

# HOUSE BILL REPORT

## HB 1511

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**As Reported by House Committee On:**  
Education

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

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

**Sponsors:** Representatives Lytton, Sullivan, Dolan and Santos.

**Brief History:**

**Committee Activity:**

Education: 2/13/17, 2/16/17 [DPS].

### Brief Summary of Substitute Bill

- Specifies that school districts are no longer required to prioritize Learning Assistance Program (LAP) funding to improve reading literacy in early elementary grades.
- Increases the number of hours allocated to support the LAP to 2.4 hours per week.
- Adds two components to the LAP to allocate additional funding to schools with high concentrations of certain student populations.
- Requires that expenditures of funds from the LAP be consistent with the Washington Integrated Student Supports Protocol, beginning in the 2018-19 school year.
- Makes other changes to the limits on, and uses of, LAP funding.

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### 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; Stonier, Vice Chair; Bergquist, Johnson, Kilduff, Lovick, Ortiz-Self, Senn, Slatter and Springer.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Muri, Assistant Ranking Minority Member; Caldier, Hargrove, Steele and Volz.

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*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.*

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Harris, Ranking Minority Member; McCaslin.

**Staff:** Megan Wargacki (786-7194).

**Background:**

Prototypical School Funding Formula.

Legislation enacted in 2009 and 2010 redefined basic education and restructured the public kindergarten through grade 12 school funding formula. The school funding formula allocates funding to school districts based on assumed levels of staff and other resources necessary to support a "prototypical" school that serves an assumed number of students at defined elementary, middle, and high school levels. The use of prototypical schools is intended to illustrate the level of resources needed to operate a school of a particular size using commonly understood terms such as class size, hours of instruction, and specified staff positions.

Districts have discretion over how the money is spent, subject to some limits. In addition to the school-specific staffing that is allocated through the prototypical school funding formula, the formula includes per student allocations for materials, supplies and operating costs. The state also provides support and additional instruction time for certain student groups through categorical program funding as described below.

*Learning Assistance Program.* The Learning Assistance Program (LAP) supports students who are below standard in English language arts and mathematics. The goal is to help students meet grade level standard by providing readiness and behavior supports. The LAP uses research-based best practices designed to increase student achievement. The LAP funding must focus first on kindergarten through grade 4 students who are struggling with reading. Districts can use 5 percent of LAP funds to develop partnerships with external organizations to provide services to students and families if the services are aimed at reducing barriers to learning and increasing engagement and enacting readiness to learn. The LAP funding can also support students who are not on track to meet graduation requirements.

The prototypical school funding formula allocates funding to support 2.3975 hours per week of supplemental instruction in a class of 15 students. Funding appropriated for the LAP may only be used for these purposes. The funding allocation is based on poverty as measured by the percentage of students in the school district who were eligible for free or reduced-price meals in the prior school year. During the 2015-16 school year, 144,014, or 13.3 percent of, public school students received LAP services.

*Transitional Bilingual Instruction Program.* The Transitional Bilingual Instruction Program (TBIP) provides supplemental instruction and services for students whose primary language is other than English, and additional supports for students to transition out of the TBIP once they have demonstrated language proficiency.

The prototypical school funding formula allocates funding to support 4.778 hours per week of supplemental instruction in a class of 15 students for each student eligible for and enrolled in the TBIP. The state also funds an additional three hours of supplemental instruction for up

to two years immediately after a student has exited the TBIP. Funding appropriated for programmatic purposes may only be used for programmatic purposes. As of May 2016, 117,233, or 10.8 percent of, public school students were eligible for the TBIP.

#### Foster Care.

The Department of Social and Health Services (Department) manages manages child welfare functions for the state and responds to allegations of parental abuse and neglect. In certain circumstances, following such an allegation, a child may be placed by a court or by the Department outside his or her home in a foster-family home or group-care facility. "Foster-family home" means the family abode of a person, other than a blood or legal relative, who regularly provides care on a 24-hour basis and under whose direct care and supervision a child in foster care is placed. A "group-care facility" means a facility, other than a foster-family home, that is maintained and operated for the care of a group of children on a 24-hour basis. Per month, on average, there are about 10,700 children age 18 and younger in the foster care system.

#### Homeless Students.

Although the term "homeless" is found in the school code, it is not defined there. The federal McKinney-Vento Act (Act) defines homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence." The Act provides examples of children who would fall under this definition:

- children and youth sharing housing due to loss of housing, economic hardship, or a similar reason;
- children and youth living in motels, hotels, trailer parks, or camp grounds due to lack of alternative accommodations;
- children and youth living in emergency or transitional shelters;
- children and youth abandoned in hospitals;
- children and youth whose primary nighttime residence is not ordinarily used as a regular sleeping accommodation;
- children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations; and
- migratory children and youth living in any of the above situations.

Prior to December 10, 2016, children awaiting foster care placement were also considered homeless under the Act. In the 2015-16 school year, 39,671, or 3.7 percent of, public school students were homeless as defined under the Act; this is a 90.9 percent change from the 2008-09 school year.

#### Free and Reduced Price Meals.

In order for students to qualify for free school meals, their family's income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals. As of May 2016, the number of public school students eligible for Free or Reduced Price Meals (FRPM) was 477,828, or 44 percent.

#### Washington Integrated Student Supports Protocol.

The Washington Integrated Student Supports Protocol (WISSP) is being developed by the Center for the Improvement of Student Learning within the Office of the Superintendent of Public Instruction (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 district, in order to meet the needs of these students. The instructional services that can be provided under the program include:

- alternative school classes and classes at skill centers;
- inclusion in remediation programs, including summer school;
- language development instruction for English language learners;
- online curriculum and instructional support, including programs for credit retrieval; and
- reading improvement specialists.

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

##### Increased Allocation.

The number of hours that the prototypical school funding formula allocates to support the LAP is increased by 0.0025 hours to 2.4 hours per week.

### Expenditure Limits and Uses of Funding.

It is specified that, 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.

Beginning in the 2018-19 school year, expenditure of funds from the LAP must be consistent with the WISSP, including:

- use of needs assessments to develop or identify the needed academic and nonacademic supports within the school and community;
- integrating and coordinating supports to provide students with a package of mutually reinforcing supports;
- engaging with community partners to support students' families and reduce barriers to students' academic success; and
- tracking students' needs and outcomes over time to determine each student's progress and evolving needs.

School districts are no longer required to prioritize LAP funding to improve reading literacy in early elementary grades, but LAP funds may continue to be expended for these purposes. The 5 percent limit on the use of LAP funding to develop partnerships with external organizations is removed and so is the encouragement to school districts to implement best practices from the state menu before the use is required.

The extended learning opportunities program, one of the activities that may be supported by the LAP, is expanded to ninth and tenth grade students, in addition to eighth, eleventh, and twelfth grade students.

### New Components.

Two new components are added to the LAP and specified to be within the program of basic education. These new components allocate additional funding to schools with high concentrations of certain student populations.

To qualify for the first component (called the learning assistance concentration allocation), a school building's prior year combined percentage of students eligible for FRPM and students eligible for the TBIP must exceed the state average for the prior year. Enrollment numbers must be converted into full-time equivalents. The district's learning assistance concentration allocation is generated by its qualifying school buildings and must be expended for those buildings.

To receive the second component (called the foster-homeless student learning assistance allocation), a school district must document its enrollment of foster students and homeless students. The district may expend the additional allocation only for foster students and homeless students and only for LAP services or academic and nonacademic supports to these students.

Each new component allocation must provide to each level of prototypical school the resources to offer, on a statewide average, 2.4 hours per week of supplemental instruction in a class of 15 LAP students. Funding appropriated for these purposes may only be used for

these purposes. In addition, the funding must supplement and not supplant a district's existing expenditures under the LAP.

**Definitions.**

"Foster students" means students who are receiving out-of-home care in a foster family home or group care facility. "Homeless students" means student who meet the definition of homeless under the federal McKinney-Vento Act.

The term "underachieving students" is replaced with the term "students who are not meeting academic standards" throughout the code, but maintains the definition of this term as "students with the greatest academic deficits in basic skills as identified by statewide, school, or district assessments or other performance measurement tools."

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes:

- replaces the term "underachieving students" with the term "students who are not meeting academic standards" throughout the school code;
- requires that expenditure of funds from the LAP must be consistent with the WISSP;
- allows the calculation for the learning assistance concentration to be performed using the prior school year data on eligible pupils in the TBIP, and requires enrollment numbers to be converted to full-time equivalents;
- specifies that the district may expend the foster-homeless allocation only for foster students or homeless students and only for services under the LAP or for academic and nonacademic supports to these students, rather than that the allocation may be expended only for those services under the foster-homeless allocation calculation section and for related services to foster or homeless students;
- expands the extended learning opportunities program to ninth and tenth grade students, in addition to eighth, eleventh, and twelfth grade students;
- removes the 5 percent limit on the use of LAP funding to develop certain partnerships;
- removes an encouragement to school districts to implement best practices from the state menu before the use is required;
- changes the definitions of "foster students" and "homeless students;" and
- makes grammatical changes for consistency and clarity.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 16, 2017.

**Effective Date of Substitute Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 1, relating to the prototypical school funding formula, which takes effect September 1, 2017; and section 2, relating to the prototypical school funding formula, which takes effect September 1, 2022.

**Staff Summary of Public Testimony:**

(In support) Some people recognize the additional needs of certain student populations and appreciate the additional funding for services to these students proposed in the bill. In the last decade, the LAP had a concentration factor for high-need districts based on poverty and bilingual student enrollment. Some people appreciate that this concentration factor is being restored and put in at each school level. Some appreciate the concentration of additional funding for foster students and homeless students. It may be good to consider calculating the enrollments for the allocations based on the prior year so that the money is consistent throughout the year.

Many educators appreciate additional basic education funding to expand the LAP to schools with high concentrations of low-income and English language learner populations, and to students who are homeless and in foster care. The five-year cohort graduation rate for all students is 81 percent. However, English learners are at 63 percent, high-poverty students are at 72 percent, and homeless students are at 56 percent. Targeted supplemental instruction and services for special student populations through the LAP will ensure that students are receiving instruction that is research based and delivered by qualified teachers and paraeducators. All students deserve an opportunity to succeed, and this bill provides students with additional need for support with that opportunity.

(Opposed) None.

(Other) Some people like the additional concentrations of LAP funds. Other people are concerned about removing the priority focus on kindergarten through grade four reading. Only 54 percent of students statewide are reading at grade level by third grade. The priority focus has limited spending on supports for students who are behind in other grades, but that is a matter of limited resources. The goal should be to expand LAP funding so that all students who are behind are receiving additional supports. By rule, priority means the first 50 percent of LAP funding. There are structural problems with LAP that can be solved this year. The LAP funds are spent on supporting students who are academically behind, but districts are identified for funding using a poverty metric. The populations of students in poverty and who are behind academically overlap, but do not overlap completely. Every child who is living in poverty should get an enhancement that supports their needs and every student who is below grade level should get separate, distinct support. The state should be able to provide both kinds of support without confusing them in the same funding stream.

**Persons Testifying:** (In support) Daniel Zavala, League of Education Voters; Lorrell Noahr, Washington Education Association; and Paula Moore, Office of the Superintendent of Public Instruction.

(Other) David Powell, Stand for Children.

**Persons Signed In To Testify But Not Testifying:** None.