

HOUSE BILL REPORT

SHB 2748

As Passed House:
February 9, 2018

Title: 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.

Brief Description: Modifying the learning assistance program.

Sponsors: House Committee on Education (originally sponsored by Representatives Santos, Stonier, Muri and Pollet).

Brief History:

Committee Activity:

Education: 1/23/18, 1/29/18, 1/30/18 [DPS];
Appropriations: 2/3/18, 2/5/18 [DPS(ED)].

Floor Activity:

Passed House: 2/9/18, 93-5.

Brief Summary of Substitute Bill

- Requires school districts to expend funds appropriated for the Learning Assistance program (LAP) in a manner consistent with the Washington Integrated Student Supports Protocol beginning January 1, 2019, and encourages districts to adopt this expenditure practices before the deadline.
- Eliminates certain LAP provisions, beginning January 1, 2019, for example: the requirement to focus first on addressing the reading needs of kindergarten through fourth grade students; the requirement to use the LAP to reduce disruptive behaviors in the classroom; and the required use of the state menu of best practice and strategies, or authorization to use an alternative practice.
- Changes certain provisions, beginning January 1, 2019, for example: in monitoring the LAP, it must be determined whether best practices are implemented in a manner consistent with the Washington Integrated Student Supports Protocol; and the Extended Learning Opportunities Program is expanded to ninth and tenth grade students.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Caldier, Cody, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Tharinger and Wilcox.

Minority Report: Do not pass. Signed by 6 members: Representatives Buys, Condotta, Graves, Manweller, Taylor and Vick.

Staff: James Mackison (786-7104).

Background:

Learning Assistance Program.

Program Design. In order to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom, the Learning Assistance Program (LAP) is designed to: (1) promote the use of data when developing programs; and (2) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services. "Students who are not meeting academic standards" means students with the greatest academic deficits in basic skills as identified by statewide, school, or district assessments or other performance measurement tools.

Program Focus. School districts implementing a LAP must focus first on addressing the needs of students in grades kindergarten through four (K-4) who are deficient in reading or reading readiness skills to improve reading literacy.

Menu of Best Practices. The Office of the Superintendent of Public Instruction (OSPI) publishes a state menu of best practices and strategies for reading and literacy improvement, and use in the LAP to assist struggling students in English language arts and mathematics and to reduce disruptive behaviors in the classroom. Districts were required to begin using these best practices practices and strategies in the 2016-17 school year, or comply with certain requirements to obtain approval from the OSPI to use an alternative practice or strategy. 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.

To the extent included on the state menu or an approved alternative, specified services and activities may be supported by the LAP, for example: extended learning time opportunities; defined professional development activities; consultants; tutoring; outreach and support for parents; and development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports, if approved by the school board at an open meeting, with a maximum of 5 percent of the LAP allocation used for this purpose.

Funding. The state provides two types of funding allocations for the LAP. First, based on the percentage of students enrolled in the school district who are eligible for free or reduced-price meals (FRPM) in the prior school year, the state allocates funding to provide, on a statewide average, 2.3975 hours per week in extra instruction in a class size of 15 students. Districts must spend this allocation for the LAP, but they may use the funding to provide LAP services for any qualifying student. Second, under a new high-poverty, school-based LAP allocation, schools with at least 50 percent of students eligible for FRPM generate an additional state allocation to fund, on a statewide average, 1.1 hours per week in extra instruction in a class size of 15 students. Districts may spend this high-poverty allocation only for LAP services in those schools whose FRPM rates generated the funding.

Report. School districts must report the following information to the OSPI, annually: the amount of academic growth gained by students participating in the LAP; the number of students who gain at least one year of academic growth; and the specific practices, activities, and programs used by each school building that received LAP funding. The OSPI compiles the district data and reports annual and longitudinal gains for the specific practices, activities, and programs used by the districts to show which are the most effective.

Monitoring and Technical Assistance. To ensure that school districts are meeting state LAP requirements, the Superintendent of Public Instruction must monitor school district 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 OSPI may provide technical assistance to schools to improve the effectiveness of a LAP.

Washington Integrated Student Supports Protocol.

The Washington Integrated Student Supports Protocol (WISSP), has been developed by the Center for the Improvement of Student Learning within the OSPI. The purposes of the program include:

- 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;
- 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;

- encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;
- increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and
- 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.

The framework of the WISSP includes needs assessments, integration and coordination, community partnerships, and a requirement that the program be data driven. The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including: out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

Extended Learning Opportunities Program.

The Extended Learning Opportunities program is for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements, and eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. Under the program, instructional services for eligible students can occur at any time and location deemed appropriate by the school districts, in order to meet the needs of these students. A nonexhaustive list of the instructional services that can be provided under the program includes: alternative school classes and classes at skill centers; inclusion in remediation programs; and reading improvement specialists.

Summary of Substitute Bill:

While the state allocations for the LAP 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; thus, beginning January 1, 2019, funds appropriated for the LAP must be expended in a manner consistent with the WISSP. Plans for district expenditures must consider the needs of participating students at the school district's various schools and prioritize student needs based on system-level and student-level needs assessments performed as part of the WISSP. A system-level needs assessment is one that includes resource mapping to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community.

Beginning January 1, 2019, a number of the LAP provisions are eliminated:

- The LAP is no longer required to focus first on addressing the reading needs of K-4 students.
- The LAP is no longer required to be designed to reduce disruptive behaviors in the classroom.
- Districts are not required to use the state menu of best practices and strategies, or to obtain approval to use an alternative practice.
- Services and activities may be supported by the LAP even if not approved by the state as a best practice or strategy, or alternative.

- The 5 percent limit on the use of a district's LAP allocation for partnership development is eliminated.
- The panel of experts that must be convened to develop best practices and strategies for the LAP is no longer required to include the Washington State Institute for Public Policy.
- The provision requiring districts to enter cooperative agreements for administrative or operational costs needed to provide services in accordance with the state menu is eliminated.

Beginning January 1, 2019, the following changes are made to the LAP and related provisions:

- Best practices and strategies must be identified to assist participating students in meeting state standards in federally required state assessments and to provide behavioral and other nonacademic supports, rather than to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom.
- Any academic or nonacademic supports may be delivered to participating students by the school district, the school, or other organizations, if the use of the supports is consistent with the WISSP.
- The OSPI may require districts to report LAP data that demonstrates the efficacy of the LAP expenditures to show student academic growth gains.
- The OSPI's LAP reports must be submitted to the Legislature annually beginning November 1, 2018.
- In monitoring the LAP, the OPSI must determine whether best practices are implemented in a manner consistent with the WISSP.
- Expands the Extended Learning Opportunities Program to ninth and tenth grade students, from eleventh and twelfth grade students.
- Nonsubstantive and technical changes are made, including using the term "students who are not meeting academic standards," rather than "underachieving students," throughout the school code; and using the term "schools," rather than "school buildings."

In preparation for the implementation of the changes to the LAP just described, school districts are encouraged to expend the appropriations for the LAP in a manner consistent with the WISSP. Plans for district expenditures in the 2019-20 school year 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 WISSP. This encouragement expires August 1, 2019.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2019, except for section 2, relating to encouraging school districts to expend Learning Assistance Program appropriations in a manner consistent with the Washington Integrated Student Supports Protocol, which takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Education):

(In support) The LAP was designed to provide additional funding support to school districts for students that brought unusual challenges and needs to the classroom. The LAP funds were intended to be flexible dollars for the districts and the schools to use. Over the years, the Legislature has imposed numerous restrictions on the use of LAP funds. The bill is designed to restore flexibility to the use of LAP funds, but in the context of the current era of federal education policy under the Every Student Succeeds Act, which requires the state to expect local accountability. School districts may choose to fund any program using the LAP funds, but the district must first complete a needs assessment of the schools, in collaboration with the community, and inventory what resources exist in the community, and must maintain data to ensure that the right programs are being used to benefit the students.

It is important that the use of LAP funds is flexible; particularly the flexibility to use the funds outside the area of K-4 literacy. School districts are currently making data-driven decisions. The data that is already being collected should be used in the needs assessment process. It is important to hold school districts accountable for student achievement. There should be a phase-in of the bill requirements to support fidelity in implementation. The current menu of best practices and strategies is helpful for districts, and districts should continue to have access to this menu during implementation of the WISSP.

Behavior intervention is an important part of nonacademic supports that help reduce the use of disciplinary action. Many districts are using the LAP funds with great effect to support students who struggle with spending lots of time in a classroom. Although it is important to be able to use LAP funds for other purposes besides addressing disruptive behaviors, it is also important to be able to use the funds for this purpose.

Removal of the 5 percent cap on the community-school partnerships will give administrators more flexibility to fund integrated student supports programs. This flexibility will help administrators determine service based on student needs. The implementation of WISSP as a condition to receive LAP funds is a good idea. Community-school partnerships directly compliment the work of educators to involve students and staff and to incorporate the greater community.

(Opposed) None.

(Other) The LAP should be designed to help students who have been struggling to get back on track and fulfill their potential, as well as to use state resources in the most effective way possible. The funding for the LAP has increased in recent years. Moving toward integrating the LAP with the WISSP, in particular, the tiered supports and the use of a needs assessment. More funds should be available to spend on community partnerships. The best practice menus should not be eliminated because these menus provide strong research-based guidance that school districts in specific content areas need in order to improve student achievement.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Education): (In support) Representative Santos, prime sponsor; Travis Hanson, Deer Park School District; Elissa Dornan, Puyallup School District; Gayle Pauley, Office of the Superintendent of Public Instruction; and Daniel Zavala, League of Education Voters.

(Other) Dave Powell, Stand for Children.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.