

HOUSE BILL REPORT

HB 1208

As Reported by House Committee On:

Education
Appropriations

Title: An act relating to modifying the learning assistance program to enable school districts to focus on identifying and addressing student academic deficits in basic skills resulting from or exacerbated by the COVID-19 pandemic by granting greater local control over, accountability for, and flexibility with program funds, and to authorize continued flexible use of program funds through the framework of the Washington integrated student supports protocol.

Brief Description: Modifying the learning assistance program.

Sponsors: Representatives Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley.

Brief History:

Committee Activity:

Education: 1/29/21, 2/11/21 [DPS];
Appropriations: 2/18/21, 2/19/21 [DPS(ED)].

Brief Summary of Substitute Bill

- Requires that school districts budget and expend Learning Assistance Program (LAP) funds: (1) immediately and temporarily, to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic; and (2) at the end of the Governor-declared state of emergency due to COVID-19 or beginning September 1, 2025, whichever is later, using the framework of the Washington Integrated Student Supports Protocol.
- Makes changes to requirements and restrictions on the use of LAP funds, for example: the LAP is no longer required to focus first on addressing the reading needs of kindergarten through fourth grade students or to be

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designed to reduce disruptive behaviors; and the list of best practices, strategies, services and activities that may be supported by the LAP is repealed.

- Directs the Center for the Improvement of Student Learning to review and report on programs and practices used in the LAP.
- Expands the Extended Learning Opportunity Program to ninth and tenth grades.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, Ortiz-Self, Rude, Steele and Stonier.

Minority Report: Without recommendation. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; McEntire.

Staff: Megan Wargacki (786-7194).

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 kindergarten through fourth grade (K-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. School 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 kindergarten through second grade 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. School districts and schools qualify for one or both allocations based on prior years' percentages of students who qualify for free or reduced price meals. First, the state allocates funding to school districts 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, the state allocates funding to school districts to provide, 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 that qualify for this funding.

Washington Integrated Student Supports Protocol and Framework. 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: (1) 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; (2) 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; (3) encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts; (4) increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and (5) 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.

Summary of Substitute Bill:

Budgeting and Expending Program Funds. School districts must immediately budget and expend LAP appropriations to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic, and are encouraged to budget and expend LAP funds using the framework of the WISSP.

Upon the expiration or termination of the state of emergency declared by the Governor for all counties in Washington due to COVID-19 or beginning September 1, 2025, whichever is later, school districts must budget and expend LAP appropriations using the framework of the WISSP.

Program Modifications. Changes are made to requirements and restrictions on the use of LAP funds, for example: (1) the LAP is no longer required to focus first on addressing the reading needs of K-4 students or to be designed to reduce disruptive behaviors; (2) school districts are not required to use a practice or strategy from the state menu or obtain approval to use an alternative practice or strategy; (3) the statutory list of best practices, strategies, services and activities that may be supported by the LAP, including the cap on the use of LAP funds for partnership development is repealed; and (4) statutory permission to use LAP funds to meet dyslexia screening and intervention requirements for students who are not eligible to participate in the LAP, and to use LAP funds for staff dyslexia trainings, is repealed.

Program and Practice Review and Reports. The Center for the Improvement of Student Learning (CISL), within the OSPI, must periodically review the efficacy of programs and practices designed to meet the needs of students who are not meeting academic standards, starting with the best practices and strategies included on the state menus, and certain listed services and activities. Beginning December 1, 2026, the CISL must annually review the LAP performance data reported by school districts and report to the Legislature with a summary of the innovations made by school districts to reduce barriers to the academic achievement of students participating in the LAP.

Extended Learning Opportunities. The Extended Learning Opportunities program (for students not on track to meet graduation requirements or enter successfully into high school) is expanded to ninth and tenth grade students, from eleventh and twelfth grade students.

Washington Integrated Student Supports Protocol Framework. The framework of the WISSP is modified as follows: (1) a system-level needs assessment with resource mapping

must be conducted to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community; (2) school and district leadership and staff must establish policies and procedures with community-based providers, in addition to out-of-school providers, of academic and nonacademic supports; and (3) community partners must be engaged to provide academic and social-emotional supports, in addition to nonacademic supports, to reduce barriers to students' academic success.

Other Changes. The list of student groups for which the State Board of Education (SBE) may adopt and revise performance goals in various subjects is modified. Instead of adopting a goal for students from disproportionately academically underachieving racial and ethnic backgrounds, the SBE may adopt a goal for students who are not meeting academic standards. In addition, the goals for each student group must be disaggregated by specified racial and ethnic categories.

Contracting related to the duties and responsibilities of the CISL and reporting on the effectiveness of the CISL are made subject to state funding.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the underlying bill:

- adds to the intent language a statement that removal of the restrictions does not mean that learning assistance programs cannot continue to use the best practices and strategies included on the state menus or certain listed services and activities;
- provides that, between the effective date of the bill through the later of the end of the Governor declared state of emergency due to COVID-19 or September 1, 2025, school districts must budget and expend LAP appropriations to identify and address "the academic and nonacademic needs of students," rather than "student academic deficits in basic skills," resulting from and exacerbated by the COVID-19 pandemic;
- adds to the WISSP: (1) school and district leadership and staff must establish policies and procedures with community-based providers, in addition to out-of-school providers, of academic and nonacademic supports; and (2) community partners must be engaged to provide academic and social-emotional supports, in addition to nonacademic supports, to reduce barriers to students' academic success;
- directs the CISL to periodically review the efficacy of programs and practices designed to meet the needs of students who are not meeting academic standards, starting with the best practices and strategies included on the state menus, and certain listed services and activities, rather than directing the CISL to provide best practices research on programs and practices to meet the needs of students who are not meeting academic standards;
- removes the "subject to the availability of amounts appropriated for this specific purpose" provision from the establishment of the WISSP; and
- makes "subject to the availability of amounts appropriated for this specific purpose" contracting related to duties of the CISL and reporting on the effectiveness of the

CISL, in addition to the establishment and activities of the CISL.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 12, 2021.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The bill is about trying to increase the flexibility of dollars from the state to school districts. The LAP is driven out to serve students who have some of the greatest learning needs and is designed to provide extra supports for these students. The appropriations for LAP are significant in both percentage and amount. There is a desire to give school districts flexibility, while still having accountability for students. The WISSP is based on a needs assessment and is followed up with data. It takes advantage of every resource in the community, and allows the districts the freedom to address every academic and nonacademic need standing in the way of the academic progress of students.

Restructuring the LAP within the framework of the WISSP will strengthen its capacity to help struggling students. The WISSP speaks to integrating academic and nonacademic needs, it speaks to integrating social worker, counselors, and other mental health professionals. It also requires connecting to support services within the community. This bill will give districts greater flexibility to meet the unique needs of each student while meeting the underlying academic goals of LAP.

It would be good to add guidance for districts that clarifies expectations. There should be an amendment that allows for flexibility but adds that LAP funds can be used for academic and nonacademic supports, and an amendment that states that evidence-based practices on the literacy, math, and behavior menus can be used even with the statute repealed.

The dyslexia advisory council and the OSPI have worked to ensure that successful implementation of universal screening for dyslexia begins this fall. The bill repeals the allowance that LAP funds can be used to meet dyslexia screening and intervention guidelines even if the child is not eligible to participate in the LAP. Currently school districts may purchase screening tools and provide professional development necessary for successful implementation using LAP funds. Without permission in statute, there may be confusion about whether districts can access LAP funds for these purposes.

Using LAP funds for credit retrieval for juniors and seniors has increased on-time graduation rates. The reporting requirements in the bill are a change from current practice, so school districts will need to be supported with transitional training and technical

assistance.

The LAP is a critical support for the more than 25,000 children and youth in foster care. These students have been disengaging from school at alarming rates, particularly from remote learning. The cap on working with community-based organizations should be eliminated. School districts rely on community-based organizations to provide critical expertise for specialized populations. Students in foster care will need both individualized academic supports and social-emotional interventions.

This bill allows LAP to be used more strategically and dynamically to meet students' academic and social-emotional needs. It is important that students' social-emotional and mental health needs are met so that they can focus on academic learning.

Community organizations partner with school districts to provide supports tailored to academic, nonacademic, and social-emotional needs of children. These partnerships add capacity for schools to address the needs of students who require intensive academic and nonacademic interventions.

For the next four years while recovering from impacts of the COVID-19 pandemic, students will need supports like they never have before. Creating a supportive learning environment to ensure their academic needs are met is crucial. Students will need social-emotional supports to delve into their academic goals. This legislation emphasizes developing flexible, innovative plans to do that.

(Opposed) None.

(Other) This bill provides school districts with steps to address learning recovery. The first timeline in the bill provides great flexibility for districts to address student needs. It also provides time to reimagine and envision a LAP of the future—one that focuses on closing opportunity gaps and engages communities and schools in transforming education to meet the academic and social-emotional needs of students. A collaborative approach at redesigning the LAP would be meaningful, intentional, and possible. Rather than preload a solution, a group should team together to develop recommendations about a transformational program for the Legislature to consider in 2024.

Persons Testifying: (In support) Representative Santos, prime sponsor; Martha Rice, Washington State School Directors' Association; Heidi Bennett, Washington State PTA; David Beard, School's Out Washington; Jessica Lara, Communities in Schools of North Central Washington; Lynda Hall, Treehouse; Lucinda Young, Washington Education Association; and Sara Buetow, Decoding Dyslexia Washington.

(Other) Nasue Nishida, the Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: James Mackison (786-7104).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This provides much-needed flexibility in the use of Learning Assistance Program (LAP) funds, including the ability to partner with community organizations and use funds to respond to COVID-19. These more flexible supports are even more necessary now with issues of learning loss and the return to in-person instruction. This helps students who are struggling with academics. Changes made in the substitute version reduce the fiscal impact, but not the effectiveness of the bill. The additional flexibility offers the opportunity to reimagine the LAP to provide better support to students. Additional staff will be needed at the Center for the Improvement of Student Learning for work required in the bill.

(Opposed) None.

Persons Testifying: David de la Fuente, Communities In Schools of Kent; Lucinda Young, Washington Education Association; and Nasue Nishida, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.