fourth and~~
31 ~~eighth grade levels established pursuant to RCW 28A.230.190)).~~
32 Identification of participating students shall be determined in each
33 participating school through a selection process that may include
34 classroom performance, teacher referrals, placement testing, and other
35 appropriate educational criteria as may be determined by the school
36 district. In schools that are determined to be a school-wide program,
37 all children are eligible to receive services depending on their needs.

1 (2) "Low-performing student" means a student who, without
2 additional assistance, is not likely to meet the state-wide academic
3 standards, or who did not meet the standards, as measured by the
4 Washington assessment of student learning.

5 (3) "State-wide academic standards" means the standards established
6 under RCW 28A.630.885 in reading, writing, communications, and
7 mathematics as measured by the Washington assessment of student
8 learning.

9 (4) "School-wide program" means a school where all children are
10 eligible to receive services depending on their needs. Schools with a
11 high percentage of low-performing students or students from low-income
12 households are eligible to be designated school-wide programs. The
13 criteria for designating school-wide programs shall be determined by
14 the superintendent of public instruction.

15 **Sec. 4.** RCW 28A.165.040 and 1990 c 33 s 149 are each amended to
16 read as follows:

17 Each school district which applies for state funds distributed
18 pursuant to RCW 28A.165.070 shall conduct a needs assessment and, on
19 the basis of its findings, shall develop a plan for the use of these
20 funds. The district plan ((may)) shall incorporate plans developed by
21 each ((eligible)) school that receives learning assistance funds.
22 Districts are encouraged to place special emphasis on addressing the
23 needs of students in the early grades. The needs assessment and plan
24 shall be updated at least biennially, and shall be determined in
25 consultation with an advisory committee including but not limited to
26 members of the following groups: Parents, including parents of
27 students served by the program; teachers; principals; administrators;
28 and school directors. ~~((The district shall submit a biennial~~
29 ~~application specifying this plan to the office of the superintendent of~~
30 ~~public instruction for approval.)) Plans shall include:~~

31 (1) The means which the district will use to identify participating
32 students to receive additional services or support under the proposed
33 program;

34 (2) The specific services or activities which the funds will be
35 used to support, and their estimated costs. Services and activities
36 must have been demonstrated to be effective with the types of students
37 being served;

1 (3) A plan for annual evaluation of the program by the district,
2 based on performance objectives related to (~~basic skills achievement~~
3 ~~of participating students, and a plan for reporting the results of this~~
4 ~~evaluation to the superintendent of public instruction~~) the attainment
5 of the state-wide academic standards;

6 (4) Procedures for involving families and community members in the
7 education of participating students;

8 (5) Procedures for recordkeeping or other program documentation as
9 may be required by the superintendent of public instruction; and

10 (~~(5)~~) (6) The approval of the local school district board of
11 directors.

12 **Sec. 5.** RCW 28A.165.050 and 1987 c 478 s 5 are each amended to
13 read as follows:

14 (~~Identification of participating students for an approved program~~
15 ~~of learning assistance shall be determined in each district through the~~
16 ~~implementation of the findings of the district's needs assessment and~~
17 ~~through placement testing.)) School districts are encouraged to
18 coordinate the use of funds from federal, state, and local sources in
19 serving low-performing students (~~who are below grade level in basic~~
20 ~~skills,~~) and to make efficient use of these resources in meeting the
21 needs of students (~~with the greatest academic deficits~~) who are not
22 achieving the state-wide academic standards.~~

23 **Sec. 6.** RCW 28A.165.060 and 1989 c 233 s 3 are each amended to
24 read as follows:

25 (1) Services or activities which may be supported under (~~an~~
26 ~~approved~~) a program of learning assistance (~~shall~~) may include, but
27 not be limited to:

28 (~~(1)~~) (a) Extended learning opportunities, including assistance
29 provided before and after school, on Saturdays, and during summer and
30 vacation periods. This assistance may be provided by teachers,
31 instructional support staff, classified staff, and paid and volunteer
32 tutors;

33 (b) Consultant teachers to assist classroom teachers in meeting the
34 needs of participating students;

35 (~~(2)~~) (c) Instructional support staff and instructional
36 assistants to assist classroom teachers in meeting the needs of
37 participating students;

1 ~~((3))~~ (d) In-service training for classroom teachers,
2 instructional support staff, and instructional assistants in
3 multicultural differences ~~((and))~~, in the identification of learning
4 problems ~~((or))~~, and in instructional methods for teaching students
5 with learning problems;

6 ~~((4))~~ (e) Special instructional programs ~~((for participating~~
7 students, of sufficient size, scope, and quality to address the needs
8 of these students and to give reasonable promise of substantial
9 progress toward meeting their educational objectives)), such as
10 nationally validated comprehensive models that are based on effective
11 learning practices and address the needs of the participating students;

12 ~~((5) Tutoring assistance during or after school or on Saturday~~
13 ~~provided by instructional support staff, a student tutor, teacher, or~~
14 ~~instructional assistant;~~

15 ~~(6))~~ (f) In-service training for parents of participating
16 students; ~~((and~~

17 ~~(7))~~ (g) Full-day kindergarten;

18 (h) Volunteer coordinators; and

19 (i) Counseling, with an emphasis on services for elementary
20 students who are in need of learning assistance, provided by
21 instructional support staff such as school counselors, school
22 psychologists, school nurses, and school social workers. ~~((Pursuant to~~
23 the provisions of section 4(2) of this act,)) Learning assistance funds
24 may be used to provide counseling for students who in the absence of
25 counseling would likely become in need of such learning assistance.

26 (2) School districts are strongly encouraged to maximize extended
27 learning opportunities for students before school, after school, on
28 Saturdays, and during vacation periods in using learning assistance
29 program funds. School districts are encouraged to minimize the use of
30 learning assistance program funds for pull-out instructional programs
31 that occur during regular school hours on regular school days and which
32 require removing students from the regular classroom in order to take
33 advantage of any special instructional program supported by learning
34 assistance program funds.

35 **Sec. 7.** RCW 28A.165.070 and 1995 1st sp.s. c 13 s 1 are each
36 amended to read as follows:

37 Each school district ~~((which has established an approved program))~~
38 shall be eligible, as determined by the superintendent of public

1 instruction, for state funds made available for the purposes of
2 (~~such~~) the learning assistance program(~~s~~).

3 (1) (~~For the 1995-96 school year and thereafter,~~) The
4 superintendent of public instruction shall distribute funds
5 appropriated for the learning assistance program in accordance with the
6 biennial appropriations act. The distribution formula shall be based
7 upon an assessment of students and a poverty factor.

8 (2) The distribution of state funds to school districts is for
9 allocation purposes only. School districts shall determine the
10 allocation of funds to schools within the school district based on the
11 needs of students.

12 (~~(3) The superintendent of public instruction shall recommend to~~
13 ~~the legislature a new allocation formula that uses additional elements~~
14 ~~consistent with performance-based education and the new assessment~~
15 ~~system developed by the commission on student learning. The~~
16 ~~superintendent of public instruction shall develop the recommendations~~
17 ~~for a new allocation formula not later than the 1997-98 school year,~~
18 ~~based upon the initial implementation of the assessment system for~~
19 ~~reading, writing, communication, and mathematics.))~~

20 **Sec. 8.** RCW 28A.165.080 and 1990 c 33 s 151 are each amended to
21 read as follows:

22 (1) In order to (~~insure~~) ensure that school districts are
23 (~~meeting the requirements of an approved program~~) using learning
24 assistance program funds effectively to improve the academic
25 achievement of low-performing students, the superintendent of public
26 instruction shall (~~monitor~~) annually evaluate the effectiveness of
27 such programs (~~no less than once every three years. The results of~~
28 ~~the evaluations required by RCW 28A.165.040 shall be transmitted to the~~
29 ~~superintendent of public instruction annually~~). The effectiveness
30 review shall be based on the results of state-mandated assessments,
31 including both the state-wide norm-referenced tests and the Washington
32 assessment of student learning and other appropriate data, as
33 determined by the superintendent of public instruction.

34 (2) Individual student records shall be maintained at the school
35 district for a period of time as determined by the superintendent of
36 public instruction.

1 **Sec. 9.** RCW 28A.165.095 and 1997 c 431 s 5 are each amended to
2 read as follows:

3 (~~(1)~~) Schools and school districts may obtain(~~(, in accordance~~
4 ~~with RCW 28A.320.017,)~~) waivers from the statutory requirements in this
5 chapter that pertain to the instructional program, operation, and
6 management of schools, except provisions pertaining to the monitoring
7 of program effectiveness. Waivers also may be obtained(~~(, in~~
8 ~~accordance with RCW 28A.320.017,)~~) from any rules of the (~~state board~~
9 ~~of education and~~) superintendent of public instruction adopted to
10 implement the statutory requirements. The superintendent of public
11 instruction shall establish a process for obtaining waivers.

12 (~~(2) This section expires June 30, 1999.~~)

13 NEW SECTION. **Sec. 10.** RCW 28A.165.010 (Intent) and 1989 c 233 s
14 1 & 1987 c 478 s 1 are each repealed.

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