

SHB 2748 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED AS AMENDED 03/01/2018

1 Strike everything after the enacting clause and insert the
2 following:

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

14 **Sec. 2.** RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each
15 amended to read as follows:

16 (1) While the state allocations for the learning assistance
17 program under this chapter are intended to be flexible dollars within
18 the control of the public school and school district, this local
19 control must be balanced with local accountability for improvement in
20 student achievement.

21 (2) The funds for the learning assistance program shall be
22 appropriated in accordance with RCW 28A.150.260 and the omnibus
23 appropriations act. The distribution formula is for school district
24 allocation purposes only, except as provided in RCW
25 28A.150.260(10)(a)(ii), but all funds appropriated for the learning
26 assistance program must be expended for the purposes of RCW
27 28A.165.005 through 28A.165.065.

28 ((+2)) (3) A district's high poverty-based allocation is
29 generated by its qualifying schools ((buildings)) and must be
30 expended by the district for those ((buildings)) schools. This

1 funding must supplement and not supplant the district's expenditures
2 under this chapter for those schools ~~((buildings))~~.

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

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

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

16 **Sec. 4.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to
17 read as follows:

18 (1) Use of best practices that have been demonstrated through
19 research to be associated with increased student achievement
20 magnifies the opportunities for student success. ~~((To the extent they
21 are included as a best practice or strategy in one of the state menus
22 or an approved alternative under this section or RCW 28A.655.235,))~~

23 The office of the superintendent of public instruction shall
24 publish the best practices and strategies by July 1, 2018, and update
25 this publication by each July 1st thereafter.

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

28 (a) Extended learning time opportunities occurring:

29 (i) Before or after the regular school day;

30 (ii) On Saturday; and

31 (iii) Beyond the regular school year;

32 (b) Services under RCW 28A.320.190;

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

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

37 (i) The needs of a diverse student population;

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

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

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

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

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

12 ~~((g))~~ (h) Up to five percent of a district's learning
13 assistance program allocation may be used for development of
14 partnerships with community-based organizations, educational service
15 districts, and other local agencies to deliver academic and
16 nonacademic supports to participating students who are significantly
17 at risk of not being successful in school to reduce barriers to
18 learning, increase student engagement, and enhance students'
19 readiness to learn. The school board must approve in an open meeting
20 any community-based organization or local agency before learning
21 assistance funds may be expended for partnerships.

22 ~~((2) In addition to the state menu developed under RCW
23 28A.655.235,)) (3) The office of the superintendent of public
24 instruction shall convene a panel of experts(~~(, including the
25 Washington state institute for public policy,))~~ to develop additional
26 ~~((state menus of))~~ best practices and strategies for use in the
27 learning assistance program to assist struggling students at all
28 grade levels in English language arts and mathematics ~~((and reduce
29 disruptive behaviors in the classroom))~~.~~

30 The panel may consider ways to integrate student supports to
31 promote students' academic success.

32 The office of the superintendent of public instruction shall
33 publish the ~~((state menus))~~ best practices by July 1, 2015, and
34 update the ~~((state menus))~~ best practices by each July 1st
35 thereafter.

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

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

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

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

21 **Sec. 5.** RCW 28A.165.100 and 2013 2nd sp.s. c 18 s 204 are each
22 amended to read as follows:

23 (1) Beginning with the 2014-15 school year, school districts
24 shall record in the statewide individual student data system annual
25 entrance and exit performance data for each student participating in
26 the learning assistance program according to specifications
27 established by the office of the superintendent of public
28 instruction.

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

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

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

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

1 (d) Other data required by the office of the superintendent of
2 public instruction to demonstrate the efficacy of the learning
3 assistance program expenditures to show student academic growth
4 gains.

5 (3) Beginning November 1, 2018, and each November 1st thereafter,
6 the office of the superintendent of public instruction shall compile
7 the school district data reported as required by subsection (2) of
8 this section, and report, in compliance with RCW 43.01.036, to the
9 appropriate committees of the legislature with the annual and
10 longitudinal gains for the specific practices, activities, and
11 programs used by the school districts to show which are the most
12 effective. The data must be disaggregated by student subgroups.

13 **Sec. 6.** RCW 28A.710.280 and 2016 c 241 s 128 are each amended to
14 read as follows:

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

18 (2) For eligible students enrolled in a charter school
19 established and operating in accordance with this chapter, the
20 superintendent of public instruction shall transmit to each charter
21 school an amount calculated as provided in this section and based on
22 the statewide average staff mix factor for certificated instructional
23 staff, including any enrichment to those statutory formulae that is
24 specified in the omnibus appropriations act. The amount must be the
25 sum of (a) and (b) of this subsection, as applicable.

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

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

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

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

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

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

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

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

18 **Sec. 7.** RCW 28A.300.139 and 2016 c 72 s 801 are each amended to
19 read as follows:

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

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

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

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

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

38 (e) Supporting statewide and local organizations in their efforts
39 to provide leadership, coordination, technical assistance,

1 professional development, and advocacy to implement high-quality,
2 evidence-based, student-centered, coordinated approaches throughout
3 the state.

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

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

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

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

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

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

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

34 **Sec. 8.** RCW 28A.320.190 and 2009 c 578 s 2 are each amended to
35 read as follows:

36 (1) The extended learning opportunities program is created for
37 eligible (~~eleventh and~~) ninth through twelfth grade students who
38 are not on track to meet local or state graduation requirements as
39 well as eighth grade students who need additional assistance in order

1 to have the opportunity for a successful entry into high school. The
2 program shall provide early notification of graduation status and
3 information on education opportunities including preapprenticeship
4 programs that are available.

5 (2) Under the extended learning opportunities program and to the
6 extent funds are available for that purpose, districts shall make
7 available to students in grade twelve who have failed to meet one or
8 more local or state graduation requirements the option of continuing
9 enrollment in the school district in accordance with RCW 28A.225.160.
10 Districts are authorized to use basic education program funding to
11 provide instruction to eligible students under RCW 28A.150.220(~~(+3)~~)
12 (5).

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

- 21 (a) Individual or small group instruction;
- 22 (b) Instruction in English language arts and/or mathematics that
23 eligible students need to pass all or part of the (~~Washington~~)
24 statewide student assessment (~~(of student learning)~~);
- 25 (c) Attendance in a public high school or public alternative
26 school classes or at a skill center;
- 27 (d) Inclusion in remediation programs, including summer school;
- 28 (e) Language development instruction for English language
29 learners;
- 30 (f) Online curriculum and instructional support, including
31 programs for credit retrieval and (~~Washington~~) statewide student
32 assessment (~~(of student learning)~~) preparatory classes; and
- 33 (g) Reading improvement specialists available at the educational
34 service districts to serve eighth(~~, eleventh, and~~) through twelfth
35 grade educators through professional development in accordance with
36 RCW 28A.415.350. The reading improvement specialist may also provide
37 direct services to eligible students and those students electing to
38 continue a fifth year in a high school program who are still
39 struggling with basic reading skills.

1 NEW SECTION. **Sec. 9.** Sections 2 through 8 of this act take
2 effect January 1, 2019."

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By Committee on Early Learning & K-12 Education

ADOPTED AS AMENDED 03/01/2018

3 On page 1, line 1 of the title, after "Relating to" strike the
4 remainder of the title and insert "modifying the learning assistance
5 program to balance local control and state accountability by making
6 the allowable uses of program funds more flexible; amending RCW
7 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.100, 28A.710.280,
8 28A.300.139, and 28A.320.190; creating a new section; and providing
9 an effective date."

EFFECT: Removes the use of the Protocol from LAP.

Maintains the 5% cap on LAP funds being used for community-based organization supports.

Modifies the "focus first" directive for LAP to address the needs of students in K-4 who are deficient in reading; instead LAP must "emphasize" addressing the needs of students in grades K-4 who are deficient in reading.

Maintains the removal as a purpose of LAP, reducing disruptive classroom behavior.

Maintains the current panel of experts to identify best practices for LAP but makes it permissive for districts to use them.

Provides that the panel of experts may consider ways to integrate student supports to promote students' academic success.

Keeps the change to the Protocol because it does not impact LAP.

Retains the expansion of the extended opportunities program to include 8th grade through 12th grade students.

Removes the requirement to report data at the school-level. The fiscal note estimates the cost of adding school level-data is \$315,000 in FY19 and \$95,000 annually in subsequent years. This is because right now the data is only at the district level.

Amends the title.

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