

SHB 2748 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED AND ENGROSSED 3/1/18

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)(a) During the 2018-19 and 2019-20 school years only, school
19 districts may expend a portion of the district's learning assistance
20 program allocation to develop a dropout early warning and
21 intervention data system as defined in RCW 28A.175.074. During the
22 2018-19 and 2019-20 school years, the office of the superintendent of
23 public instruction may retain up to one-half of one percent of
24 learning assistance program allocation funds generated by middle
25 school and high school students for the purpose of supporting
26 districts in data collection and reporting and providing professional
27 development and technical assistance. The office of the
28 superintendent of public instruction is encouraged to work with the
29 educational service districts to provide these services.

30 (b) School districts may expend a portion of the district's
31 learning assistance program allocation on interventions for students
32 identified as at risk of not graduating using the dropout early
33 warning and intervention data system defined in RCW 28A.175.074.

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

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

1 (1) Beginning with the 2014-15 school year, school districts
2 shall record in the statewide individual student data system annual
3 entrance and exit performance data for each student participating in
4 the learning assistance program according to specifications
5 established by the office of the superintendent of public
6 instruction.

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

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

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

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

17 (d) Other data required by the office of the superintendent of
18 public instruction to demonstrate the efficacy of the learning
19 assistance program expenditures to show student academic growth
20 gains.

21 (3) Beginning November 1, 2018, and each November 1st thereafter,
22 the office of the superintendent of public instruction shall compile
23 the school district data reported as required by subsection (2) of
24 this section, and report, in compliance with RCW 43.01.036, to the
25 appropriate committees of the legislature with the annual and
26 longitudinal gains for the specific practices, activities, and
27 programs used by the school districts to show which are the most
28 effective. The data must be disaggregated by student subgroups.

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

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

34 (2) For eligible students enrolled in a charter school
35 established and operating in accordance with this chapter, the
36 superintendent of public instruction shall transmit to each charter
37 school an amount calculated as provided in this section and based on
38 the statewide average staff mix factor for certificated instructional
39 staff, including any enrichment to those statutory formulae that is

1 specified in the omnibus appropriations act. The amount must be the
2 sum of (a) and (b) of this subsection, as applicable.

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

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

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

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

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

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

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

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

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

36 (1) Subject to the availability of amounts appropriated for this
37 specific purpose, the Washington integrated student supports protocol
38 is established. The protocol shall be developed by the center for the
39 improvement of student learning, established in RCW 28A.300.130,

1 based on the framework described in this section. The purposes of the
2 protocol include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (a) Individual or small group instruction;

1 (b) Instruction in English language arts and/or mathematics that
2 eligible students need to pass all or part of the ((Washington))
3 statewide student assessment ((of student learning));

4 (c) Attendance in a public high school or public alternative
5 school classes or at a skill center;

6 (d) Inclusion in remediation programs, including summer school;

7 (e) Language development instruction for English language
8 learners;

9 (f) Online curriculum and instructional support, including
10 programs for credit retrieval and ((Washington)) statewide student
11 assessment ((of student learning)) preparatory classes; and

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

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

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By Committee on Early Learning & K-12 Education

ADOPTED 3/1/18

21 On page 1, line 1 of the title, after "Relating to" strike the
22 remainder of the title and insert "modifying the learning assistance
23 program to balance local control and state accountability by making
24 the allowable uses of program funds more flexible; amending RCW
25 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.100, 28A.710.280,
26 28A.300.139, and 28A.320.190; creating a new section; and providing
27 an effective date."

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