

HOUSE BILL REPORT

2SHB 1182

As Amended by the Senate

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 Appropriations (originally sponsored by Representatives Santos, Steele, Dolan, Ortiz-Self and Slatter).

Brief History:

Committee Activity:

Education: 1/28/19, 2/7/19 [DPS];

Appropriations: 2/20/19, 2/11/20 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 2/17/20, 97-1.

Senate Amended.

Passed Senate: 3/4/20, 28-20.

Brief Summary of Second Substitute Bill

- Requires that school districts use the Washington Integrated Student Supports Protocol when planning for and expending Learning Assistance Program (LAP) funds between August 1, 2023, and June 30, 2026.
- Makes changes to the LAP provisions related to best practices and strategies, services and activities, reporting, and technical assistance that expire June 30, 2026.
- Expands the Extended Learning Opportunities program to ninth and tenth grades through June 30, 2026.
- Requires the Center for the Improvement of Student Learning to review LAP data and submit reports to the Legislature by December 1, 2023, and by December 1 annually for the next two years.

HOUSE COMMITTEE ON EDUCATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Kilduff, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Minority Report: Do not pass. Signed by 1 member: Representative Kraft.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 32 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Jordan Clarke (786-7123).

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 reading literacy needs of students in grades kindergarten through 4 who are deficient in reading or reading readiness skills.

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, for 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 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 menu.

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.

The LAP may also support screening, intervention, and staff training requirements related to students in grades kindergarten through 2 who have indications of, or areas associated with, dyslexia, even if the students are not eligible to participate in the LAP.

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 the high poverty-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-based allocation only for LAP services in those schools whose FRPM rates generated the funding.

Report. Each year, school districts must report the following information to the OSPI: 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; other data if required by the OSPI to demonstrate the efficacy of the LAP expenditures to show academic growth gains; and the specific practices, activities, and programs used by each school 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 (SPI) must monitor 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 school districts 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 protocol 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 protocol 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.

Center for the Improvement of Student Learning.

The Legislature created the Center for the Improvement of Student Learning (CISL) to facilitate access to information, best practices, and materials related to improving the education system. The SPI appoints the CISL director, who works in collaboration with the OSPI staff, external partners, and students' families to address the academic and nonacademic needs of all students, with a specific focus on students who are underserved in schools.

Summary of Second Substitute Bill:

Temporary Modifications to the Learning Assistance Program and Other Provisions.

Between August 1, 2023, and June 30, 2026, funds appropriated for the Learning Assistance Program (LAP) must be expended in a manner consistent with the Washington Integrated Student Supports Protocol (WISSP). Plans for school district expenditures must address 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. During the 2020-21 and 2021-22 school years, school districts are encouraged to plan for and expend LAP funds in a manner consistent with the WISSP, in preparation for the required implementation of the WISSP.

A number of provisions are modified as of the effective date of the bill:

- The LAP is no longer required to focus first on addressing the reading needs of kindergarten through grade 4 students nor to be designed to reduce disruptive behaviors in the classroom.
- Intensive reading and literacy improvement strategies are added to the list of services and activities that may be supported by the LAP.
- The 5-percent cap on use of LAP allocations for partnership development is removed.
- The Extended Learning Opportunities program is expanded to ninth and tenth grade students, from eleventh and twelfth grade students.
- A system-level needs assessment is specified as one that includes resource mapping to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community.
- 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.

Beginning August 1, 2023, the following changes are made to the LAP:

- As long as the use is consistent with the WISSP, school districts may use the LAP to support best practices, strategies, services, and activities that are not approved by the state as a best practice or strategy, or alternative practice.
- The panel of experts must identify best practices and strategies that may be used to provide behavioral and other nonacademic supports to participating students or to assist them in meeting state standards in federally required state assessments, rather than develop best practices and strategies to assist struggling students at all grade levels in English language arts and mathematics, and reduce disruptive behaviors in the classroom.
- The panel of experts is no longer required to include the Washington State Institute for Public Policy.
- When district partners deliver academic and nonacademic supports to participating students, the supports must be identified through needs assessments.
- The allowance for districts to enter cooperative agreements for administrative or operational costs needed to provide services in accordance with the state menu is removed.

Modifications to the LAP, the WISSP, the Extended Learning Opportunities program, and other provisions made in the bill expire June 30, 2026.

Report on Innovations Made To Reduce Barriers to Student Achievement.

By December 1, 2023, and by December 1 annually for the next two years, the Center for the Improvement of Student Learning must:

- review LAP data and reports submitted by school districts to the OSPI to determine which school districts have achieved the greatest student academic growth gains; and
- report to the Legislature with a summary of the innovations made by these school districts to reduce barriers to student academic achievement.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment strikes all provisions of the underlying bill and replaces them with provisions that have the following effect:

- require the Office of the Superintendent of Public Instruction to review the requirements of the Learning Assistance Program (LAP) and make recommendations to the Legislature by October 1, 2020, on how to modify the LAP requirements, including recommendations on: appropriate monitoring and reporting requirements, the types of services and activities that can be supported by the LAP, such as whether support for all or portions of the Washington Integrated Student Supports Protocol should be included; and whether use of a practice or strategy identified on the state menu should continue to be a criteria of the LAP;
- requires school districts to expend a portion of LAP funding to address the needs of students in grades kindergarten through 4 who are deficient in reading or reading readiness skills to improve reading literacy, rather than focusing first on these students;
- allows, if it is included as a best practice or strategy, the following activities to be supported by the LAP: intensive reading and literacy improvement strategies to be supported by the LAP; and school-wide behavioral health system of supports and interventions for students including social workers, counselors, instructional aides, and other school-based health professionals;
- changes the cap on the use of LAP allocations for partnership development from 5 percent to 15 percent;
- removes an encouragement to school districts to implement best practices and strategies from the state menus; and
- makes nonsubstantive changes, such as reorganizing a section, and striking obsolete implementation directions.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 12, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 3 and 6, relating to required planning for and expending Learning Assistance Program funds consistent with the Washington Integrated Student Supports Protocol, which take effect August 1, 2023.

Staff Summary of Public Testimony (Education):

(In support) The Learning Assistance Program (LAP) was created with the understanding that some students have a greater need for academic support. Over the years, the funds for the LAP have been allocated using poverty as a proxy for struggling students. Poverty does add to the traumas and stresses undergone by students and diverts their focus away from academics. When setting up the LAP, the Legislature substituted its best judgment for the judgment of the practitioners on the ground, resulting in restrictions on, and prioritizations for, the use of LAP funds.

Although practitioners should have the flexibility to identify how best to help struggling students, there needs to be some kind of accountability for how the funds are used. School

communities and state taxpayers deserve to know whether the programs that are being implemented in the schools are needed (hence, the needs assessment) and that the programs are working (as shown by the rising academic performance of students).

This bill requires that school districts employ the Washington Integrated Student Supports Protocol (WISSP) in order to spend the most flexible state appropriations. The WISSP is well-researched, it is understood by educators, it is flexible, it allows educators to teach and students to learn, and encourages partnerships with the community. This policy creates more flexibility for school districts and schools to serve the needs of students. This bill will help schools close opportunity gaps and achievement gaps by helping students address their challenges earlier in their school experience.

It is helpful to add reading and literacy improvements to the best practices list. It is also good to add ninth and tenth graders to the Extended Learning Opportunities program. It would be better not to eliminate the 5-percent cap on LAP funds that can go towards community partnerships. The Washington School Improvement Framework is another accountability system that looks at proficiency, student growth, dual credit, and ninth graders on track. There should be an acknowledgement of this accountability structure in the bill.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill supports efforts to provide the maximum flexibility in the use of Learning Assistance Program funds for districts. Increasing flexibility allows school districts to partner with community providers to decrease educational barriers and enhance student learning.

(Opposed) None.

Persons Testifying (Education): Representative Santos, prime sponsor; Lucinda Young, Washington Education Association; and Dave Mastin, Office of the Superintendent of Public Instruction.

Persons Testifying (Appropriations): Jeannie Nist, Communities in Schools of Washington.

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

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