

Chapter 392-162 WAC

SPECIAL SERVICE PROGRAM—LEARNING ASSISTANCE

WAC

392-162-005	Authority.		filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.075.
392-162-010	Purpose.	392-162-047	Definition—Basic skills test. [Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-162-047, filed 7/19/90, effective 8/19/90. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-047, filed 10/22/87.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-015	Definition—Basic skills.		
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392-162-030	Definition—Eligible students. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-030, filed 10/22/87. Statutory Authority: RCW 28A.41-408. WSR 84-14-038 (Order 84-21), § 392-162-030, filed 6/28/84.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.	392-162-052	Definition—Indirect expenditures. [Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-052, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-052, filed 10/22/87.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-034	Accelerated learning plans. [Statutory Authority: RCW 28A.165.075. WSR 08-21-053, § 392-162-034, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-034, filed 12/21/06, effective 1/21/07.] Repealed by WSR 14-08-067, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.075.	392-162-053	Definition—Direct expenditures. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-053, filed 10/22/87.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-035	Definition—Additional/supplemental services. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-035, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-035, filed 6/28/84.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.	392-162-055	Definition—Direct expenditure. [Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-055, filed 6/28/84.] Repealed by WSR 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.
392-162-040	Definition—Placement testing. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-040, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-040, filed 6/28/84.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.	392-162-056	Exception to state-approved selection of best practices and strategies for use in the learning assistance program. [Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-056, filed 3/31/14, effective 5/1/14.] Repealed by WSR 16-16-078, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075 and 28A.150.290.
392-162-042	Definition—Program options. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-042, filed 10/22/87.] Repealed by WSR 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.	392-162-057	Definition—Advisory committee. [Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-057, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-057, filed 10/22/87.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-043	Definition—School-wide project. [Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-043, filed 9/12/95, effective 10/13/95.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.	392-162-060	District application. [Statutory Authority: RCW 28A.165.075. WSR 09-24-075, § 392-162-060, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-060, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-060, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-060, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-060, filed 6/28/84.] Repealed by WSR 14-08-067, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.075.
392-162-044	Definition—Program plan. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-044, filed 10/22/87.] Repealed by WSR 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.	392-162-062	Program plan revision. [Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-062, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-062, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-062, filed 10/22/87.]
392-162-045	Definition—Approved program. [Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-045, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-045, filed 10/22/87. Statutory Authority: RCW 28A.41-408. WSR 84-20-088 (Order 84-47), § 392-162-045, filed 10/2/84; WSR 84-14-038 (Order 84-21), § 392-162-045, filed 6/28/84.] Repealed by WSR 14-08-067,		

- Repealed by WSR 14-08-067, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.075.
- 392-162-065 School board approval. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-065, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-065, filed 6/28/84.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.-070.
- 392-162-067 Program requirement—Needs assessment. [Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-067, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-067, filed 10/22/87.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.-070.
- 392-162-068 Program plan. [Statutory Authority: RCW 28A.165.-075. WSR 09-24-075, § 392-162-068, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-068, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-068, filed 12/21/06, effective 1/21/07.] Repealed by WSR 14-08-067, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.075.
- 392-162-070 Program requirement—District program plan. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-070, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-070, filed 6/28/84.] Repealed by WSR 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.
- 392-162-072 Program plan—Approved activities. [Statutory Authority: RCW 28A.165.075. WSR 09-24-075, § 392-162-072, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-072, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-072, filed 12/21/06, effective 1/21/07.] Repealed by WSR 14-08-067, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.075.
- 392-162-075 Program approval. [Statutory Authority: RCW 28A.165.075. WSR 09-24-075, § 392-162-075, filed 11/30/09, effective 12/31/09. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-075, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-075, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-075, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-075, filed 6/28/84.] Repealed by WSR 14-08-067, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.075.
- 392-162-085 Program requirement—Consultation with the "advisory committee." [Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-085, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-085, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-085, filed 6/28/84.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
- 392-162-090 Program requirement—Notification of parents. [Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-090, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-090, filed 6/28/84.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
- 392-162-095 Program requirement—Allowable expenditures. [Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-095, filed 9/12/95, effective 10/13/95; WSR 91-18-005 (Order 91-15), § 392-162-095, filed 8/23/91, effective 8/23/91; WSR 87-22-001 (Order 87-14), § 392-162-095, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-095, filed 6/28/84.] Repealed by WSR 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
- 392-162-105 Program requirement—Program evaluation. [Statutory Authority: RCW 28A.165.075. WSR 08-21-053, § 392-162-105, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-105, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 95-19-032 (Order 95-09), § 392-162-105, filed 9/12/95, effective 10/13/95; WSR

87-22-001 (Order 87-14), § 392-162-105, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-105, filed 6/28/84.] Repealed by WSR 14-08-067, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.165.-075.

WAC 392-162-005 Authority. The authority for this chapter is RCW 28A.165.075 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program designed to provide learning assistance to public school students enrolled in grades kindergarten through twelve who score below standard in English language arts or mathematics for his or her grade level.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-005, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-005, filed 3/31/14, effective 5/1/14; WSR 08-21-053, § 392-162-005, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-005, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-005, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-005, filed 6/28/84.]

WAC 392-162-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of and to ensure district compliance with state requirements for a program designed to assist underachieving students enrolled in grades kindergarten through twelve who score below standard in English language arts and mathematics for his or her grade level.

The learning assistance program requirements in this chapter are designed to:

- (1) Guide school districts in addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy;
- (2) Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom;
- (3) Guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom; and
- (4) Guide school districts in providing extended learning opportunities to assist underachieving students, students identified in eighth grade in need of high school transition services which could continue up through the end of ninth grade, and students in grades eleven and twelve who are at risk of not meeting state and local graduation requirements.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-010, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-010, filed 3/31/14, effective 5/1/14; WSR 09-24-075, § 392-162-010, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-010, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-010, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-010, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-010, filed 6/28/84.]

WAC 392-162-015 Definition—Basic skills. As used in this chapter, the term "basic skills" means English language arts or mathematics, as well as readiness associated with these skills.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-015, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-015, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-015, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-015, filed 6/28/84.]

WAC 392-162-020 Definition—Learning assistance program (LAP). (1) As used in this chapter, the term "learning assistance program" means a statewide program designed to enhance educational opportunities for public school students enrolled in grades kindergarten through twelve who do not meet state English language arts or mathematics standards by providing supplemental instruction and services to those students.

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

(a) A district may meet this requirement during the regular school year by ensuring that of the total number of students served by the learning assistance program, approximately fifty percent are students enrolled in grades kindergarten through four receiving English language arts services. Students served under readiness to learn programs provided under WAC 392-162-041 (1)(g) are excluded from this calculation.

(b) A district may serve a threshold lower than fifty percent if it demonstrates a lesser need through one of the following data sources:

(i) The district's prior year statewide assessment scores for third and fourth grade reading;

(ii) The district's prior year's reported number of kindergarten through grade four students reading on grade level under RCW 28A.320.203;

(iii) Districts serving a lower threshold under (b)(i) or (ii) of this subsection must be approved to do so at the start of the school year by the office of the superintendent of public instruction.

The learning assistance program may then be used to support underachieving students in grades kindergarten through twelve by providing supplemental English language arts or mathematics instruction, students identified in eighth grade in need of high school transition services which could continue up through the end of ninth grade, by addressing the needs of eleventh and twelfth grade students to assist them in meeting state and district graduation requirements, and to reduce disruptive behaviors in the classroom.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-020, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-020, filed 3/31/14, effective 5/1/14; WSR 09-24-075, § 392-162-020, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-020, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-020, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-020, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-020, filed 6/28/84.]

(7/29/16)

WAC 392-162-023 Definition—District. For the purpose of this chapter, the term "district" includes a school district, public charter school, or school operated pursuant to a state-tribe education compact.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-023, filed 7/29/16, effective 9/1/16.]

WAC 392-162-025 Definition—Statewide student assessments. As used in this chapter, the term "statewide student assessments" means one or more of the assessments administered by school districts as required under RCW 28A.655.070.

[Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-025, filed 3/31/14, effective 5/1/14; WSR 08-21-053, § 392-162-025, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-025, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-025, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-025, filed 6/28/84.]

WAC 392-162-032 Definition—Participating student. As used in this chapter, the term "participating student" means a student enrolled in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance or other assessments and performance measurement tools administered by the school or district and who is identified by the district to receive services.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-032, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-032, filed 3/31/14, effective 5/1/14; WSR 08-21-053, § 392-162-032, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-032, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-032, filed 10/22/87.]

WAC 392-162-033 Definition—Underachieving students. As used in this chapter, the term "underachieving students" means students with the greatest academic deficits in basic skills as identified by statewide, school, or district assessments or other performance tools.

[Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-033, filed 3/31/14, effective 5/1/14; WSR 08-21-053, § 392-162-033, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-033, filed 12/21/06, effective 1/21/07.]

WAC 392-162-036 Definition—Extended learning opportunities. As used in this chapter the term "extended learning opportunities" means a program of learning assistance in addition to the required basic education instruction designed to improve the educational performance of underachieving students selected under WAC 392-162-080. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of school and a per student allocation for maintenance, supplies, and operating costs.

[Statutory Authority: RCW 28A.165.075. WSR 09-24-075, § 392-162-036, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-036, filed 10/9/08, effective 11/9/08.]

WAC 392-162-041 Best practices. (1) Best practices are to be used to provide learning assistance program services to identified learning assistance students. The district must select and implement the best practices that are designed to increase student achievement and are aligned with research. To the extent they are included as a best practice or strategy in one of the state menus on or an alternative allowed under subsection (2)(b) of this section, the following are services and activities that may be supported by the learning assistance program:

- (a) Extended learning opportunities occurring:
 - (i) Before or after the regular school day;
 - (ii) On Saturday; and
 - (iii) Beyond the regular school year.
- (b) Extended learning opportunities provided under RCW 28A.320.190. Eligibility is for:
 - (i) Eleventh and twelfth grade students not on track to meet local or state graduation requirements; and
 - (ii) Students identified in eighth grade in need of high school transition services which could continue up through the end of ninth grade.
- (c) 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) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students.
- (e) Tutoring support for participating students.
- (f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators.
- (g) Up to five percent of district's learning assistance program allocation may be used to deliver a readiness to learn program. Students served are to be significantly at-risk of not being successful in school and services must be focused on reducing barriers to learning, increasing student engagement, and enhancing students' readiness to learn. The program may include academic or nonacademic supports offered by the district or through development of partnerships with community-based organizations, educational service districts, and other local agencies. The school board must approve in an open meeting any community-based organization or local agency before learning assistance program funds may be expended.

(2) Beginning in the 2016-17 school year districts must either:

- (a) Select a practice or strategy that is on one of the state-approved menus for the learning assistance program; or
- (b) Use a practice or strategy that is not on the state menus for up to two years. Districts must annually notify the office of the superintendent of public instruction if selecting an alternative practice or strategy. At the end of the two years, the district must be able to demonstrate improved outcomes for participating learning assistance program students. If the district is able to demonstrate improved outcomes commensurate with the state approved menu for such students, the office of the superintendent of public instruction will

approve the use of the alternative practice for one additional year. For each subsequent year, the district must provide data that demonstrates that participating students are meeting or exceeding academic achievement compared to those students who are being served by a state approved best practices and strategy.

(3) School districts may enter into 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 beginning in 2016-17.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-041, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-041, filed 3/31/14, effective 5/1/14.]

WAC 392-162-054 Definition—District eligibility and distribution of funds. The funds for the learning assistance program shall be appropriated in accordance with the Omnibus Appropriations Act and RCW 28A.150.260. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-054, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-054, filed 3/31/14, effective 5/1/14; WSR 09-24-075, § 392-162-054, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-054, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-054, filed 12/21/06, effective 1/21/07.]

WAC 392-162-080 Program requirement—Selection of students. Students identified by the district to participate in the learning assistance program shall be limited to those enrolled in grades kindergarten through twelve meeting one of the following categories:

- (1) Students who score below standard for his or her grade level using multiple measures of performance. Multiple measures may include the statewide student assessments or other assessments and performance measurement tools administered by the school or district;
- (2) Students who are in grades eleven or twelve and are not on track to meet state or local graduation requirements.
- (3) Students identified in eighth grade in need of high school transition services, which may continue up through the end of ninth grade; or
- (4) Are identified by the district as being significantly at-risk of not being successful in school and to be served under the district's readiness to learn program.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-080, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-080, filed 3/31/14, effective 5/1/14; WSR 08-21-053, § 392-162-080, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-080, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-080, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-080, filed 10/22/87.]

Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-080, filed 6/28/84.]

WAC 392-162-100 Federal and state program coordination. (1) School districts may coordinate federal, state, and local programs in order to serve the maximum number of students who are below grade level in basic skills.

(2) Subject to guidelines provided by the United States Department of Education, districts with schoolwide buildings may use Title I, Part A funds to meet the requirement to focus first on students in kindergarten through fourth grade who are deficient in reading or literacy skills. Districts opting to use Title I, Part A funds in combination with or in place of learning assistance program funds must meet the requirements of chapter 28A.165 RCW, including implementing best practice strategies according to RCW 28A.165.035 and completing all reporting requirements outlined in this chapter.

(3) Students receiving assistance in another special needs program may also be served in the learning assistance program if they meet student eligibility and selection requirements as identified in WAC 392-162-032 and 392-162-080.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-100, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-100, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-100, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-100, filed 6/28/84.]

WAC 392-162-110 Program requirements—District reporting. (1) Individual student records shall be recorded, beginning with the 2014-15 school year, 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's CEDARS manual.

(2) Districts shall submit to the superintendent of public instruction by the established due date an annual report in the electronic format provided by the superintendent of public instruction. The report must include the following:

(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 funds; and

(d) The number of students served by the learning assistance program during the school year who were able to exit the program because student academic growth resulted in meeting the academic standard for grade level.

(3) The superintendent of public instruction will withhold the monthly learning assistance program apportionment payment to a school district, public charter school, or school operated pursuant to a state-tribe education compact if the school district, charter school, or compact school fails to submit its annual report for the prior school year to the superintendent of public instruction by the established due date. The first learning assistance program apportionment payment of the school year and subsequent allocations may be withheld until the annual reports are completed in approvable form.

(7/29/16)

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-110, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-110, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-110, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 95-19-031 (Order 95-08), § 392-162-110, filed 9/12/95, effective 10/13/95; WSR 87-22-001 (Order 87-14), § 392-162-110, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-110, filed 6/28/84.]

WAC 392-162-112 Carry over of funds. Districts may carry over from one year to the next up to ten percent of the LAP funds—state or education legacy trust funds allocated under this program; however, carry over funds shall be expended for the learning assistance program.

[Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-112, filed 12/21/06, effective 1/21/07.]

WAC 392-162-115 Monitoring of districts. In order to insure 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 by using the state program review process. The primary purpose of the monitoring is to evaluate the effectiveness of a district's allocation and expenditure of resources and to monitor school district fidelity in their implementation of best practices.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 16-16-078, § 392-162-115, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-115, filed 3/31/14, effective 5/1/14. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-115, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-115, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-115, filed 6/28/84.]