

# HOUSE BILL REPORT

## ESHB 1989

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**As Passed House:**

June 5, 2003

**Title:** An act relating to the learning assistance program.

**Brief Description:** Changing the learning assistance program.

**Sponsors:** By House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke).

**Brief History:**

**Committee Activity:**

Education: 2/26/03, 3/5/03 [DPS].

**First Special Session**

**Floor Activity:**

Passed House: 6/5/03, 97-0.

**Brief Summary of Engrossed Substitute Bill**

- Refocuses the state's Learning Assistance Program to encourage the use of assessment data in program design and promote more effective programs for struggling students.
- Leaves the program's funding formula to the biennial budget act and, beginning in the 2005-06 school year, requires the Superintendent of Public Instruction to distribute state funds based on a poverty factor.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Cox, Haigh, Hunter, McMahan and Rockefeller.

**Staff:** Susan Morrissey (786-7111).

**Background:**

Washington's Learning Assistance Program (LAP) has been in operation for 22 years. The program is designed to help students in kindergarten through ninth grade who need additional time and assistance to achieve basic skills in reading, mathematics, language arts and readiness skills. School districts apply to the Office of Superintendent of Public Instruction (OSPI) for program funds, submitting a program plan to the agency. The OSPI must approve the districts' program plans before any funds are released. The plans may include a variety of activities and services targeted to struggling students. However, they must include the following activities: consulting teachers, instructional support staff, in-service training for classroom teachers and parents, tutoring assistance, counseling services, and special instructional programs.

Since the second Doran decision in 1983, funding for the LAP has been considered part of basic education. The Legislature has appropriated \$130,631,000 for the program for the 2001-2003 biennium. The budget provided a funding rate of \$407.39 per full-time student for the 2001-2003 school year and \$404.78 per full-time student in the 2002-2003 school year. The money is allocated to school districts using a formula that includes both student achievement on norm-references tests and a poverty factor. The formula is included in the state's biennial budget. Once the districts have received the funding, they may distribute it as necessary to assist eligible low-performing students anywhere in their districts. In many districts, the LAP funds are blended with funding from the federal Title I program. During the biennium, Washington received \$266,587,000 for the Title I program.

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### **Summary of Engrossed Substitute Bill:**

The LAP is refocused to encourage school districts to use assessment data when developing programs to assist underachieving students and to guide districts in their efforts to provide effective and efficient program practices. The program will help participating and underachieving students in kindergarten through twelfth grade who need additional assistance in reading, mathematics, writing, or in the readiness skills associated with those subjects. The students will be identified using state and district basic skills assessments.

School districts must apply annually to the OSPI for LAP funds. In order to receive the funds, the districts must develop and obtain OSPI approval of a LAP plan. The new planning requirements are phased in over the next two school years. Plans submitted for the 2003-04 school year must identify the program activities to be funded. Plans submitted for 2004-2005 and later school years will include those activities and district and school-level data on reading, writing, and mathematics, the processes to be used to identify underachieving students, and the components of accelerated learning plans for participating students. The plans will also describe how the school will use assessments and intentional instructional strategies, staff development plans, plans to coordinate resources, and school improvement plans to support underachieving students. Finally,

the plans will include a program evaluation component. Districts are encouraged to include these components in their 2003-2004 plans as well.

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The OSPI will adopt rules for the program and monitor district implementation at least once every four years.

Every school district with an approved plan is eligible for funding through the LAP. The funds will be distributed based on the instructions in the biennial appropriations act. The distribution formula is for district allocation purposes only. Beginning in the 2005-06 school year the distribution formula will be based on a poverty factor.

The existing laws governing the program are repealed.

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**Appropriation:** None.

**Fiscal Note:** Available for original bill.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Under current law, school districts that are successful in raising the achievement of struggling students lose their funding from LAP. School districts that are unsuccessful receive additional state funds. The LAP funding structure needs to be refocused in a way that allows districts to mount and sustain effective programs for struggling students. Using a poverty factor in the distribution formula should solve this problem and, since poverty is a good proxy for lack of achievement, the new formula should result in better programs for struggling students. This legislation refocuses the LAP toward elimination of the achievement gap, a state and national priority. It should result in funding and planning integration for the LAP, Title I, Initiative 728, and other programs that improve student learning. It also provides field assistance to districts and will help refocus LAP programs based on research-based best practices.

**Testimony Against:** None.

**Testified:** Representative McDermott, prime sponsor; Dr. Terry Bergeson, Superintendent of Public Instruction; Judy Hartmann, Governor's Office; Rainer Houser, Association of Washington School Principals; and Christie Perkins, Washington State

Special Education Coalition.